

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
March 14, 2022

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 VICE CHAIR MUNOZ

PRESENT: COMMISSIONERS: MANLEY
MUNOZ
BERNIER

ABSENT: (EXCUSED) COMMISSIONERS: ROJAS

OTHERS PRESENT: DIRECTOR: KIM
DEPUTY DIRECTOR: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: D. LOPEZ
SECRETARY: V. LOPEZ

PUBLIC COMMENT

Chair Manley asked if there was anyone in the audience that wished to speak on any item not on the agenda. There were none.

CONSENT CALENDAR

The Chair 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 Bernier seconded by Vice Chair Munoz to approve the Consent Calendar. Motion passed.

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 February 28, 2022.

CONTINUED PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-01 FOR THE EXPANSION OF A RESTAURANT (RUBY REDS BBQ) AND MODIFICATION 22-01 TO MODIFY CONDITIONAL USE PERMIT 20-14 FOR AN ABC TYPE 41 ON-SALE BEER AND WINE LICENSE AT 1841 WEST IMPERIAL HIGHWAY, SUITES A AND B.

The Chair explained that staff had already presented the staff report at the February 28th Planning Commission meeting and that the Commission had asked questions of staff.

The Chair opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project. There were none.

Associate Planner David Lopez addressed the Commission to say that the applicant's representative was not present at tonight's hearing. However, he did have an opportunity to talk to them about the proposed expansion. Based on an email he received, the suite next door where they proposed to expand to, will be the area for catering orders and pickups. An employee will always be in that area to oversee it.

Chair Manley asked about the red line shown on the plans and questioned if there would be other modifications to the existing wall. Associate Planner Lopez said no other openings are proposed other than the one shown on the plans to the right of the current entrance.

Commissioner Bernier noted that this item had been continued to this meeting since the applicant was not present at the last meeting. She expressed concerns about the one employee looking over that whole new area and felt she would prefer to have the applicant present to answer some questions.

Vice Chair Munoz asked if the applicant was the owner or an architect. Associate Planner Lopez said that the representative was the applicant's ABC consultant.

Chair Manley asked if the representative planned on being present at tonight's meeting. Associate Planner Lopez said he had not received any emails or phone calls stating otherwise.

Chair Manley asked if as a point of order could they continue the item to the end of the meeting now or did they have to call for those in opposition and then close the public hearing first.

Deputy Director Roy Ramsland said the public hearing would have to be closed first. Then the item could be moved to the end of this meeting or continued to a future meeting. If they continued it to the end of the meeting, the public hearing would have to be reopened.

Chair Manley asked the Commission if they had any comments. Vice Chair Munoz said he would like the business owner to be present since he has more knowledgeable of the project and the operation of the business. Commissioner Bernier concurred.

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

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

Chair Manley made a motion to continue the item to the end of the agenda and to discuss the item if the applicant arrived, if the applicant did not arrive then the item could be moved to another meeting. Commissioner Bernier seconded the motion. Motion passed.

PUBLIC HEARINGS

1. A DULY NOTICED PUBLIC HEARING FOR CONSIDERATION OF A REQUEST

FOR CONDITIONAL USE PERMIT 22-06 FOR PUBLIC ART (MURAL) AT 901 EAST IMPERIAL HIGHWAY.

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

Senior Planner Chris Schaefer presented the staff report.

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

Commissioner Bernier talked about the history of the La Habra Howard's store. She mentioned their involvement with the community and how they would bring out players for signings from the Dodgers and the Angels.

Vice Chair Munoz asked for an update on the public art program ordinance that was tabled by Council.

Deputy Director Ramsland explained that the ordinance presented to Council would require developers to provide public art as part of their projects. He noted that the murals before the Commission this evening are different in the sense that they are voluntary. He reminded the Commission that even though the ordinance was not adopted, the Council and the Commission continue to condition public art for projects requiring discretionary approvals. He added that staff plans on taking it back to Council for further review sometime this calendar year. He also explained that the conditional use permit procedures were being used for these projects so that conditions regarding maintenance could be included and that these applications are funded by the in-leu art fee fund.

