

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
July 13, 2020

THE PLANNING COMMISSION MEETING WAS CONDUCTED VIA TELECONFERENCE. The public was able to participate by either calling in or sending an email.

CALL TO ORDER: Chair Nigsarian called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:30 p.m. The Commissioners, the public and Staff conducted the meeting telephonically through Zoom.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER POWELL

PRESENT: (via phone) COMMISSIONERS: NIGSARIAN
MANLEY
POWELL
MUNOZ
BERNIER

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: LOPEZ
COMM. DEV. SECRETARY: LOPEZ
PLANNING COMMISSION SECRETARY: GONZALEZ

PUBLIC COMMENT

The Chair asked if there was anyone on the phone conference or who had sent an email that wished to comment on any item not listed 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 on the phone conference, or who had sent an email, or any Commissioners that wished to have any item removed. There were none.

Moved by Commissioner Powell, seconded by Commissioner Munoz, to approve the Consent Calendar. Motion passed.

1. Approving the Planning Commission Meeting Minutes of June 22, 2020.

PUBLIC HEARINGS

1. Consideration of Design Review 19-06 for a roof-top mounted wireless facility and on-site improvements for an existing retail center and Conditional Use Permit 19-22 for the operation of a wireless facility at 250 North Harbor Boulevard.

Senior Planner Schaeffer presented the staff report.

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

Commissioner Munoz complimented staff on the design which incorporated the design of the bells.

The Chair opened the public hearing and asked if there was anyone on the phone conference, or who had sent an email who wished to speak in favor of the request.

Mr. Ben Hackstedde, representing Verizon Wireless/applicant, thanked staff and specifically Chris Schaefer whom has been working with him for four years on this project and said he was happy to be before the Commission. He clarified the proposed bells are painted and textured flat for a 3-D reset effect explaining metal bells cannot be installed due to interference with the equipment. He stated he reviewed the conditions and all appeared to be what had been agreed upon and looked forward to the Commission's favorable consideration.

The Chair then asked if there was anyone who wished to speak in opposition to the request. There were no emails nor anyone on the conference call that wished to speak in opposition.

There being no further speakers, in favor or in opposition, the Chair closed the public hearing and asked for Commissioner comments or a motion.

MOVED BY Commissioner Bernier, seconded by Commissioner Munoz, APPROVING RESOLUTION NO. 20-25 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 19-06 FOR A ROOF-TOP MOUNTED WIRELESS FACILITY AND ON-SITE IMPROVEMENTS FOR AN EXISTING RETAIL CENTER AT 250 NORTH HARBOR BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, MUNOZ, POWELL, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

MOVED BY Commissioner Powell, seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 20-26 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-22 FOR A WIRELESS FACILITY AT 250 NORTH HARBOR BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: POWELL, BERNIER, MUNOZ, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

2. Consideration of a request for Conditional Use Permit 20-08 for a restaurant at 1466 South Harbor Boulevard.

Associate Planner Lopez presented the staff report to the Commission.

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

Commissioner Powell stated that in prior staff reports parking options were discussed such as valet parking and using the Lutheran Church parking lot across the street as well as the applicant actively pursuing additional parking at the medical building north of the site. He noted that he did not see any reference to any negotiation or use of the site to the north in the staff report. He asked for more information on the valet parking and the use of that property.

Associate Planner Lopez responded in regards to the first question regarding valet parking that the revised parking study dated April 2020 included a draft valet parking plan which included the use of the rear parking lot (of this site) and the use of the Lutheran church parking lot across the street. Since then the applicant has executed an agreement with the valet company which makes it a final plan. Also based on the findings of the report, with the church parking, they meet the parking deficiency of the center. Associate Planner Lopez stated that to his knowledge the applicant has not pursued any additional offsite parking. He indicated that the applicant was on the line and available to answer questions regarding additional agreements.

Commissioner Powell stated that he recalled from previous conversation with the applicant that they were assurances that the property to the south of the site would be a better location for the long term instead of the church, and asked if the valet parking was available during all business hours or if it was limited.

Associate Planner Lopez replied the valet parking plan is to be put in place during the restaurant peak hours. He explained that it is located at the north end of the center where the restaurants are concentrated and that it is geared toward the restaurant operators and available to restaurant customers who wish to use the service.

Commissioner Powell stated he had previously asked the question about using the property that is closer in case of expiration of the agreement with the church and asked staff for clarification.

Associate Planner Lopez stated that it was considered a viable option if the church parking was not renewed, however the agreement with the church was modified to allow for an annual renewal. He added that based on the review of the parking study the church parking lot and renewable parking agreement is valid which covers the on-site parking deficiency. He differed further questions to the applicant regarding any ongoing negotiations with the property to the north.

There were no additional questions from the Commission. Chair Nigsarian stated that he shares Commissioner Powell's concerns, and stated that he felt they could address the issues with the applicant.

The Chair opened the public hearing and asked if there was anyone on the phone conference, or who had sent an email who wished to speak in favor of the request.

