

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA HABRA  
September 23, 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 CARDENAS

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

**COMMISSIONERS ABSENT:** NONE

**OTHERS PRESENT:** PLANNING MANAGER: LUI  
SECRETARY: LOPEZ  
CITY ATTORNEY: ROBERTO  
ASSOCIATE PLANNER: MOREIRA

**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 September 9, 2024.

## **PUBLIC HEARING**

1. A DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR DESIGN REVIEW 23-06 TO REMODEL THE BUILDING AND SITE FOR AN EXISTING DRIVE-THROUGH RESTAURANT (CHICK-FIL-A) LOCATED AT 1801 WEST IMPERIAL HIGHWAY WITHIN THE LA HABRA MARKET PLACE SHOPPING CENTER.

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.

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

Commissioner Cardenas asked if staff had the number of trees being added. Planning Manager Lui said the applicant has submitted a preliminary landscape plan. The project has been conditioned to provide one tree for every 20 linear foot of frontage. Planning Manager Lui noted that they do have existing trees at the project site that will help them meet that requirement. Planning Manager Lui stated that they are also required to provide one tree for every 10 parking spaces within the parking lot area, and a minimum of seven percent of the site needs to be landscaped within the parking lot area. Planning Manager Lui said that staff will verify that they have complied with all of these requirements when a final landscape plan is submitted for review.

Commissioner Ramsland noted that the shopping center where Chick-fil-A is located is replacing the landscaping with more drought tolerant plants. He wondered if the landscape had already been done at the Chick-fil-A site. Planning Manger Lui said there has been upgrades to the existing landscape at the center, but the project site involves landscape changes which will necessitate that they submit a new landscape plan showing how the project site will comply with the City's model water efficiency landscape ordinance.

Vice Chair Mahecha asked if the City has a requirement that the applicant's landscape plan include both female and male tree species. Vice Chair Mahecha cited that there is concern that municipalities are only planting male species of trees which increases the pollen levels. Planning Manager Lui said they have not been that specific in the requirements, but said staff could have that conversation with the applicant's landscape architect or the City's plan check consultant.

Chair Manley opened the public hearing and asked if there was anyone 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.

Commissioner Ramsland asked if the applicant was present to answer some questions. Devon Emans, introduced himself as a permit expediter for 4G Development that was representing Chick-fil-A, approached the podium. Commissioner Ramsland asked if the

purpose of the remodel was to speed up the drive-through operation and asked if the applicant conducted a study to assess whether improvements in the kitchen would result in shorter customer wait times. Mr. Emans said Chick-fil-A is often looking at ways to improve their operations, including reviewing the distance that food has to travel; from prep to cook, and to plating. Mr. Emans said they have seen a lot of success with the proposed improvements across the board at their other Chick-fil-A stores on the West Coast.

Chair Manley asked whether or not a queuing analysis was done. Mr. Emans said the project as proposed will not change the existing queuing layout. The proposed improvements to the drive-through include shade structures to protect the employees and customers from the elements and striping to delineate the lanes. Chair Manley asked if the additional square footage being added was to improve the location of food and shortening the time for the food to be served. Mr. Emans said the 544 square foot addition will not increase the number of customers using the drive-through, instead they look to getting them through the drive-through quicker.

Commissioner Ramsland said that historically, the site had issues with cars backing up into the north drive aisle. Commissioner Ramsland recalled that the City made arrangements with Chick-fil-A to put out cones and employees to help with the drive-through during the COVID pandemic. Commissioner Ramsland said he visited the site and noticed that they are still using cones and asked if they are still seeing traffic issues with the drive-through. Mr. Emans responded that they hope that with this remodel, the cones will not be needed anymore. Mr. Emans said that given the constraints of the site, they can't do much to further extend the drive-through lanes but hopes that with the efficiencies being made in the kitchen it will speed up the process and keep the drive-through queue from backing up into the driveway. Commissioner Ramsland asked if the number of seats inside have been reduced. Mr. Emans said they are going from 65 seats to 54 seats in order to comply with City codes and have room to move the electrical panel and the freezer to their new locations and stay within the constraints of the site. Commissioner Ramsland asked if they had data to show the numbers of people using the drive-through versus people dining in. Mr. Emans said that since COVID they are seeing 60% of customers using the drive-through and 40% dining in. Chair Manley wondered if that drive-through percentage was a decrease from before COVID. Mr. Emans said that was an increase and explained that there are fewer customers coming to dine in thanks to third-party delivery services like Grubhub and Doordash.

Commissioner Cardenas asked if they are eliminating the outdoor seating. Mr. Emans said they were going from 28 seats to 34 seats increasing the outdoor seating by six seats.

