

THE MINUTES OF THE MEETING OF THE PLANNING
COMMISSION
OF THE CITY OF LA HABRA
June 27, 2022

CALL TO ORDER: Vice Chair Rojas 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 SURICH

PRESENT: COMMISSIONERS: BERNIER
MANLEY
ROJAS
SURICH

ABSENT: (EXCUSED) COMMISSIONERS: MUNOZ

OTHERS PRESENT: DIRECTOR: KIM
PLANNING MANAGER: LUI
ASSISTANT PLANNER: O'TOOLE
ACTING SECRETARY: D. LOPEZ
ASSISTANT CITY ATTORNEY: KEITH F. COLLINS

PUBLIC COMMENT

Vice Chair Rojas 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 Vice Chair explained the Consent Calendar procedures. She asked if there were any members of the public or any Commissioners that wished to have any item removed. Commissioner Manley requested two modifications to the Planning Commission Minutes of June 13, 2022. The minutes stated that Chair Manley called the meeting to order, but he was not present and the minutes should reflect Chair Munoz. Commissioner Manley also clarified that the consent calendar was approved by a 4-0 vote; however, with Commissioner Bernier abstaining, the minutes should have reflected a 3-0 vote.

Commissioner Surich moved the approval of the Consent Calendar, with the modifications presented by Commissioner Manley, and Commissioner Bernier seconded the motion. The motion passed 3-0, with Commissioner Manley abstaining.

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 June 13, 2022.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-07 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT

1000 SOUTH LESLIE STREET, SUITE D, AND MAKE A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF LA HABRA REGARDING THE RELATED DEVELOPMENT AGREEMENT 22-02.

2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-05 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 441 EAST IMPERIAL HIGHWAY, SUITE E, AND MAKE A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF LA HABRA REGARDING THE RELATED DEVELOPMENT AGREEMENT 22-01.
3. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-11 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 536 WEST MOUNTAIN VIEW AVENUE, SUITE B, AND MAKE A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF LA HABRA REGARDING THE RELATED DEVELOPMENT AGREEMENT 22-03.
4. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-13 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1721 EAST LAMBERT ROAD, SUITE A, AND MAKE A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF LA HABRA REGARDING THE RELATED DEVELOPMENT AGREEMENT 22-04.

Vice Chair Rojas, asked if any correspondence had been received in regards to the items. Acting Secretary D. Lopez said no correspondence had been received.

Planning Manager, Sonya Lui, introduced herself and presented the staff report on all four Public Hearing items. Planning Manager Lui, noted a typographical error on the draft development agreements under section 14.

Vice Chair Rojas asked if any of the Commissioners had any questions, specifically regarding Item No. 1. at 1000 Leslie Street for the business On Deck, LLC.

Commissioner Surich asked about the requirement for home delivery if someone placed an order to a business; Assistant City Attorney Collins, responded by stating that the code requires delivery to a physical address and a business address would work.

Commissioner Bernier asked a question to staff regarding the maximum number of CUPs that the City could approve for each type of cannabis business. Planning Manager Lui, responded by indicating that there is a cap of four distribution facilities, four testing facilities and four non-storefront retail facilities. Commissioner Bernier asked how many are there within the city. Planning Manager Lui indicated that there are three distribution facilities and asked planning staff if a map had been prepared showing the locations. Acting Secretary D. Lopez responded that such map was not available.

Commissioner Bernier asked if the proposed projects will go over the caps that are allowed. Planning Manager Lui responded no, that the projects will not exceed the cap.

Commissioner Manley asked if Item No. 1 was operating as Canna America. Planning Manager Lui, indicated that that was correct, and On Deck Delivery. Commissioner Manley asked of the four that are being considered, if it was the only one of the four that is currently

operating a distribution business. Planning Manager Lui responded that JP 420 also has an existing distribution business. Commissioner Manley, asked if there have been any police department calls for service since they have been in operation. Planning Manager Lui indicated that they have been in good standing. Commissioner Manley, asked for details related to the armed guards. Director Kim indicated that they will be submitting a safety plan to be reviewed by the Police Department and the Director of Community and Economic Development.

Commissioner Manley asked about past conversations related to operating distribution from within the city, but not delivering within the city. Assistant City Attorney Collins, said that not too recently the law was such that cities could prohibit deliveries into their jurisdictions. The law was recently changed to prohibit a city from banning deliveries into their jurisdiction. Commissioner Manley, asked when the law changed with Assistant City Attorney Collins, responding, within the last two years.