Mr. BJ Kim, DMI Real Estate Group/applicant, 10200 Sepulveda Blvd., Suite 290H, Los Angeles, CA, stated that all the questions being asked this evening were answered back in April, but that he understands they go through a lot of hearings, so he will go through them once again. He stated that they had done a parking study to show all the parking is handled on site. He explained that they have morning uses and evening uses and that the parking study addresses that. He stated that they had executed a parking management plan and valet service expressing that they do not need any parking off site, but he understands the planning code requirements so they are maintaining the parking agreements with the church across the street and with the retail center south of the site (southeast corner of Harbor and Las Palmas) in case there is any need of overflow. He believed that there is an abundance of parking available per the valet plan approved in the last study. He stated they did not pursue a parking agreement with the property to the north at the PIH site because they felt they had sufficient parking and all parking will be handled on site.

Chair Nigsarian asked if he has an agreement with the property to the south. Mr. Kim stated that was correct they have an agreement with the church and the retail center to the south of their site. He acknowledged that it was not counted in the study, since it did not meet the code requirements of being within 500 feet of their site and that no one is crossing the street.

He stated that the parking study had been approved by the City's Traffic Manager and that everything works. He added that many tenants are hesitant to move forward due to

COVID-19 and that the current businesses are doing mostly take out. He reiterated his belief that all the parking can be handled on site.

Chair Nigsarian stated it was a great project and emphasized that he believes as Commissioner Powell does, that they do not want anyone walking across the street. He stated that he understands that they entered into the agreement with the church to be in strict compliance with the parking requirements, but what he hears the applicant saying is that they do not expect to use that parking. Mr. Kim responded never, ever, their study shows they are in surplus and that they delivered all they promised to the City.

The Chair then asked if any of the Commissioners had any further questions; they did not. He then asked if there was anyone who wished to speak in opposition to the request. There were no emails nor anyone on the conference call that wished to speak in opposition.

There being no further speakers, in favor or in opposition, the Chair closed the public hearing and asked for Commissioner comments or a motion.

Commissioner Bernier commented that she recalls allowing a previous project to move forward provided there was extra parking in the medical building to the south for the next project. She noted that she had chaired that meeting and made it clear that that was something she wanted and what the other Commissioners wanted. She expressed her disappointment that that had not been pursued.

Chair Nigsarian stated that he was disappointed by that too, but he wants this project to be successful and that he believes Mr. Kim is acting in good faith and believes him when he says he does not anticipate using the church parking lot. He stated that he thinks it was something Mr. Kim had to enter into in order to meet the statutory parking requirements. He stated he is actually disappointed that the agreement with the church across the street still exists, but did not believe it was a deal breaker.

The Chair asked for a motion, none was immediately forthcoming, the Chair asked one more time for a motion. A motion was made by Commissioner Munoz. There was no second. Chair Nigsarian noted that he did not want to see this motion fail due to a lack of a second to the motion and said he would be willing to second the motion and see how the votes are made moving forward.

Planning Manager Ramsland reminded the Commission they had the option of continuing the item if they wished to receive additional information or assurances from the applicant before making a decision.

Chair Nigsarian readdressed the Commission and asked if they wish to continue the item for additional condition(s).

Commissioner Bernier stated that she would be happy with a continuation. The remaining four Commissioners stated they were prepared to vote on the item this evening.

Chair Nigsarian noted there was a motion on the table and that a second motion was still needed in order to move forward.

Commissioner Powell seconded the motion, but wished to make a comment before the call for a vote. He stated "...that our concerns are that this facility was from the very onset was slated at full capacity to create some dynamic parking issues of which the options were the medical facility north and also the possible optional of facility south with the overflow at the Lutheran church. We know there is still one space to go and that has to go through a conditional use permit. I recognize that COVID has decimated the businesses and we do not want that to occur. However, we are not looking at the short term we are looking at the long term and the long term of this area functioning at full capacity could necessitate greater amount of parking. We never know the future of the church across the street, if it will be sold or open or where it's going to be but certainly opportunity of this facility to function for many decades to come would be our greatest single hope." He further stated "...and that when you (Mr. Kim) come with the next application, have additional parking that based on our prior conversations in public session, on the record, that it is provided to us an understanding of additional parking either in the north or south quadrant of this location." Chairman Nigsarian concurred and asked the applicant to find a way to assure the Commission that no one will be running across Harbor Boulevard.

MOVED BY Commissioner Munoz, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 20-27 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-08 TO OPERATE A RESTAURANT AT 1466 SOUTH HARBOR BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: MUNOZ, POWELL, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: BERNIER
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

COMMENTS FROM COMMISSIONERS

Commissioner Powell commented to staff "...that as they proceed with future applications for the site that he hoped staff would urge them on the necessity to having alternatives to the parking issues that are of concern to some members of this Commission resulting in this evening's 4/1 vote. It is a signal it could be a vote not acceptable to the Commission. Not a burden but an obligation to staff to be sure they are aware there is definitely a need on my part I speak for myself only to have the option that were previously discussed with us with respect to northern and southern parking opportunities."

Vice Chair Manley concurred with Commissioner Powell's comments. He wished to note that going forward a parking analysis was done prior to the pandemic and that the parking isn't an issue, presently, but to look to the future when occupancy is increased in this location.

Chair Nigsarian commented that he too concurs with Commissioner Powell's comments.

ADJOURNMENT: 7:20 p.m.

Respectfully submitted,

Carmen Gonzalez Avila
Planning Commission Secretary