

1. Consideration of a request for Conditional Use Permit 20-15 to operate a restaurant at 1458 South Harbor Boulevard.

Associate Planner Lopez presented the staff report to the Commission.

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

The Chair then 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, applicant, addressed the Commission. He stated they are excited to bring the center piece of their retail center, a dessert business, that brings the center together and is located in the middle. He expressed that even with the pandemic they brought a nice mix of business to provide a great experience to all who visit. He commented that the parking situation has greatly improved now that two restaurants have changed to retail businesses.

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.

Commissioner Munoz stated he was happy to hear business is thriving during this pandemic.

Commissioner Bernier expressed she is happy to hear about the improved parking situation. Chair Nigsarian concurred.

The Chair asked for a motion.

MOVED BY Commissioner Bernier, seconded by Commissioner Munoz, APPROVING RESOLUTION NO. 20-36 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-15 TO OPERATE A RESTAURANT AT 1458 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: BERNIER, MUNOZ, POWELL, MANLEY, NIGSARIAN
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

2. Consideration of a Zone Change 20-03 amending Title 18 (Zoning) of the La Habra Municipal Code by adding Chapter 18.82 "Inclusionary Housing Units".

Senior Planner Schaefer presented the staff report to the Commission.

Commissioner Munoz asked if the ordinance would exclude single units, efficiency units and studios in definition of dwelling unit or types. Senior Planner Schaefer responded that the definition includes all types of units.

Commissioner Munoz stated he did not see any reference on the location of the affordable units within developments. He expressed that he wouldn't want to see all the affordable units segregated in one area as he felt that would be counterproductive. He asked if there were provisions in the ordinance to prevent this from happening. Senior Planner Schaefer stated that there is not specific language in the ordinance with regards to specific locations.

Planning Manager Ramsland added that language could be added if the Commission felt that it was appropriate. Commissioner Munoz stated he would recommend the additional language, but would like to have the discussion to see if the other Commissioners wished to make that change.

Commissioner Munoz referred to the affordable housing agreement covenants and asked staff what determines the number of years the units must be available for low income families. Senior Planner Schaefer stated that the time period would need to follow State law and provided a brief explanation. Commissioner Munoz then asked about the covenants and how they will be applied to the property when they are sold, with regards to any remaining time remaining on the agreement. Senior Planner Schaefer explained that the Housing Manager, Miranda Cole-Corona, will work with developers to coordinate the requirements prior to certificate of occupancy issuance and that the restrictions would follow the units for the life of the agreement.

Commissioner Bernier asked how the in-lieu fee per unit would be calculated. Senior Planner Schaefer explained in the past the in-lieu fee was a standard of \$10,000 per unit. However, the proposed ordinance would require the developer to provide an analysis of the actual cost of building the unit and then multiplying that by the number of units required to be built and providing that amount of money to the Housing Authority. Commissioner Bernier stated that after looking at the residential development proposal that came before them in September, that the fees on that project did not seem fair. She also asked if the money collected will go only to affordable housing. Senior Planner Schaefer responded that this was correct and noted that the money gets placed in a special trust account that can only be used for that purpose.

Vice Chair Manley referred to the previously approved Brio project fees paid and asked how their fees were determined. Senior Planner Schaefer provided a brief explanation.

Planning Manager Ramsland added that part of the Brio developer's commitment to affordable housing was to purchase an old apartment building, rehabilitating it and restricting the units as affordable units.

Commissioner Bernier asked if it is possible to build and outfit the affordable housing units the same as the market-rate units or prevent the smaller units from only being designated as the affordable units in a project. Planning Manager Ramsland explained it will be proportionate based on the unit size and briefly explained.

Vice Chair Manley referred to a housing development in the City of Whittier on Whittier Boulevard which is a diverse housing development with a large portion of the project being dedicated to affordable units. He said that the units were all similarly constructed and the project was very nice overall.

Planning Manager Ramsland stated there will be negotiations with developers and staff regarding implementation of the ordinance but ultimately each affordable unit needs to be a fully outfitted, similar to the market-rate units.

Chair Nigsarian asked staff why other Orange County cities have not adopted similar ordinances related to affordable housing. Planning Manager Ramsland explained that the use of inclusionary housing ordinances had been challenged in court and that many cities had put off taking any action until the issue was settled. Ultimately, the courts ruled that cities could create and enforce inclusionary ordinances. He added that staff had begun working on this ordinance many years ago but had been holding off due to the litigation.

Mr. Ramsland reminded the Commission that the creation of an inclusionary ordinance was included in the current housing element as a policy and if adopted would help with meeting the City's RHNA numbers for the next housing element cycle.

Chair Nigsarian asked if the Commission was drafting/approving this or sending it to the City Council. Planning Manager Ramsland stated the draft would be forwarded to the City Council and would incorporate any changes proposed by the Commission.

Chair Nigsarian asked if there are any additional comments regarding Commissioner Munoz's suggestion to add language to specify that the affordable units had to be dispersed throughout the project.

Commissioner Powell commented that he agreed with the previous comments and that the Council will have final say. He added that on every project there will be an opportunity for the Commission and Council to require design changes/recommendations to address the issue of location of the units. Vice Chair Manley and Commissioner Bernier concurred.

The Chair then 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. There were none.

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 Vice Chair Manley, seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 20-37 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 20-03 AMENDING TITLE 18 (ZONING) BY ADDING CHAPTER 18.82 "INCLUSIONARY HOUSING UNITS", AS PER EXHIBIT "A".

The roll call vote was as follows:

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

ADJOURNMENT: 7:19 p.m.

Respectfully submitted,

Carmen Gonzalez Avila
Planning Commission Secretary