Vice Chair Rojas asked if On Deck is the same operator, but two different businesses. Planning Manager Lui said that they are in the same building next to each other. Commissioner Bernier asked if it was the same for the Mountain View location; two businesses, with different names. Planning Manager Lui said that was correct; one is Suite A and there other is Suite B. Vice Chair Rojas asked if JP 420 was an expansion of an existing business. Planning Manager Lui said that there are two separate agreements, one storefront, one distribution, same operator, next to each other.

Vice Chair Rojas asked if any of the Commissioners had any questions on Item No. 2. There were none.

Vice Chair Rojas asked if any of the Commissioners had any questions on Item No. 3. There were none.

Vice Chair Rojas asked if any of the Commissioners had any questions on Item No. 4. Commissioner Surich asked about the location of the mobile home park and if it was Lake Park La Habra on Palm. Planning Manager Lui said yes and followed up by saying that they all fall outside of the distance requirement.

Commissioner Bernier asked if there were any other distribution facilities close to a school in the city. Director Kim, said that all of the distribution facilities that have been approved in the city meet the city's distancing requirements and all of the non-storefront retail businesses that are proposed meet the city's distancing requirements.

The Vice Chair opened the public hearing on Item No. 1 at 1000 South Leslie Street, Suite D, and asked if there was anyone in the audience to speak in favor of the proposed project.

Dana Cisneros addressed the Commission as a representative on behalf of On Deck. She was thankful for the citizens of La Habra for the passing of Measure W by 67.5 percent. She mentioned Mayor Medrano and his position on cannabis and how he has recognized On Deck for its contributions to the community, and said that he is opposed to cannabis but greatly respects the work of Canna America. She mentioned a plaque from the Mayor. Ms. Cisneros clarified that all cannabis licensed premises must be an area of "limited access" which means that every person must sign in and must be either an invitee or a vendor or someone that works there. She said that the police department has access to the security

cameras and mentioned a strong relationship with the police department and to her knowledge, there has not been any calls for service. She said that Canna America the sister company is 100 percent owned by Tony DeSimone who was raised here and provided family history and community service involvement including the Citrus Fair and Meals on Wheels.

Ms. Cisneros spoke about the delivery question that was asked and referenced the case the County of Santa Cruz versus the Bureau of Cannabis Control regarding deliveries. She talked about the site plan, and that there have not been any incidents in the area. She also said that the requirement regarding the armed guard was a statute required by La Habra law and that they will comply. She said that they have executed a labor peace keeping agreement with the United Food and Commercial Workers and spoke about financial service companies that are FDIC insured banks and electronic payments. She said that they are one of three distributors located in the city and said the reason for separate businesses or separate names with the same operator is for taxes and exit strategy. She said that Tony DeSimone is 100 percent owner of both and apologized for Tony's absence.

Commissioner Surich asked about the guard and the hours of operation. Ms. Cisneros said that the guard is onsite 24/7. Commissioner Bernier asked about the businesses' volunteer work at the Citrus Fair and asked if it was part of the volunteer hours in the agreement. Ms. Cisneros said that the Development Agreement included volunteer hours and expressed the importance of community involvement.

Commissioner Bernier requested the addition of volunteer hours into the agreement. Ms. Cisneros said that the city has changed the community benefits and said that they have contributed \$65,000.00 to the city in line with the Development Agreement and now the city has requested a 0.5 percent payment to use and distribute as needed in addition to the tax.

Director Kim explained that for the non-storefront retail businesses, staff had standardized the proposed development agreements to include a standard financial contribution for all four businesses rather than the negotiated community benefits that were in the distribution development agreements.

Commissioner Bernier asked for clarification on the distribution percentage, hours per month and yearly payment. Director Kim, said that there are two separate development agreements, one suite, which is the distribution will be doing what was allowed under the previous development agreement and the new suite, the non-storefront retail business, will be subject to the conditions that are in the development agreement before the commission.

Ms. Cisneros spoke about the revisions made to the distribution development agreement to reflect the approved tax percentages and that these changes did not replace the community benefits provision. Commissioner Bernier, asked if they knew Council Member Medrano personally. Ms. Cisneros, said no. She said that he has been vocal about his opposition. She said that after the passing of Measure W, he respects the will of the voters and that there is no personal connection.

The Vice Chair then asked if there was anyone wishing to speak in opposition of the project.

