

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

October 14, 2024

CALL TO ORDER: 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 MAHECHA

COMMISSIONERS PRESENT: MANLEY
MAHECHA
GOMEZ
RAMSLAND

COMMISSIONERS ABSENT: CARDENAS

OTHERS PRESENT: DIRECTOR: KIM
PLANNING MANAGER: LUI
SECRETARY: LOPEZ
CITY ATTORNEY: ROBERTO
SENIOR PLANNER: SYED
CONTRACT PLANNER: TAYLOR

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 Ramsland, 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 September 23, 2024.
3. Approving Resolution No. 24-30, entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, GRANTING A THIRTY-

DAY EXTENSION TO THE TIME PERIOD FOR ABATEMENT FOR THE PUBLIC
NUISANCE LOCATED AT 901-977 WEST IMPERIAL HIGHWAY.

PUBLIC HEARING

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR MODIFICATION 24-0004 TO PUD PRECISE PLAN 87-07 TO REMODEL AN EXISTING CAR WASH BUILDING AND SITE LOCATED AT 401 EAST IMPERIAL HIGHWAY.

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

Senior Planner, Ash Syed, presented the staff report.

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

Commissioner Ramsland asked staff to clarify the purpose of the hatched area that was shown on the site plan near the driveway entrance along Imperial Highway. Senior Planner Syed responded that this area will be striped to indicate it is a no stopping area. Commissioner Ramsland then asked if a stop sign was proposed on the west side of the Imperial Highway driveway. Senior Planner Syed said a stop sign had not been proposed. Commissioner Ramsland expressed safety concerns about cars coming out of the car wash tunnel while heading to the vacuum stations because they may conflict with cars entering the driveway along Imperial Highway. Senior Planner Syed suggested that the Commission consider adding a condition of approval requiring an additional stop sign.

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

The applicant, Geoff Von Der Ahe, addressed the Commission. Mr. Von Der Ahe informed the Commission that Rapids Express is a local, family-owned business with four current locations in California and their proposed project would be their fifth location. Mr. Von Der Ahe noted that they operate their sites with a focus on providing good customer service and keeping their sites impeccably clean with the latest equipment. Mr. Von Der Ahe thanked the Commission and said he would be happy to answer any questions.

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.

Vice Chair Mahecha thanked Commissioner Ramsland for bringing up the need for an additional stop sign. She also thanked the applicant for bringing their business to La Habra.

Chair Manley asked how they could incorporate an added condition for the new stop sign.

Senior Planner Syed suggested they add condition number seven: “A stop sign shall be installed at the end of the carwash tunnel exit lane to maintain traffic flow for patrons entering the car wash queue from the westerly Imperial Highway ingress.”

Moved by Chair Manley and seconded by Vice Chair Mahecha, approving Amended Resolution No. 24-31 entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING MODIFICATION 24-0004 TO PLANNED UNIT DEVELOPMENT (PUD) PRECISE PLAN 87-07 TO REMODEL AN EXISTING CAR WASH BUILDING AND SITE LOCATED AT 401 EAST IMPERIAL HIGHWAY, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, CLASS 1: “EXISTING FACILITIES” OF THE CEQA GUIDELINES.

The roll call vote was as follows:

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

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 A REQUEST FOR CONDITIONAL USE PERMIT 24-0002 TO ESTABLISH AND OPERATE A DRIVE-THROUGH RESTAURANT (7 LEAVES CAFE) WITH AN OUTDOOR MENU BOARD AT 101 WEST IMPERIAL HIGHWAY.

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

Contract Planner, Darryl Taylor, presented the staff report.

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

Commissioner Ramsland asked if there will be directional signs or striping to direct the drive-through queue. Contract Planner Taylor affirmed that there are conditions of approval requiring signage and striping to direct vehicles into the drive-through queue and to keep non-patrons from parking on that site.

Chair Manley asked for the distance from the building to the rear of the parking spaces to the south of the building. Contract Planner Taylor estimated that the distance was 20 to 25 feet. Director Kim confirmed that the project plans specify the distance is 25 feet. Chair Manley asked who would be using the driveway along Imperial Highway for egress. Contract Planner Taylor said it would most likely be from patrons that park on-site to dine inside as they could

use the driveway on either Imperial Highway or Euclid Street. Chair Manley was concerned about potential vehicle conflicts between vehicles in the drive-through queue, vehicles entering the site from Imperial Highway and vehicles trying to exit the site using the driveway along Imperial Highway.

