

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
January 11, 2021

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

ABSENT: COMMISSIONERS: BERNIER (EXCUSED)

OTHERS PRESENT:
DIR. OF COMM. DEV.: HO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: D. LOPEZ
COMM. DEV. SECRETARY: V. 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 Vice Chair Manley, seconded by Commissioner Munoz, to approve the Consent Calendar. Motion passed.

1. Approval of the Planning Commission Meeting Minutes of November 23, 2020.
2. Approval of the Planning Commission Minutes of December 14, 2020.

PUBLIC HEARINGS

1. Consideration of a Conditional Use Permit 20-13 to establish a restaurant (Ruby Red's BBQ) and Conditional Use Permit 20-14 for an ABC Type 41 on-sale beer and wine license at 1841 West Imperial Highway, Suite B.

Associate Planner Lopez presented the staff report to the Commission.

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

Vice Chair Manley asked for clarification regarding the seven versus the eight ABC licenses discussed in the staff report. Associate Planner Lopez explained that seven was the maximum number designated by ABC before the area reaches a level of "Undue Concentration" and that approval of this request would be the eighth. He further explained that in this case the applicant would have to make a finding of "Public Convenience and Necessity" that would have to be approved by ABC. He noted that the previous business at the location (Pizza Rev) had gone through a similar process.

Chair Nigsarian asked staff if the proposed restaurant is a franchise, chain or independently owned. Associate Planner Lopez deferred to the applicant.

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. Steve Williamson, the Business Owner stated this will be the first restaurant in the United States with the La Habra location being their flag ship location. He added they will have three corporate stores which then will decide whether or not they will allow the purchase of franchises throughout the United States.

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.

The Chair asked for a motion.

MOVED BY Vice Chair Manley, seconded by Commissioner Munoz, APPROVING RESOLUTION NO. 21-01 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-13 TO ESTABLISH A RESTAURANT AT 1841 WEST IMPERIAL HIGHWAY, SUITE B, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

MOVED BY Commissioner Munoz, seconded by Vice Chair Manley, APPROVING RESOLUTION NO. 21-02 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-14 FOR AN ABC TYPE 41 ON-SALE BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT AT 1841 WEST IMPERIAL HIGHWAY, SUITE B, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

2. Consideration of Conditional Use Permit 20-17 to establish an allied health school that will provide a nursing assistant training program, a licensed vocational nursing program and certification programs for CPR, BLS, ACLS, and NCLEX preparation courses at 618 East Whittier Boulevard.

Senior Planner Schaefer 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 who wished to speak in favor of the request, or if any emails had been received. 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.

The Chair asked for a motion.

MOVED BY Commissioner Powell, seconded by Vice Chair Manley, APPROVING RESOLUTION NO. 21-03 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-17 TO ESTABLISH AN ALLIED HEALTH SCHOOL THAT WILL PROVIDE A NURSING ASSISTANT TRAINING PROGRAM, A LICENSED VOCATIONAL NURSING PROGRAM AND CERTIFICATION PROGRAMS FOR CPR, BLS, ACLS, AND NCLEX PREPARATION COURSES AT 618 EAST WHITTIER BOULEVARD, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

3. Consideration of Conditional Use Permit 20-10 to establish a cannabis distribution operation within an existing industrial building at 536 West Mountain View Avenue and a recommendation to the City Council on Development Agreement 20-01.

Senior Planner Schaefer presented the staff report to the Commission. He noted that emails in opposition to the project were received from Katherine Clark, Bonnie Fritod, and Thomas Fritod.

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

Commissioner Munoz asked staff for clarification on the type of traffic/truck to be utilized in this business. Senior Planner Schaefer explained the operation will be using standard delivery vans which will be driven into the building into a "sally port area" for loading and unloading similar to the other distribution facilities approved in the City.

Commissioner Powell asked staff to confirm that there will be no retail sales at this location which is a completely secured unmarked building. Senior Planner Schaefer responded that this was correct. Commissioner Powell then asked if this would be the same as the other businesses currently operating in the City. Senior Planner Schaefer responded that was correct and added that Measure M does not allow "storefront" retail but would allow for "non-storefront" delivery businesses. Any applications for these types of businesses would come to the Commission.

Vice Chair Manley stated there were nine employees and asked what were the number of vehicles to be used for deliveries. Senior Planner Schaefer deferred to the applicant.

Vice Chair Manley asked if staff is aware of any police calls for service for the other existing businesses. Senior Planner Schaefer responded that as of present there have been no calls for service.

The Chair then opened the public hearing and asked if there was anyone on the phone conference, who wished to speak or if we had received any emails, in favor of the request.

Mr. Jacob Poozhikala, applicant stated he looked forward to operating his business in the City of La Habra and asked the Commission for their favorable consideration.

Vice Chair Manley asked the applicant what types of delivery vehicles would be used and how many would there be? Mr. Poozhikala explained there will be two cargo type vans with enough space in the warehouse to secure three vehicles but that the actual number would depend on the sales volume, and they may need to add vehicles in the future. Vice Chair Manley asked if his business grew beyond three vehicles if there are other places on the property where they could be parked. Mr. Poozhikala responded they can park up to five vehicles.

Ms. Anita Rohm asked about the hours of operation and asked how many days per week the business would operate. Chairman Nigsarian stated that this was not the time for questions and back and forth discussion, but that staff could provide a response at a later time. Director Ho stated they could reach out to the speaker later, but that staff had the information available and could provide a quick answer, with the Chair's consent.

Chair Nigsarian stated that it would be okay to depart from protocol and allow staff to answer the questions. Staff answered that the business would operate every day.

Mr. Thomas Freithe, property owner of 611 South Walnut Street, La Habra addressed the Commission. Mr. Freithe expressed concerns that an armed guard is needed for this type of business. He stated that this causes an elevated risk associated with his tenants that are in his building next door. He did not think that the types of businesses that normally have operated at this location have required an armed guard to protect them. Additionally, he expressed concern that the cannabis business is a cash business and that there will be large amounts of cash on hand. He had seen many cases in the news as to what has happened in Santa Ana with robberies associated with this type of business, he feels that there is a public safety issue. He is concerned for the safety of his tenants and asked that the Commission take that into consideration.

There being no further speakers, in favor or in opposition, nor any emails, the Chair closed the public hearing and asked for Commissioner comments or a motion.

The Chair asked for a motion.

MOVED BY Commissioner Powell, seconded by Vice Chair Manley, APPROVING RESOLUTION NO. 21-04 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT

20-10 TO ESTABLISH A CANNABIS DISTRIBUTION OPERATION WITHIN AN EXISTING INDUSTRIAL BUILDING AT 536 WEST MOUNTAIN VIEW AVENUE, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

MOVED BY Commissioner Powell, seconded by Commissioner Munoz, APPROVING RESOLUTION NO. 21-05 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL APPROVE DEVELOPMENT AGREEMENT 20-01 FOR A CANNABIS DISTRIBUTION OPERATION WITHIN AN EXISTING INDUSTRIAL BUILDING AT 536 WEST MOUNTAIN VIEW AVENUE, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

ADMINISTRATIVE ITEMS

Director Ho asked the Commission adjourn in memory of Community Services Commissioner Andrea Trujillo.

Chair Nigsarian also requested they adjourn this evening's meeting in memory of Tommy Lasorda.

ADJOURNMENT: 7:22 p.m. in memory of Community Services Commissioner Andrea Trujillo and Tommy Lasorda.

Respectfully submitted,

Carmen Gonzalez Avila
Planning Commission Secretary