James Turner, 421 East Parkwood Ave., said that he was directly south of two of the proposed cannabis locations. Vice Chair Rojas asked if he was near 1000 Leslie. Mr. Turner said that he was only aware of the proposal at 441 Imperial Highway and he just found out

that there were three more proposals. Mr. Turner then spoke about the clientele at pot stores in East and South LA. He spoke about his observations from his 22 years in the City. He spoke about the dilapidated building material warehouse on the corner now occupied by Kaiser and the strip club which was removed. He said that the City is trying to upgrade and noted the karaoke club remodel at Imperial and Beach. He said that there is a significant rise in homelessness in the vicinity and an increased disregard for the law in the neighborhood. He said that the City has taken steps forward and is now taking a step backward by adding the proposed four cannabis locations.

Ray Cerulli, 511 & 521 East Jamie Avenue, owner of Plastic Tops Inc. since 1979, spoke about concerns related to congestion and parking along Leslie Street. He was opposed to the activity in the neighborhood.

Russ Hansen, owner of the body shop next to 1000 Leslie Street spoke in opposition. He had concerns about the number of vehicles used for delivery, homelessness in the area, traffic and safety. He had questions about the retail portion and the number of deliveries per day. Planning Manager Lui, said that the proposed non-storefront business will not add to the distribution business. She said that up to 20 employees with 12 employees working varying shifts, with 6 employees would be onsite and 6 as delivery drivers. As for the number of truck trips, there can be up to 150 deliveries per day, but each delivery driver can handle multiple customer transactions. Assistant City Attorney Collins, addressed the Commission and said that the purpose of the public comment portion is to allow the public to direct comments to the Commission and if the Commission would like staff to answer the questions, it may be best to wait until all the comments have been made.

Sam Silva, 510 Jamie Avenue, stated that he also lives near the area and was opposed to the project. He had concerns about the activity in the neighborhood. He had concerns about congestion on Jamie Avenue, the homeless, theft and safety.

Daniel Siapin, 940 Leslie Street stated that he is longtime resident, has investments in La Habra, and is President of Precision Landscape on Leslie Street. He said they have seen people at night smoking and racing in the streets and he has family visit him in the office. He said that the business will bring in more crime. He is opposed to the project and said that if an employee or his family were harmed by someone in the cannabis establishment, he would hold that establishment, the Hoskin brothers, and La Habra liable. He said that that the City does not need those establishments and would like them to go to a different city.

The Vice Chair asked the applicant to offer a rebuttal.

Dana Cisneros addressed the Commission and said that there are cameras within and outside of the building to determine if there are any threats outside. She also said that the building has a sally port inside the building to receive the product. Ms. Cisneros, said that former District Attorney, Tony Rackauckas confirmed that crime is reduced when cannabis businesses enter into a community based on the investment dollars put into the facility and that safety is of the utmost importance. She also asked if anyone would like to meet with Mr. DeSimone regarding safety.

The Vice Chair closed the public hearing and asked for discussion or a motion.

Commissioner Bernier said that she is the only Commissioner that lives in the area and is not happy with any of the projects or agreements. She stated that she had concerns about the percentages of financial contribution in the development agreement and the delivery style. She stated that she has been on the Planning Commission for six years and was absolutely against the project. She finished by saying that her answer was going to be a no.

Vice Chair Rojas, said that she was empathetic to the concerns and also understands that the law was passed and if they are meeting the guidelines and they are following the agreement and have been in operation for a year with no incidents, it is difficult not allow a business to operate.

Commissioner Manley, asked staff for a summary of Measure W. Assistant City Attorney Collins, said that Measure W was a Council sponsored initiative that put the question of whether the City should allow non-storefront retail businesses within the City and whether or not to increase the cap. He said that there was a companion question on the same ballot that allowed the City Council to adopt an ordinance to impose a tax and that the voters approved both of the questions.

The Vice Chair asked for a motion.

Moved by Vice Chair Rojas and seconded by Commissioner Surich, Approving Resolution No. 22-24 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-07 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1000 SOUTH LESLIE STREET, SUITE D, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Assistant City Attorney Collins, recommended a voice vote for the record.

The roll call vote was as follows:

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

The motion failed with a 2-2 vote.

Director Kim asked for an action on the Development Agreement.

Moved by Vice Chair Rojas and seconded by Commissioner Surich, Approving Resolution No. 22-25 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT 22-02 BETWEEN THE CITY OF LA HABRA AND ON DECK DELIVERY, LLC, FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1000 SOUTH LESLIE STREET, SUITE D, AS PER ATTACHMENT "A".