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

Mike Sanchez, Howard's employee, addressed the Commission. Mr. Sanchez commented that he has been with Howard's since 1987 and he remembers the autograph signings and the commercials with the baseball players that Commissioner Bernier mentioned. He talked about how the San Gabriel store was their oldest store and that is why it is being depicted on the mural at the La Habra store. Now that the San Gabriel store has closed, La Habra is their oldest store and Howard's is proud to be part of La Habra being one of the top 25 revenue producers. Mr. Sanchez thanked the Commission for their time and asked for their kind consideration of their mural.

Commissioner Bernier asked if they could add to the mural the date of when the La Habra store was established.

Vice Chair Munoz asked what inspired the placement of a mural.

Kathy Genovese, Howard's employee, addressed the Commission. Ms. Genovese said they could add the date to the mural requested by Commissioner Bernier. As for the placement of a mural, Ms. Genovese said that the CEO wanted to give the building a new

look, giving it a professional feel, without losing their heritage and the history behind Howard's. Ms. Genovese explained that she was unaware that a permit was required for a mural, she apologized to staff for not obtaining that prior to its placement.

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

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

Moved by Commissioner Bernier and seconded by Vice Chair Munoz, APPROVING RESOLUTION NO. 22-11 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-06 FOR PUBLIC ART (MURAL) AT 901 EAST IMPERIAL HIGHWAY, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, with a modified condition that the applicant add the establishment date of Howard's in La Habra within or next to the mural.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, MUNOZ, MANLEY
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: ROJAS

2. A DULY NOTICED PUBLIC HEARING FOR CONSIDERATION OF A REQUEST FOR CONDITIONAL USE PERMIT 22-09 FOR PUBLIC ART (MURAL) AT 101 WEST WHITTIER BOULEVARD.

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

Senior Planner Chris Schaefer presented the staff report.

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

Commissioner Bernier asked if the murals were photographs. Senior Planner Chris Schaefer said the photos were printed on panels on a material stronger than canvas. Commissioner Bernier wondered if they were coated with something to protect them from the elements. Senior Planner Schaefer said they are printed on a very durable material and the smallest mural is under the buildings overhand giving it a bit more protection.

Chair Manley asked how long the murals had been up. Senior Planner Schaefer said that they were added as part of the remodeled, shortly after the COVID outbreak. He added that the murals were installed without notifying the City. Chair Manley asked if this application was also being paid for by the City's art funds. Senior Planner Schaefer responded affirmatively.

Vice Chair Munoz asked about who was depicted on the murals. Senior Planner Schaefer explained that the larger mural depicted the original store owner and his son and the

second smaller mural is of Mr. Claro among hanging salami. Vice Chair Munoz wondered if a sign describing the pictures could be added to help tell the story.

Director Susan Kim asked if it would be sufficient to ask the applicant to provide a description of the murals somewhere on the inside of the restaurant to avoid modifying the art piece that has already been printed. Commissioner Munoz suggested adding something to the side of the mural so those that are walking by can read the description and get a full story of the pictures. Director Kim suggested that they add something similar to a plaque that describes the art displayed in galleries. Senior Planner Schafer said that these same photos are on the Claro's website with descriptions.

Chair Manley opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project. There were none.

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

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

Moved by Vice Chair Munoz and seconded by Chair Manley, APPROVING RESOLUTION NO. 22-12 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-09 FOR PUBLIC ART (MURAL) AT 101 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, with a modified condition that the applicant place informational plaques under each mural, providing a description of each picture, and that they add the establishment date of Claro's in La Habra within or next to the mural.