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

Moved by Vice Chair Mahecha and seconded by Commissioner Ramsland, approving Resolution No. 24-28 entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING DESIGN REVIEW 23-06 TO REMODEL THE BUILDING AND SITE FOR AN EXISTING DRIVE-THROUGH RESTAURANT (CHICK-FIL-A) LOCATED AT 1801 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 (CEQA) PURSUANT TO SECTION 15301,  
CLASS 1: "EXISTING FACILITIES" OF THE CEQA GUIDELINES.

The roll call vote was as follows:

AYES: COMMISSIONERS: MAHECHA, RAMSLAND, MANLEY, 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 A REQUEST FOR CONDITIONAL USE PERMIT 24-0008 TO ESTABLISH AND OPERATE AN EDUCATIONAL INSTITUTION (LA HABRA MONTESSORI SCHOOL) AT 300 SOUTH BEACH BOULEVARD.

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

Associate Planner, Carlos Moreira, presented the staff report.

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

Commissioner Gomez asked staff to clarify if the parking is being shared by more businesses other than the chiropractor and whether staff saw an issue with shared parking for the proposed preschool. Associate Planner Moreira confirmed that the chiropractor is the only other business at the site that is expected to share the parking lot. Associate Planner Moreira explained that the chiropractor only requires two parking spaces and noted that they work by appointment only.

Commissioner Cardenas said she noticed that there will be 10 total parking spaces for the proposed education institution and asked if only one would be ADA compliant. Planner Moreira said that was correct.

Commissioner Ramsland asked if it would be 10 total parking spaces for both businesses. Planner Moreira said the site will include a total of 12 parking spaces. Commissioner Ramsland asked if the minimum parking required for the educational institution was derived from the code. Planner Moreira agreed that the minimum parking for a daycare is derived from the code and the calculation is based on the maximum student capacity allowed by their State license. Commissioner Ramsland asked if they would be making additional improvements to the building's appearance. Planner Moreira said they propose to make addition improvements to clean up the exterior of the building, including painting it, in the future.

Vice Chair Mahecha asked for clarification of the location of the outdoor playground area. Planner Moreira referred to the site plan and pointed out the location.

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

Manoja Weerakoon, the applicant, addressed the Commission. Ms. Weerakoon said they have been serving the residents of La Habra at their other location for 10 years. Ms. Weerakoon said they have been looking for a new location to move into for the past two years. Ms. Weerakoon said they preferred a space close to the current location that was not in a shopping center and could provide suitable parking. Ms. Weerakoon said they are looking forward to moving in and making the proposed location their space.

Branden Rente, resident at 300 South Idaho Street #1, addressed the Commission. Mr. Rente shared that his children currently attend the existing Montessori school on Idaho Street and he is very happy with the services that Ms. Weerakoon provides as he feels it is very hard to find a good safe place to trust with the care of children. Mr. Rente also said that he currently lives next door to the existing location. Mr. Rente noted that he works from home two to three days a week, and has had no issues with noise or any concerns from the school. Mr. Rente said that his family considered other schools but they could not find anything better than Montessori operated by Ms. Weerakoon and that he feels their proposed project is a blessing for the community.

Ashley Beals, resident at 831 North Fonda Street, addressed the Commission. Ms. Beals said that her two kids attend the existing Montessori school on Idaho Street. Ms. Beals further explained that one of her kids has behavioral issues, which makes it difficult to find a school that will be a good fit. Ms. Beals said that Ms. Weerakoon is very loving and accepting and that her kids love going to her school. Ms. Beals said that the new location will be very helpful for her mother who helps her with picking up and dropping off her kids.

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

Commissioner Ramsland expressed concerns with the parking lot layout. Commissioner Ramsland said he understood why it was designed that way, with the approval of the City's traffic engineer, stating the Municipal Code requirement of a 20-foot driveway throat at the entrance and exit from the parking area. Planner Moreira confirmed that was true and referred to that code in his PowerPoint slide. Commissioner Ramsland said there is another code that states that when they apply for a Conditional Use Permit they are required to bring the site up into compliance with all current code standards to the extent practical. Commissioner Ramsland said the proposed parking layout design was not the most practical and suggested designating the first two current parking spots near the driveway entrance as staff parking, since staff will arrive before the parents do. Commissioner Ramsland explained that by doing this, the applicant can shift the other spaces up in order to keep the existing driveway along the alley for drivers to exit out into the alley rather than making U-turns in the parking lot to exit on to San Jose Avenue. Chair Manley asked if that modification would require a variance. Commissioner Ramsland said no, that the Commission can make decisions to approve plans that bring up the site to the extent practical. He also noted that the code requires that they landscape the first 10 feet of the driveway throat and wondered if that was more important

than circulation. Commissioner Cardenas said she agreed that it would be easier to get in and out if they left the driveway exiting towards the alley.