The roll call vote was as follows:

AYES: COMMISSIONERS: ROJAS, SURICH
NOES: COMMISSIONERS: MANLEY, BERNIER

ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: MUNOZ

The motion failed with a 2-2 vote.

The Vice Chair opened the public hearing on Item No. 2 at 441 East Imperial Highway, Suite E, and asked if there was anyone in the audience to speak in favor of the proposed project.

Chad Wanke, with Orbis Public Affairs, addressed the Commission. He said that the project meets all of the City requirements. He said that there are six lanes on Imperial Highway, a drainage ditch and a very high wall, as an extensive setback from the residential neighborhood. He also said that they would have a community outreach officer available and clarified that the proposal is for non-storefront retail delivery with no patrons and just staff. He stated that the only vehicle traffic would be for two shifts and delivery drivers; product will be loaded into the vehicle within a sally port; and, that the security provided by the applicant will meet all legal requirements.

Commissioner Manley asked about access to the property through Imperial Highway or Leslie Street. Mr. Wanke said that the parcel has access to both. Commissioner Manley asked about the deliveries and the flow of traffic. Mr. Wanke said that it would be easier for the delivery drivers to use Imperial Highway and not use Leslie Street. Commissioner Manley asked if the operator anticipated traffic north on Leslie Street. Mr. Wanke said that they are on the corner and that it would be less convenient for the drivers. Commissioner Manley, asked for the business address and asked for clarification on the location of the building. Mr. Wanke, provided an explanation on the suite location. Commissioner Manley, asked about the ingress and egress through Imperial. Mr. Wanke, said that there is no requirement from the City and will be a personal preference. Commissioner Manley, asked staff if there is a direction for deliveries. Planning Manager Lui, said that there is no requirement in the agreement.

Commissioner Manley asked for a description of the delivery vehicles. Mr. Wanke said they will be nondescript passenger vehicles and deliveries from distributors that will use box trucks. Mr. Wanke said that the packages are sealed, prepackaged, barcoded and tracked.

The Vice Chair then asked if there was anyone wishing to speak in opposition of the project.

Ray Cerulli, 511 & 521 East Jamie Avenue, spoke about the traffic congestion on Imperial Highway and Leslie Street and about the number of vehicles entering the auto center on a continuous basis.

Sam Silva, 510 Jamie Avenue, spoke about accidents that have occurred and about the congestion within the center.

James Turner, 421 East Parkwood Avenue, spoke about the amount of deliveries per day on Leslie Street. He also talked about the number of vehicles on Leslie Street from the businesses in the area.

The Vice Chair asked the applicant to offer a rebuttal.

Chad Wanke said that they will have six to seven drivers and will not have 168 vehicles or big rigs. Therefore, traffic will be minor. He said that it's a legal business under State Law and under City Law and spoke about other delivery type businesses. He spoke about a presentation from the police department of the City of Westminster and how crime near a dispensary was found to be reduced by one percent due to the high security.

The Vice Chair closed the public hearing and asked for discussion or a motion.

Commissioner Manley asked staff about the need for a parking study associated with the CUPs. Planning Manager Lui clarified that the anticipated number of delivery transactions that can range up to 150 a day. Commissioner Manley asked if that was a projection from the applicant and if that were to triple unexpectedly. Planning Manager Lui spoke about the number of drivers and multiple deliveries. Commissioner Manley asked if there was anything prohibitive in the CUP that would prevent the projections from swelling and if a modification to the CUP would be needed. Planning Manager Lui said that the Conditional Use Permit would be monitored regularly and should it become an issue in the future, the CUP could be revisited.

Commissioner Manley was appreciative of the public voicing their concerns and asked what the public or the community can do in the case where there is an increase in deliveries. Planning Manager Lui said that the applicants need to follow their conditions of approval and if they were not in compliance that would be just cause to re-evaluate the approval and possible revocation. Assistant City Attorney Collins said that a revocation of a CUP is a public hearing process, conducted at a hearing with the City Council. He also advised that if the CUP does not include a cap on the number of deliveries, it would be difficult for the city to impose any enforcement.

Planning Manager Lui clarified the number of deliveries and the number of vehicle trips.

