

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
March 22, 2021

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. in the Council Chamber.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER POWELL

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

ABSENT: COMMISSIONERS: MUNOZ (excused)

OTHERS PRESENT:
DIR. OF COMM. DEV.: HO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: D. LOPEZ
COMM. DEV. SECRETARY: V. LOPEZ

PUBLIC COMMENT

The Chair 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 Powell, seconded by Vice Chair Manley, to approve the Consent Calendar. Motion passed.

1. PROCEDURAL WAIVERS: 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 March 8, 2021.

PUBLIC HEARINGS

1. Consideration of a request for Conditional Use Permit 20-21 to operate an automobile repair facility at 401 East La Habra Boulevard.

Associate Planner Lopez presented the staff report to the Commission.

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

Commissioner Powell stated he had visited the site and noted that vehicles that had been parked outside on the site were now inside. He wondered who those vehicles belonged to, what the history was on the Code Enforcement issues and asked if the business would be operated by the property owner. Associate Planner Lopez explained the Code Enforcement history and the ways the City could now monitor the site to limit new violations. He explained that the operator was relocating from another site down the street on La Habra Boulevard. He did not know who owned the vehicles on the site.

The Chair opened the public hearing and asked if there was anyone in the audience to speak in favor of the request.

Mr. Clifford Dobson, 9460 Nightingale Ave., Fountain Valley, CA, representing the property owner spoke of the history of the lot, stating that automotive uses had existed on that lot for over 70 continues years. He said the Melendez family would use this site as an expansion of their existing business. He asked the Commission to allow the Melendez family to obtain a business license to begin operation right after the Commission's approval of the Conditional Use Permit waiving the conditions for the upgrades until after they begin the operation of the business.

The Chair asked if any of the Commissioners had questions for Mr. Dobson.

Commissioner Powell asked Mr. Dobson about who owned the automobiles on the site. Mr. Dobson said they were vehicles from the Melendez' existing business.

The Chair then asked if there was anyone who wished to speak in opposition to the request.

Mr. Tharwat Boktor, 122 N. Cypress, La Habra, said that the previous business had been a nuisance. Junk cars sitting onsite inviting the homeless to hang out and taking up street parking on Cypress Street were issues. He felt this type of business would bring down property values.

Commissioner Bernier thanked Mr. Boktor for bringing to light the concerns he had about vehicles taking up street parking on Cypress.

Chair Nigsarian asked if there was anyone else who wished to speak in opposition of the project. There were none. The Chair closed the public hearing and moved to Commission discussion.

Commissioner Powell asked if staff was confident that with the conditions set for the project, issues that existed before could be avoided with this new operator. Associate Planner Lopez stated that conditions were included to protect the neighborhood and the appearance of the property. Commissioner Powell asked about what conditions existed to avoid having vehicles parked on Cypress Street. Mr. Lopez said that the Conditional Use

Permit is tied to the land therefore all conditions are tied to the property onsite but agreed with Commissioner Powell that the operator would not be allowed to park vehicles offsite overnight. Commissioner Powell said he was in support of the Conditional Use Permit but would not support the applicant's request to waive the conditions until after the operation of the business.

Vice Chair Manley asked what level of enforceability the City would have to ensure that the vehicles onsite were being worked on. Associate Planner Lopez stated that the City could request invoices from the business owner to show that a certain vehicle was pending repair. Vice Chair Manley asked if the entire City is subject to the overnight parking permit requirements. Mr. Lopez said yes, there are limits as to which vehicles can be parked on the street and when they can park on the street.

Commissioner Bernier agreed with Commissioner Powell in that she would not support the applicant's request to waive the conditions until after the operation of the business. She expressed her concerns for the vehicles currently stored inside the building and asked staff what enforcement actions could be taken in regards to those vehicles.

Director Ho said there were a few options, the Commission could ask the applicant to come up to the podium and explain the situation with the vehicles to see if they would volunteer to remove the vehicles before starting the operation of the business. The second option would be to open a Code Enforcement case to have the owner and operator remove the vehicles until the business is ready to open. Commissioner Bernier did not want to see previous issues continue to exist with this new business.

Chair Nigsarian then asked the operator if he wished to address the Commission's concerns.

Angel Melendez, 1750 W. Lambert Road, Unit U, La Habra, said his father was trying to grow their business and he was looking to succeed by complying with the Commission's requests. He asked for clarification on the concerns regarding the vehicles. Vice Chair Manley said there was a concern with vehicles staying on the lot for extended periods of time and asked what their plans were for the vehicles going forward and for the vehicles currently stored inside. Mr. Melendez stated that he planned on contacting clients after the repairs were finished to have them pick up their vehicles, getting cars in and out without causing any issues. Chair Nigsarian asked Mr. Melendez if he understood the concerns of the Commission with the lingering of vehicles onsite long after the repairs have been made. Mr. Melendez stated that at their current location, that his father has been operation for over 20 years, they know not to leave vehicles onsite for more than three days or else the City will ask them to remove the vehicles. Commissioner Bernier hoped the new operators would not allow those issues to continue.

Vice Chair Manley asked that if the Commission approves the Conditional Use Permit would the City begin enforcing the issue with the vehicles the next day. Planning Manager Ramsland reminded the Commission that whatever action the Commission takes on this project, it would not become final for another 10 working days. But, that any current violation of the code existing onsite could be addressed without the approval of the Conditional Use Permit.

Chair Nigsarian said he was satisfied with the strength of the CUP requirements. Vice Chair Manley and Commissioner Powell concurred with Chair Nigsarian.

Commissioner Powell directed his final comments to the operator. Reminding them that issues have existed on the site before, that it is not a used car lot and that the community will be watching. He said that he would report any violations to Code Enforcement to support the concerns of the neighborhood.

The Chair asked for a motion.

Moved by Vice Chair Manley, seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 21-10 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-21 TO ESTABLISH AN AUTOMOBILE REPAIR FACILITY AT 401 EAST LA HABRA BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

ADMINISTRATIVE ITEMS

Director Ho mentioned that the General Plan Advisory Committee would be holding a meeting, related to the Housing Element update, via Zoom on March 23rd and it was open to the public. Also, at the next Planning Commission meeting there are two items tentatively scheduled for Public Hearing.

Vice Chair Manley expressed his happiness for the new business operator and reminded them of the expectations the City has for them. Chair Nigsarian wished them luck and asked them to do their best to stay compliant.

ADJOURNMENT: 7:13 p.m.

Respectfully submitted,

Veronica Lopez
Community Development Secretary