The roll call vote was as follows:

AYES:	COMMISSIONERS: MUNOZ, MANLEY, BERNIER
NOES:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: ROJAS

CONSIDERATION ITEMS

1. CONSIDERATION OF SPECIAL EVENT PERMIT 22-02 TO CONDUCT A LARGE SPECIAL EVENT AT 1610 WEST IMPERIAL HIGHWAY.

Associate Planner Lopez presented a staff report.

Chair Manley asked for Commission discussion or a motion.

Commissioner Bernier asked if the event was to start the next day. Associate Planner Lopez confirmed and said he has been working with the representative since February but there was a delay with obtaining the out of state property owner's authorization. He noted that under normal circumstances notices would have been sent to adjacent property owners. He explained that staff has some leeway in the special event guidelines

and was able to accommodate Amazon Fresh's request due to the distance of the event from any residential uses.

Vice Chair Munoz asked if vehicle traffic would be diverted during the event. He expressed concerns with the width of the sidewalk and people queuing and spilling over onto the road, since their proposed event booth will be placed in front of the store on the sidewalk. Associate Planner Lopez said that according to the applicant they will have three feet or more from the edge of the booth to the edge of the curb.

The applicant, Matt Saltzman, special event coordinator hired by Amazon Fresh, addressed the Commission. Mr. Saltzman said that the activities taking place outside the store are not intended for public gatherings, rather for people to walk through and sample. They will be setting up in the wider areas of the sidewalk. When Chair Manley asked about the location of the pop-up, Mr. Saltzman said that it's designed so people can walk in and out of it, passing through without pushing pedestrians out. The other displays and games are only about two and a half to three feet in depth so they don't take up a lot of room and are displayed linearly on the sidewalk.

Chair Manley asked what the objective was. Mr. Saltzman said that Amazon is advertising that it's a new store, this event was supposed to be in December when the store opened but was pushed back due to COVID. Chair Manley asked how this event had been advertised. Mr. Saltzman said he did not work on the advertisement for the event but understood that it was being advertised on commercials via television and radio.

Vice Chair Munoz asked who would be staffing the event outside. Mr. Saltzman said that brand ambassadors would be interacting with consumers as well as production staff that would monitor the event. Amazon employees will be responsible for the store they will not be outside. There will be four production staff members, six brand ambassadors and a security guard outside.

Commissioner Bernier asked if the production staff would help with traffic as there are concerns that people may spill over onto the road. Mr. Saltzman said that safety is their number one propriety and that staff would be monitoring the event. Commissioner Bernier asked about what times the security guard would be present. Mr. Saltzman said between 3:00 p.m. and 7:00 p.m.

Moved by Chair Manley and seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 22-13 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING SPECIAL EVENT PERMIT 22-02 TO CONDUCT A LARGE SPECIAL EVENT AT 1610 WEST IMPERIAL HIGHWAY, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES:	COMMISSIONERS: MANLEY, BERNIER, MUNOZ
NOES:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: ROJAS

COMMENTS FROM STAFF

Chair Manley asked if there were any comments from staff. As a point of order, Deputy Director Ramsland reminded the Chair that the Ruby Red's item had been continued to the end of the meeting and that the Commission needed to take action on how to move forward: reopen the public hearing; continue the item to the next meeting; or continue the item to a date uncertain, giving staff time to contact the owner to ensure he will be present.

Chair Manley moved a motion to continue the item to a date uncertain to ensure that the applicant and the owner are present the next time the item is on the agenda. The motion was seconded by Commissioner Bernier. Motion passed.

Under additional staff comments Deputy Director Ramsland said that at the next regularly scheduled meeting staff would be presenting a report on zoning code amendments to comply with State laws and some clean up items as well as some procedural changes. There will also be an item for the recycling center in front of Stater Brothers.

COMMENTS FROM COMMISSIONERS

Commissioner Bernier said she was happy to approve murals.

Vice Chair Munoz said that public art is great and hopes it becomes codified in our Municipal Code.

ADJOURNMENT: 7:16 p.m.

Respectfully submitted,

Veronica Lopez,
Secretary