

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
March 28, 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 COMMISSIONER ROJAS

PRESENT: COMMISSIONERS: MANLEY
MUNOZ
BERNIER
ROJAS

ABSENT: (EXCUSED) COMMISSIONERS: NONE

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 with Commissioner Rojas abstaining from item number two.

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 March 14, 2022.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR:

AN AMENDMENT TO CHAPTER 2.24 PLANNING COMMISSION, OF TITLE 2 ADMINISTRATION AND ORGANIZATION, OF THE LA HABRA MUNICIPAL CODE (LHMC), TO ALLOW THE PLANNING COMMISSION TO MEET ONCE A MONTH;
AND,

ZONE CHANGE 22-01 FOR AMENDMENTS TO THE FOLLOWING CHAPTERS OF TITLE 18 ZONING, OF THE LHMC:

CHAPTER 18.04 DEFINITIONS, MODIFYING THE DEFINITION OF "FOOD TO GO RESTAURANT";

CHAPTER 18.06 ZONES ESTABLISHED - ZONING MAP BOUNDARIES AND LAND USES, ADDING "FOOD TO GO" AS A PERMITTED USE OUTRIGHT;

CHAPTER 18.08 GENERAL PROVISIONS, EXEMPTING THE CITY FROM THE PROVISIONS OF TITLE 18;

CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS;

CHAPTER 18.14 OFF-STREET PARKING REQUIREMENTS, MODIFYING THE PARKING STANDARDS FOR "FOOD TO GO" RESTAURANTS TO BE CONSISTENT WITH ITS DEFINITION; AND,

CHAPTER 18.80 AFFORDABLE HOUSING INCENTIVES, MODIFYING THE STANDARDS AND TEXT FOR CONSISTENCY WITH STATE LAW.

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

Associate Planner David Lopez presented the staff report.

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

Vice Chair Munoz asked about the outdoor seating requirements, he wondered if only larger areas over 25% would require a parking study. Associate Planner Lopez said that was correct.

Chair Manley asked how many permits were issued during COVID for outdoor seating. Associate Planner Lopez said 41. Chair Manley asked how many of those would fall above or below the 25% threshold. Associate Planner Lopez did not have an answer but said that there are a handful of restaurants that are still maintaining their outdoor seating. He said that 250 square feet was the previous threshold. Chair Manley expressed his concerns over an outdoor seating area he observed at the Northgate shopping center and said this new regulation was coming in at the perfect time. He asked for clarification on how many of the 41 outdoor seating areas were still active. Associate Planner Lopez said only a handful are still active. Once this ordinance is adopted, those that have active outdoor seating areas will be notified of the new regulations and will be given the option to remove the outdoor seating area or modify it to comply with the new regulations and go through the review and approval process.

Chair Manley then referred to Chapter 18.80 and asked what were the code sections that were referenced of 65195-65198. Associate Planner Lopez said those were California Government Code sections. Sections 65195-65198 reference density bonus and other housing incentives, the La Habra Municipal Code has to mirror those sections. A few sections that were adopted by the State in 2021 are missing in the Municipal Code, this new modification would bring it up to date.

Chair Manley then asked about the statistic mentioned in the staff report of 20% of Commission meetings being canceled. He wondered if that was the percentage of canceled meetings for 2021. Associate Planner Lopez said that was the percentage for 2018-2021. Chair Manley asked if any of those canceled meetings were due to the pandemic. Deputy Director Roy Ramsland reminded the Chair that we never canceled a meeting due to COVID that we switched to Zoom meetings during the pandemic. Director Susan Kim said there was one exception when a meeting was canceled during her time here when staff was out due to COVID. Chair Manley then asked for the number that was mentioned where there was only one item on the agenda. Commissioner Rojas responded that it was more than half of the meetings. Associate Planner Lopez concurred. Chair Manley asked for clarification on what would happen if an item was received that missed the deadline to be added to the one meeting a month. Would the applicant have to wait another month. Commissioner Rojas asked if they could call for a special meeting if it was something urgent. Deputy Director Ramsland said the code says they can meet for a minimum of once a month, but they can have as many meetings as are needed in a month. He gave the example of the Westridge item that required four consecutive meetings in one week. He also brought up Ruby Reds as an example, noting that the Commission could call for a special meeting to hear that item in two weeks instead of waiting a full month to the next regularly scheduled meeting.