Vice Chair Mahecha asked why the applicant did not propose that the drive-through queue include an entrance closer to the Imperial Highway driveway and then direct vehicles to exit on Euclid Street. Contract Planner Taylor responded that the applicant proposed their drive-through queue to begin closer to the Euclid Street driveway because it enabled them to provide a longer vehicle stacking area.

Chair Manley questioned whether there would be sufficient drive-aisle width between the building and the southern row of parking stalls to accommodate the drive-through queue and vehicles seeking a parking spot. Contract Planner Taylor explained that some vehicles may have to yield to other vehicles, but opined that the proposed drive-through configuration and parking lot layout would not result in vehicles backing up.

Commissioner Ramsland asked the applicant if he could specify what percentage of their business was drive-through and what percentage of the business was dine-in.

Chair Manley opened the public hearing and invited the applicant up to the podium.

The applicant, Josh Newmaster, addressed Commissioner Ramsland's question by saying their sales comprise about 60% drive-through and 40% walk-ins. Mr. Newmaster explained that this store was designed to create a space for the community. He mentioned that the Santa Ana store is almost identical to this proposed store with respect to the building footprint and layout. Commissioner Ramsland said he thought this was an excellent reuse of this site, but also expressed he was concerned about whether there was sufficient space for a parked car to leave the proposed accessible parking stall given the close proximity to the drive-through queue and wondered if the accessible parking space could be moved.

Chair Manley asked Mr. Newmaster if he had wanted to share any additional project information with the Commission. Mr. Newmaster said that 7 Leaves is excited to be coming to La Habra. He explained that they are a family business who started growing and expanding in Southern California 12 years ago. Mr. Newmaster is looking forward in collaborating with local organizations and schools. Chair Manley asked Mr. Newmaster how many 7 Leaves stores were in operation. Mr. Newmaster said they have about 30 stores in Southern California. Chair Manley asked which location was the closest to La Habra. Mr. Newmaster said their closest existing location is likely in Fullerton.

Chair Manley asked if there was anyone else wishing to speak in favor of the project. There were none.

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

Chair Manley asked City Attorney Roberto if he should keep the public hearing open if they were going to refer back to the applicant. City Attorney Roberto advised keeping the public hearing open. Chair Manley asked the Commissioner if they had any thoughts and he began by saying he really likes the design but is nervous about the on-site flow of traffic. He pointed out that the driveway along Imperial Highway will probably never be used by vehicles exiting the site especially during peak times.

Vice Chair Mahecha concurred. She expressed that she is excited that the applicant chose to locate their business in La Habra. Vice Chair Mahecha also stated that the driveway along Imperial Highway would not likely be used for vehicle egress.

Commissioner Ramsland asked if the applicant had considered changing the drive-through queue by directing vehicles to move in the opposite direction.

Toby Nguyen, the design consultant for the project, addressed Commissioner Ramsland's question. Mr. Nguyen said they did consider re-directing the drive-through queue, but believed this caused a vehicle stacking issue on to Imperial Highway. Mr. Nguyen further explained that in their traffic management plan, they had designated that choke point as a one-way drive aisle. Mr. Nguyen also stated that the parking spaces adjacent to the proposed accessible space would be designated as employee parking only.

Commissioner Ramsland said that designating employee parking makes sense since the employees get to the store before the customers do, but he was still concerned with the path-of-travel from the accessible stall to the front door of the café. He asked if a traffic analysis had been done on this project.

Greg Wong, Contract Traffic Engineer for the City of La Habra, addressed the Commission. Mr. Wong said they looked at that choke point too and had similar concerns to those mentioned by the Commission regarding two-way traffic. Mr. Wong informed the Commission that the applicant had just recently submitted a new site plan layout on the Thursday before this public hearing showing that choke point as a one-way instead of a two-way lane having egress traffic exit off of Euclid Street. Chair Manley asked if Mr. Wong could explain how the one-way aisle would work since they weren't provided with an updated diagram. Mr. Wong explained that they have requested a signage and striping plan for the new one-way drive aisle to validate the new design. Mr. Wong then proceeded to approach the Commission to share a conceptual drawing.