Commissioner Manley asked if there was anything in the CUP that speaks to time of delivery, for product coming in. Commissioner Bernier tried to clarify the question if deliveries are all day long. Commissioner Manley asked if delivery of merchandise to the facility occurred from 6:00 a.m. to 10:00 p.m. and if there were any conditions the limited the hours. Planning Manager Lui asked the applicant to answer the question. Chad Wanke said that between eight to ten times a week for incoming delivery of product to the facility and the operating hours of 6:00 a.m. to 10:00 p.m. is when all activity would be taking place.

Commissioner Manley asked if the eight to ten deliveries a week are in the CUP and asked the applicant if he knew what time the deliveries would be made. Mr. Wanke said that it would depend on the company that is doing the deliveries. Commissioner Manley asked if the deliveries would be coming from the same distributor. Mr. Wanke said that they would be from a legal licensed distributor and probably have one distribution company. Mr. Wanke said that the goal is to have each driver make more deliveries.

Planning Manager Lui said that condition number 63 specified the hours of operation for all activities were from 6:00 a.m. to 10:00 p.m.

The Vice Chair asked for discussion or a motion.

Moved by Vice Chair Rojas and seconded by Commissioner Surich, Approving Resolution No. 22-26 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-05 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 441 EAST IMPERIAL HIGHWAY, SUITE E, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

The motion passed with a 3-1 vote.

The Vice Chair asked for a motion on the Development Agreement.

Moved by Commissioner Surich and seconded by Vice Chair Rojas, Approving Resolution No. 22-27 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT 22-01 BETWEEN THE CITY OF LA HABRA AND ON ESSENTIAL ROOTS LA HABRA, LLC, FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 441 EAST IMPERIAL HIGHWAY, SUITE E, AS PER ATTACHMENT "A".

The roll call vote was as follows:

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

The motion passed with a 3-1 vote.

The Vice Chair opened the public hearing on Item No. 3 at 536 West Mountain View Avenue, Suite B, and asked if there was anyone in the audience to speak in favor of the proposed project.

Jacob Poozhikala, owner of JP 420, Pinnacle Wellness Group, and a City resident, addressed the Commission. He spoke about deliveries, vehicle traffic and about retail businesses. He said that to be efficient, they will bring distributors at the same time to save on labor. He said that he is looking forward to being part of the community.

Vice Chair Rojas, asked if he was currently in business and if he was expanding. Mr. Poozhikala said that he has a distribution business and that the State requires a separate unit for every license type.

The Vice Chair then asked if there was anyone wishing to speak in opposition of the project.

Robert Enriquez, 528 South Walnut Street and 421 West Mountain View spoke in opposition to the cannabis dispensary. He talked about the loud stereos, vehicle exhaust and loud music in the neighborhood. Mr. Enriquez talked about a dispensary in the City of Orange and about security concerns. He talked about concerns with parking and impacts on the environment. He asked where the employees will park.

The Vice Chair asked the applicant to offer a rebuttal.

Jacob Poozhikala said that he wants to work with the community and that they have the required parking on the side and within the interior of the building within unit A and unit B. He also said that they plan on using electric vehicles to address the environmental issue.

The Vice Chair closed the public hearing and asked for discussion or a motion.

Commissioner Bernier spoke about the parking issues in the area.

Commissioner Manley asked for the zoning on Mountain View. Planning Manager Lui, said it was M-1 zone with a PUD overlay. Commissioner Manley asked for the zoning for the area east of Walnut Street, north of Lambert Avenue. He asked if it was R-4 and whether there is anything prohibitive in the law about the distance of the use from residential. He also asked if the law distinguishes the types of businesses. Assistant City Attorney Collins said that there is no buffer or spacing requirement in the State Law for residential uses, neither a buffer or a spacing requirement in the City's Code. He also said that the City's Code does have some spacing requirements for specific sensitive uses.

Vice Chair Rojas stated that she was respectful of business owner following City and State regulations and made a motion.

Moved by Vice Chair Rojas and seconded by Commissioner Surich, Approving Resolution No. 22-28 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-11 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 536 WEST MOUNTAIN VIEW AVENUE, SUITE B, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

The motion passed, 3-1 vote.

The Vice Chair asked for a motion on the Development Agreement.

Moved by Commissioner Surich and seconded by Vice Chair Rojas, Approving Resolution No. 22-29 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT 22-03 BETWEEN THE CITY OF LA HABRA

AND JP 420, LLC, FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 536 WEST MOUNTAIN VIEW AVENUE, SUITE B, AS PER ATTACHMENT "A".

The roll call vote was as follows:

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

The motion passed, 3-1 vote.