Chair Manley expressed his concerns regarding who makes the decision to wait a month or call for a special meeting. Would that decision be made by staff he wondered. Deputy Director Ramsland said the Commission is the one that can call for a special meeting, staff cannot. The Commission would be given the option to set an item for review to a meeting with either a date certain or date uncertain. Chair Manley wondered about new items that come across and asked could an applicant push to get their item heard in two weeks instead of waiting a whole month. Deputy Director Ramsland said that an applicant could make that request but noted that it is unlikely since by the time an item gets to Commission staff has been working with the applicant for many weeks. The applicants are made aware of deadlines to get their items to a public hearing. He reminded the Commission that the City is required to send a legal notice out 10 days prior to the Commission meeting. That is what typically determines when an item is presented to Commission.

Commissioner Bernier brought up the item for the special event for Amazon Fresh how that was not advertised 10 days prior to the meeting. Deputy Director Ramsland said that was an unusual circumstance and that special events are not mandated by State law to be advertised, and that it was a local La Habra Guideline. Director Kim said that she has directed staff to be customer service focused and to look for opportunities to streamline project processing. Director Kim expressed that staff would work with the applicants to get them to the soonest possible Commission meeting and would not use this change to unnecessarily hold up projects.

Commissioner Bernier asked that if the Commission moves to one meeting a month has staff considered video taping the meetings. Deputy Director Ramsland said staff has not had that conversation. He said if the Commission wants that, staff would have to do some research to see what it would take to make it happen. Director Kim said there are budget implications with that request. The Commission could make that recommendation for Council to review as part of the ordinance. The amendment the Commission was considering tonight would just be to set the minimum number of meetings. A resolution

would be brought to the Commission to set dates and times for meetings and at that time a discussion could be had on if the meetings should be videotaped and what impacts it would have on the budget. The Commission could make a recommendation to Council that if they set the meetings to once a month, they should be videotaped.

Deputy Director Ramsland said that this was a sign of how built out the City is. He said there will not be as many projects coming through because the amount of vacant land is limited. Ten years ago, it would have been common to have eight or nine items per agenda twice a month. Vice Chair Munoz asked if there is a policy that all meetings shall end at 10:00 p.m. Deputy Director Ramsland said that the Commission is under that rule now. If the meeting runs up to ten o'clock the Chair has the option to continue the meeting to another date or go past ten o'clock. Based on the volume of items in the past five years, staff does not anticipate meetings going past ten o'clock.

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.

Commissioner Rojas wanted to clarify that this amendment was just to set the minimum of required meetings to once a month. If an item requires a special meeting, she referenced the Ruby's Reds barbeque, the Commission can still call for a second meeting. Associate Planner Lopez said that was correct.

Commissioner Bernier added that if they were voting on setting the minimum to once a month for meetings that Council should consider allowing the Commission meetings to be videotaped.

Vice Chair Munoz had concerns about the perception the business community and the development community would have if the Commission went from two meetings a month to one meeting a month. He said he was concerned with pushing projects out for two additional weeks as well.

Chair Manley said he understood the points that Director Kim brought up but he too was concerned with the perception of the public. He also expressed concerns in trying to get a quorum for a special meeting that would normally not be on the Commission's calendar. He said he was not in support of changing to one meeting a month. He asked that if he made a motion would he have to amend that portion to say they should stay at two meetings per month and then asked if anyone else wanted to make a different motion.

Director Kim said that they could remove that portion of the amendment, and move the balance of the resolution with the exception of the proposed amendment to Title 2. Staff would bring up the discussion the Commission has had on this item for Council to consider but reminded the Commission that Council could pass the amendment without a Commission recommendation and that the Commission does not typically have purview over Title 2. Commissioner Rojas asked if they could table that item. Deputy Director Ramsland said that it sounded like they would have to do two separate motions to

accomplish what the Commission desired. The first motion on Title 2 would be to recommend that the City Council take no action to change the code and then a second motion to approve the other changes to the Title 18 items.