Commissioner Ramsland wondered after reviewing the new drawing if that would make the driveway off of Imperial a one-way in only driveway. Mr. Wong said this was a new conceptual plan still under review. He also suggested that the applicant consider as part of their traffic management plan, utilizing the western portion of the lot as temporary parking for drive-through customers with large orders so they will not disrupt the queue.

Chair Manley asked City Attorney Roberto what they should do to assure that the site plan they reviewed at the dais will become part of the official record. City Attorney Roberto asked that the applicant provide a copy to the Planning Commission Secretary for the record.

Chair Manley continued the conversation about re-directing customers in vehicles with large orders out of the drive-through queue. Traffic Engineer Wong said that this was a suggestion, but he had not discussed it with the applicant yet. Traffic Engineer Wong also explained that the traffic management plan could include having employees expedite orders by taking orders at the back of the queue with a separate ordering pad. Commissioner Ramsland asked if that is done at any other location in the City.

The applicant, Mr. Newmaster said it takes less than 60 seconds to fulfill orders even if it's a large order. He used their Westminster location as an example that processes a lot of high-volume orders. Mr. Newmaster explained that similar to Chick-fil-A, they have employees at the end of the queue taking orders with an ordering pad which enables them to produce their items faster making it possible to have their items ready by the time the customer(s) arrive to the pick-up window. Mr. Newmaster explained how one of their core values is operational efficiency.

Director Kim asked the Commission if she could read Condition No. 7 into the record for them to take into consideration as they listen to comments to see if it's sufficient in addressing their concerns or if they wanted to add to it. Condition No. 7 states: *"Prior to issuance of building permits, the applicant/developer shall submit plans for signage and striping directing customer traffic in a safe manner, subject to review and approval of the City Engineer or designee."* Chair Manley said that was helpful in guiding their discussion.

Vice Chair Mahecha was glad that they had thought of striping and designating the drive aisle with a choke point as a one-way only because she didn't see how cars will be able to exit using the driveway along Imperial Highway if the design is left as-is. Vice Chair Mahecha noted this new alternative site design is worth considering.

Chair Manley asked if they would have to modify the existing condition that was read into the record in order for them to consider the new modified design. Director Kim said that the wording of the condition as drafted gives the traffic engineer the ability to use their engineering expertise in determining what will be the safest manner. This gives flexibility on how the queue and circulation will work on this project. Director Kim said that it was the opinion of staff that the queueing probably needed more work which is why Condition of Approval No. 7 exists so the plan can be revised further. She noted that shouldn't impact the Commission's ability to approve the Conditional Use Permit for the restaurant and the menu board knowing that it will get worked out under the expertise of City Engineer at a later date unless they don't feel comfortable with that.

Chair Manley asked the Commissioners if they were comfortable with Condition No. 7 as drafted. Commissioner Ramsland said he still had concerns regarding the accessible parking stall because it appeared that there is insufficient room for a parked car to leave the accessible space and therefore, the accessible space should be re-located. Commissioner Ramsland stated that he is aware that they have to follow Building Code regulations. Director Kim asked if it would be helpful to add a sign that says "do not block ADA access". Commissioner Ramsland said he was not sure. Vice Chair Mahecha asked if having two accessible parking stalls would be helpful. Chair Manley asked if there was only one building entrance. Contract Planner Taylor clarified that there was only one public entrance to the building and an

employee entrance located along the back of the building. Contract Planner Taylor also said that the ADA stall has to be close to the entrance. Chair Manley wondered if the applicant could paint a “do not block” sign adjacent to the path-of-travel. Commissioner Ramsland questioned if the applicant could re-locate the ADA parking stall to the east if the Building Code allows it. Director Kim said they could condition that as “move the parking space if feasible”.

Planning Manager Lui said they could condition signage saying “keep clear” as Director Kim has suggested along the path-of-travel because it’s not uncommon to see a pedestrian clearance area with signage “to keep clear”.

Commissioner Ramsland said that he understood everyone’s comments, but thought it would be better to continue the item to give the applicant time to address their concerns and bring back the final plan for their review.

Commissioner Gomez said she preferred that they move forward with the project with the original draft conditions instead of delaying the project.

Commissioner Mahecha said she agreed with moving forward with approving the Conditional Use Permit (CUP), but asked what would be the next step should the Commission move forward with an approval. Director Kim said if the Commission were to approve the CUP, the next step would be that the City Engineer would review the queueing study to make sure there are no safety concerns and it complies with Building Codes and the condition of approvals pertaining to the drive-through queue, the accessible parking space, and pedestrian access. Vice Chair Mahecha asked if they would get to review the plan after. Director Kim said no.