The Vice Chair opened the public hearing on Item No. 4 at 1721 East Lambert Road, Suite A and asked if there was anyone in the audience to speak in favor of the proposed project.

Cyrus Pai, Director of Development for Shryne Group, LLC, addressed the Commission. He said that the Shryne Group is based in Los Angeles and have been operating non-storefront retail businesses since February 2020, operating out of LA. He said that they have spent time looking for the right location in an industrial neighborhood and not near any residential. He said that they have two to three deliveries per week via sprinter vans. He talked about the delivery business using the ice cream truck model using secure pelican boxes with codes.

Frank Sanchez, representative for Shryne Group, LLC, spoke about the deliveries and how the trucks are loaded in the morning per State compliance and deployed to different parts of the City. He said that the drivers in La Habra would be limited. Commissioner Manley, asked if the orders are filled quickly and if the orders are taken in real time. Mr. Pai said yes to the procedures for taking orders in real time.

Vice Chair Rojas asked where the drivers go in the meantime. Mr. Sanchez said that they are deployed in safe areas such as police departments waiting for a call. Commissioner Manley asked about the orders and tracking. Mr. Sanchez said that the operators track all the packages. Commissioner Manley asked if they are operating in downtown LA. Mr. Sanchez said yes, and from Jurupa Valley. Commissioner Manley asked how long have they been operating from both locations. Mr. Sanchez said since February 2020 from LA and from Jurupa Valley since the summer of 2021.

Commissioner Manley asked if they saw any security problems or issues. Mr. Sanchez said that within their LA model, they have identified neighborhoods that they will not deliver due to the safety of their drivers. Commissioner Manley asked if that was legal. Assistant City Attorney Collins, said that a business has the right to refuse service.

Vice Chair Rojas asked for the number of car trips on average to the facility. Mr. Sanchez said that they will have 45 possible employees, with 10-15 cars on the road. He talked about the drivers and said that they will implement safety measures.

Commissioner Manley, asked if they are operating any business at the location. Cyrus Pai, said no. Commissioner Manley, asked about the two to three deliveries a week. Mr. Pai, said that is what they are anticipating based on product demand. Mr. Sanchez, said that they have a warehouse in downtown LA limiting the deliveries and also as safety measure.

Commissioner Manley, asked about the downtown operations. Mr. Sanchez, said that their distribution center services their retail stores.

The Vice Chair then asked if there was anyone wishing to speak in opposition of the project. There was none.

The Vice Chair closed the public hearing and asked for discussion or a motion.

Commissioner Bernier said that they have an EMS model and to be aware of the school in the area. Frank Sanchez, said that they are aware and that they have mitigation factors that are used in other buildings.

Commissioner Manley said that he is not a big advocate for cannabis and of all the locations discussed, the proposed location makes the most sense and said that they picked a good location.

Vice Chair Rojas agreed about the location and appreciated the time spent by the business to be a good neighbor.

Moved by Vice Chair Rojas and seconded by Commissioner Surich, Approving Resolution No. 22-30 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-13 FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1721 EAST LAMBERT ROAD, SUITE A, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

The motion passed, 3-1 vote.

Moved by Vice Chair Rojas and seconded by Commissioner Surich, Approving Resolution No. 22-31 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT 22-04 BETWEEN THE CITY OF LA HABRA AND SHRYNE LA HABRA, LLC (DBA BLAZE), FOR A NON-STOREFRONT RETAIL CANNABIS BUSINESS AT 1721 EAST LAMBERT ROAD, SUITE A, AS PER ATTACHMENT "A".

The roll call vote was as follows:

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

The motion passed, 3-1 vote.

COMMENTS FROM STAFF

Director Kim introduced Assistant City Attorney, Keith Collins and Assistant Planner, Michael O'Toole and asked to adjourn to the second meeting in July.

Vice Chair Rojas, welcomed them both.

COMMENTS FROM COMMISSIONERS

Commissioner Surich reminded staff about the fourth of July celebration event.

Commissioner Bernier said that they will attend and talked about the past projects and the difficult meeting.

Commissioner Manley talked to Michael and said that this has been the shortest meeting held in a long time and welcomed him and Keith.

Vice Chair Rojas thanked everyone for their patience and said she will attend the fourth of July celebration with her family and adjourned the meeting to Monday, July 25, 2022.

ADJOURNMENT: 9:04 p.m.

Respectfully submitted,

David Lopez,
Acting Secretary