Moved by Chair Manley and seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 22-14 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL NOT ADOPT AN ORDINANCE APPROVING AN AMENDMENT TO THE LA HABRA MUNICIPAL CODE (LHMC), TITLE 2 ADMINISTRATION AND ORGANIZATION, CHAPTER 2.24 PLANNING COMMISSION TO ALLOW THE PLANNING COMMISSION TO MEET ONCE A MONTH.

The roll call vote was as follows:

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

Moved by Commissioner Rojas and seconded by Vice Chair Munoz, APPROVING RESOLUTION NO. 22-16 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING AN AMENDMENT TO THE LA HABRA MUNICIPAL CODE (LHMC), AND, ZONE CHANGE 22-01 TO AMEND THE FOLLOWING CHAPTERS OF TITLE 18 ZONING: CHAPTER 18.04 DEFINITIONS, MODIFYING THE DEFINITION OF "FOOD TO GO RESTAURANT", CHAPTER 18.06 ZONES ESTABLISHED - ZONING MAP BOUNDARIES AND LAND USES, ADDING "FOOD TO GO" AS A PERMITTED USE OUTRIGHT, CHAPTER 18.08 GENERAL PROVISIONS, EXEMPTING THE CITY FROM THE PROVISIONS OF TITLE 18, CHAPTER 18.12 SPECIAL DEVELOPMENT STANDARDS, MODIFYING THE OUTDOOR SEATING REQUIREMENTS FOR RESTAURANTS, CHAPTER 18.14 OFF-STREET PARKING REQUIREMENTS, MODIFYING THE PARKING STANDARDS FOR "FOOD TO GO" RESTAURANTS TO BE CONSISTENT WITH ITS DEFINITION, AND CHAPTER 18.80 AFFORDABLE HOUSING INCENTIVES MODIFYING THE STANDARDS AND TEXT FOR CONSISTENCY WITH STATE LAW AS PER EXHIBITS B THROUGH G.

The roll call vote was as follows:

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

2. DULY NOTICED PUBLIC HEARING FOR CONSIDERATION OF A REQUEST FOR CONDITIONAL USE PERMIT 22-10 TO OPERATE A RECYCLING FACILITY AT 851 NORTH HARBOR 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. He asked the first question. He wanted clarification on what happens if a store does not have a redemption center. Senior Planner Schaefer said that any store that makes more than two million dollars in sales has to have a redemption center on site or within half a mile of their location. If they don't provide a redemption center then they are subject to a monthly fine of \$3500. He noted that Northgate Market was working with staff to provide a recycling facility on their site but due to the issues of providing the service they decided to pay the monthly fine instead.

Chair Manley then asked for clarification on the images shown in one of the slides during the staff report presentations. The slide in question shows various red circles, drawn on a map of La Habra, some overlapping. One showed a bottle in the middle of the red circle. Senior Planner Schaefer said that the circle represented the service area for the recycler off of Fourth Avenue, Unicorn Metals. If Stater Brothers was within that radius, they would not be required to provide a redemption center as Unicorn Metals would cover their service area. Chair Manley asked if Starter Brothers has been paying a fine for the time that the recycling center has been non-operational. Senior Planner Schaefer responded in the affirmative and said the fine is paid to the State. Chair Manley then asked what three stores were represented by the top three overlapping circles on the left-hand side of the page. Senior Planner Schaefer responded that those were Albertson's, Northgate, and Costco. Chair Manley asked if they all paid a fine. Senior Planner Schaefer said that Albertson's used to have a redemption machine but once they removed it they were required to pay the fine. All three pay monthly fines to the State.

Commissioner Rojas asked if the equipment at Stater Brothers was new. She wondered if the equipment used by the previous recycling center was removed. Senior Planner Schaefer said that the CUP had expired for the previous center due to inactivity for over a year. Their equipment was removed.