Chair Manley said he likes the project but said it was difficult to say that he felt they weren’t ready to approve it tonight. He thought one option would be to push it forward and give staff a lot of discretion as to what happens next and noted that Commissioner Gomez is in favor of that. He then brought up Commissioner Ramsland’s concerns and the idea of continuing the item so they can look at the modifications that he felt were difficult to decipher from the dais. Chair Manley said if the Commission moved forward with approving the project, staff is capable and has the expertise to make the final decision regarding fulfillment of Condition No. 7 and ensuring an appropriate signage and striping plan. He asked the Commissioners for their thoughts or a motion.

Vice Chair Mahecha said she wants to approve the project and see it move forward, but hesitates if the site plan will not come back to the Commission for review

Planner Taylor said that the applicant’s traffic engineer wanted to address the Commission.

Denis Bilodeau, consultant traffic engineer for the applicant, addressed the Commission. Mr. Bilodeau said he prepared the traffic study for this project and recounted how he personally has sat at a similar 7 Leaves facility for over 100 hours observing the drive-through. He said that what they saw on the plan vastly overstates the demand. He explained that the maximum number of vehicles that he observed in the drive-through queues at the Santa Ana locations, was seven cars, but that 95% of the time, there is only one vehicle waiting in the drive-through. Mr. Bilodeau stated that 7 Leaves has an app where customers can place orders in advance

and many people take advantage of that. Mr. Bilodeau then explained that the code (Title 24) requires that the ADA space be as close to the entrance as possible and the path of travel shown is the shortest possible. He also explained that he decided it was appropriate to have a one-way, counter clock wise queue motion on that site.

Vice Chair Mahecha said she didn't want to get it wrong.

Mr. Newmaster addressed the Commission. He said it sounded like the Commission needed more information and asked if they could explain to him what the next steps would look like if the Commission decided to make a motion to continue the project.

Chair Manley said they would like to revisit the conversations on the choke point, the new conceptual design for the one-way flow of traffic, the flow of the ADA pathway and the location of the ADA parking stall or stalls.

Commissioner Gomez said she also wondered what the Commission would need to look at if the project was continued. She questioned if the Commission should delay the project if the traffic engineer is already going to look at the areas of concern, and the ADA code requirements were followed.

Chair Manley said if the applicant came back next time with an updated site plan based on the one passed around they could review it and agree that it was a good plan.

Commissioner Ramsland said he would be in agreement with what his fellow Commissioners decide.

Vice Chair Mahecha said she trusts staff to use their expertise to get the site plan layout right.

Chair Manley asked if there was any modification needed to the conditions if they moved forward to approve the project. City Attorney Roberto said that as Director Kim mentioned, Condition No. 7 gives staff flexibility and said if the Commission was comfortable in trusting staff that condition would cover it but said it was within their purview to to make further, more specific changes to the condition.

Commissioner Ramsland said he trusted staff to get it right and didn't see the need to add further language to the condition. Vice Chair Mahecha agreed with Commissioner Ramsland.

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

Moved by Vice Chair Mahecha and seconded by Commissioner Gomez, approving Resolution No. 24-32 entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 24-0002 TO ESTABLISH AND OPERATE A DRIVE-THROUGH RESTAURANT (7 LEAVES CAFE) WITH OUTDOOR MENU BOARDS WITHIN AN EXISTING, LEGAL NON-CONFORMING BUILDING AND SITE LOCATED AT 101 WEST IMPERIAL HIGHWAY, 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: MAHECHA, GOMEZ, RAMSLAND, MANLEY
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: CARDENAS

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

COMMENTS FROM STAFF

There were no comments from staff.

COMMENTS FROM COMMISSIONERS

Vice Chair Mahecha said she loved seeing the engagement from those present and thanked the 7 Leaves applicant for bringing all their experts to the meeting. She thanked them for coming to La Habra and thanked staff for their staff reports.

Chair Manley said he too has been impressed with the visuals and the quality of presentations that staff has been presenting and thanked staff for their work.

ADJOURNMENT: 7:47 p.m. to the Planning Commission meeting on October 28, 2024.

Respectfully submitted,

Veronica Lopez,
Secretary