Commissioner Gomez asked if staff had looked at the size of the current location, stating that the driveway looks as narrow as the proposed location and added that they were able to make the current configuration work for the past 10 years. Commissioner Gomez stated that she didn't want to propose the applicant make changes that aren't necessary. Planner Moreira said the sites are similar but their current location on Idaho Street has parking stalls at a 45-degree angle and a dedicated spot for cars to make a three-point turn thanks to a variance that was approved in the 1980's. The City's traffic engineer deemed the proposed parking lot layout sufficient for vehicles to make a three-point turn as it has a 25-foot-wide area for them to do so.

Vice Chair Mahecha wondered what type of vehicles that staff considered could be making that turn. Vice Chair Mahecha said she thought it would be less expensive for the applicant if they kept the current parking lot configuration with the existing driveway that exits into the alley and have the applicant just restripe the stalls.

Chair Manley asked the applicant if they had a preference. Ms. Weerakoon said they want to follow the City's requirements which is why they had their parking lot designed as proposed, but also said that it makes sense to keep both driveways because it would be great for the parents to come in one way and exit out the other driveway.

City Attorney Roberto asked Commissioner Ramsland what provision he was citing to make sure the Commission could make the proposed changes if they decided to make those changes tonight. Commissioner Ramsland asked Planning Manager Lui or Associate Planner Moreira to cite the code section. Commissioner Ramsland recalled that there has been language in the code for years for situations like this when it's impractical for a nonconforming site to be improved to meet current code standards.

Vice Chair Mahecha thanked everyone in the audience who came out to speak on behalf of the school and said that their testimonies were very helpful.

Planning Manager Lui cited La Habra Municipal Code Section 18.08.070 paragraph B pertaining to non-conforming buildings and uses, which states: *"Any site or parcel which is nonconforming to the development standards as established in this title, unless becoming nonconforming as a result of public improvement requirements, may be continued and maintained provided that there is no increase or enlargement in usable floor area or intensification of use of the site as determined by the director of community development. However, any site subject to discretionary review by the planning commission or city council shall be brought into compliance with all current code standards that apply to the extent physically possible as determined by the planning commission."*

Chair Manley asked City Attorney Roberto how to incorporate that language into the motion. City Attorney Roberto said they can include "what is physically possible" in their determination for the parking lot. Commissioner Ramsland asked if they should add that Municipal Code

section as part of the resolution. Attorney Robert said Planning Manager Lui had already read it into the record.

Chair Manley said there was great testimony and great questions and said the applicant wants to follow City regulations but is open to other suggestions that make more sense.

Chair Manley closed the public hearing and made a motion.

Moved by Chair Manley and seconded by Commissioner Cardenas, approving Resolution No. 24-29 entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 24-0008 TO ESTABLISH AND OPERATE AN EDUCATIONAL INSTITUTION (LA HABRA MONTESSORI PRESCHOOL) AT 300 SOUTH BEACH 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 (CEQA) PURSUANT TO SECTION 15301, CLASS 1: "EXISTING FACILITIES" AND SECTION 15303, CLASS 3: "NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES" OF THE CEQA GUIDELINES.

And per section 18.08.070 (B) of the La Habra Municipal Code, the Commission approved the aforementioned resolution with an amendment to project specific condition #6 which will read: *The property owner/business operator shall submit a parking lot striping plan that conforms with the site plan approved by the Planning Commission, which retains vehicular driveway access on San Jose Avenue and the adjacent alleyway. Additionally, it includes retaining the existing on-site parking spaces within 20 feet of the driveway on San Jose Avenue in lieu of a landscaped driveway throat. The final parking lot striping plan shall be subject to review and approval by the Director of Community and Economic Development and the Building Official prior to the issuance of any building permit.*

The roll call vote was as follows:

AYES: COMMISSIONERS: MANLEY, CARDENAS, GOMEZ, RAMSLAND, MAHECHA  
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**

There were no comments from staff.

### **COMMENTS FROM COMMISSIONERS**

Commissioner Cardenas thanked everyone who came and to the parents who spoke up in favor of the Montessori school.

Vice Chair Mahecha said this was one of the more interesting meetings to date and enjoyed the collaboration amongst her fellow Commissioners in support of the applicant.

Commissioner Ramsland thanked staff for their hard work saying the code doesn't always fit the site and staff did a good job presenting. He also thanked everyone in the audience for coming.

ADJOURNMENT: 7:34 p.m. to the Planning Commission meeting on October 14, 2024.

Respectfully submitted,

Veronica Lopez,  
Secretary