Chair Manley asked if it was the same operator. Senior Planner Schaefer said it was a new operator.

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

Ana Taylor, representing the owner, thanked the Commission for the opportunity to serve the community and said she would be happy to answer any questions. Ms. Taylor explained that the previous operator went bankrupt and that she used to work for them. The previous redemption center operated at Stater Brothers from 2000 to the beginning of 2020. The operator had 1800 sites throughout California in various grocery stores and when they went bankrupt all sites were closed down. The new operator is a new company and the owner, Mr. Taher Ameri, has seven to eight locations and he is looking to expand. He runs a clean, neat operation even working with nonprofits to help keep vagrants away from these sites.

Chair Manley asked if this was a franchise and what the name of the company was. Ms. Taylor said it is a sole proprietorship and Mr. Ameri's company is called CRV Solutions, Inc.

Vice Chair Munoz asked if the two roll off containers get picked up by trucks. Ms. Taylor said that was correct. The housing unit is attached to the ground and it doesn't move. Vice Chair Munoz asked what time of day the containers get picked up. Ms. Taylor said that happens before 6:00 a.m. before the parking lot gets busy. Vice Chair Manley asked if there was a condition regarding the pick-up time of the containers. Senior Planner Schaefer said there is a general condition about not creating a nuisance but the Commission could add a more specific condition. Vice Chair Munoz wondered if it was a large truck that came onsite. Ms. Taylor said it was a small utility truck not a semi.

Commissioner Rojas said that since a redemption center existed before without complaints, she felt they did not need to modify any of the conditions. Senior Planner Schaefer said that he did receive one complaint from a person who lives across the street but his concern was with vagrants hanging around. Commissioner Rojas asked if that was the only complaint received for all the years they were in operation. Senior Planner Schaefer said that was correct.

Chair Manley asked how many of these facilities were in the City. Senior Planner Schaefer said there used to be five and now this is the only one left other than Unicorn Metals. Chair Manley asked if staff recalled if those other facilities had any conditions related to time restrictions for the container pick-ups. Senior Planner Schaefer said he didn't recall any specific conditions related to timing. Vice Chair Munoz asked if there is a general condition and if it does become a problem, how would that problem be addressed. Chair Manley asked what would the City do if they receive a complaint that a truck is coming in at 12:00 on a Saturday and blocking parking. Senior Planner Schaefer said the City has the authority to bring the project back to Commission for reconsideration for additional conditions of their CUP if it becomes a nuisance.

Commissioner Bernier asked if they could make changes to the conditions to make them less broad. Senior Planner Schaefer said the Commission could modify the conditions to include specific hours for the pick up of the containers. Commissioner Bernier said from her experience, markets are not supposed to have heavy utility trucks during certain hours. She assumed that they would comply with those regulations since the redemption center was there for many years but wondered if they should add wording to keep it in line with the noise ordinance.

Chair Manley said that based on there having been five centers before and only one complaint was received recently not related to a noise complaint, he felt comfortable leaving the conditions as is.

Commissioner Bernier said she was happy to hear that the operator runs a clean operation. Ms. Taylor said that they will even provide small buckets for people to get rid of their excess liquid and those buckets are disposed of every day after which the attendant mops up the area.

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 Rojas and seconded by Chair Manley, APPROVING RESOLUTION NO. 22-16 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-10 TO OPERATE A RECYCLING FACILITY AT 851 NORTH HARBOR 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, BERNIER, ROJAS
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

CONSIDERATION ITEMS

There were no consideration items.

COMMENTS FROM STAFF

Deputy Director Ramsland said that at the next meeting to be held on April 11, we would be swearing in new Planning Commissioners, doing the annual reorganization, and presenting a proclamation to former Commissioner Nigsarian.

COMMENTS FROM COMMISSIONERS

Chair Manley said he hoped that this was not Commissioner Rojas' last meeting.

ADJOURNMENT: 7:29 p.m.

Respectfully submitted,

Veronica Lopez,
Secretary