

THE MINUTES OF THE SPECIAL MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
August 1, 2019

ROLL CALL:

PRESENT: COMMISSIONERS: MANLEY, POWELL, NIGSARIAN, BERNIER

ABSENT: COMMISSIONERS: FERNANDEZ

OTHERS PRESENT:

DIR. OF COMM. DEV.: HO
DEP. DIR. OF COMM. DEV.: JARAMILLO
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: LOPEZ
PLANNING COMMISSION SECRETARY: HENDERSON

The special meeting of the Planning Commission of the City of La Habra was called to order at 6:30 p.m. in the Council Chambers. The flag salute was led by Commissioner Manley.

CONSENT CALENDAR

The Chair explained the Consent Calendar procedures to the audience. She called attention to the speaker's cards, which were to be filled out by a person wishing to speak on any item before the Commission and to be left on the lectern. She asked if there were any members of the audience or the Commission that wished any of the items removed. There were no requests for any items to be removed.

MOVED BY Commissioner Nigsarian, seconded by Commissioner Powell, (Commissioner Manley abstained) and CARRIED UNANIMOUSLY TO APPROVE THE CONSENT CALENDAR ITEM AS FOLLOW:

- a. Approval of the minutes of the Planning Commission meeting of July 8, 2019.

PUBLIC HEARING

- a. Request for Mitigated Negative Declaration of Environmental Impacts 19-01 for the Vista Grande Park Improvement Project.

Senior Planner Schaefer presented the staff report to the Commission.

Commissioner Powell asked if parking, as designed, is enough to sustain the park. Senior Planner Schaefer deferred questions to the City Principal Engineer Cesar Rangel and City Consultant Marc Blodgett.

Principal Engineer Cesar Rangel approached the podium to address questions from the Commissioners. Engineer Rangel stated that the proposed parking is sufficient.

Commissioner Powell then asked staff how the two proposed dog park areas would be designated. Engineer Rangel explained each area will be fenced and provided with separate gates. Each site will have signage to indicate one area is designated for small dogs and the other for large dogs.

Commissioner Powell referred to the scope of construction and asked staff what mitigation measures will be taken since this site was previously a landfill. Engineer Rangel explained that a new cap would be installed to address rainwater infiltration and that during the design phase they will consider if the existing methane remediation system needs to be expanded. Commissioner Powell referenced the methane recovery system and asked what was the anticipated amount of methane generated from the previous landfill. Engineer Rangel stated he didn't have the amount however, this would be monitored by the Orange County Health Agency and their analysis would determine the direction of on-going methane remediation.

Mr. Marc Blodgett, Blodgett/Baylosis Environmental Planning, came forward to address the Commissioner's questions. Mr. Blodgett explained there have been methane monitors on the site for several years and that they are to make repairs or upgrades, as needed. He stated there are two agencies that have oversight of these improvements, which are Cal Recycle and the South Coast Air Quality Management District.

Commissioner Powell asked about the noted scope of the construction, landfill, excavation and grading. Mr. Blodgett provided a brief explanation of the proposed mitigations measures and construction process.

Commissioner Manley asked staff if there was any consideration given to a reduction of parking or if it is necessary to maintain the proposed 97 parking spaces. Engineer Rangel responded that the parking would be sufficient for the proposed option.

Commissioner Manley asked if there was fencing for this site. Engineer Rangel explained there is no perimeter fencing for the park and the existing vehicle gate would remain on Las Lomas Drive for vehicles entering and exiting the site.

Chair Bernier asked about drainage of the site and requested clarification as to whether there will be storm water drainage into the Coyote Creek. Engineer Rangel stated drainage will be addressed during the design phase of the project and that the item before them is only a conceptual design.

Mr. Blodgett added that Coyote Creek is off limits and that no drainage will be permitted into Coyote Creek.

Commissioner Powell asked staff for clarification as to whether the item before them this evening is for applying for grant funds. Director Ho clarified that the item before them is to certify a Mitigated Negative Declaration with mitigation measures and that they are to consider adopting that document which would allow the city to apply for grant funding.

The Chair then opened the public hearing and asked if there were any speakers in favor of the request.

Mr. Jess Badillo, 1231 Lorawood Street, La Habra, California came forward to address the Commission. Mr. Badillo commented that he attended all but one community meeting for resident's input and did not attend the City Council meeting where the park was discussed. He stated that his requested features within the proposed park do not appear to be included within the report presented this evening. He added that in his conversations with residents in the area, there was a desire for a baseball park. He said that they were told a baseball park was not possible there due to the land sinking. Mr. Badillo stated the request was not for an organized baseball field but an open space similar to one at Rosecrans in Buena Park, which is designated as an open field for

kids to play. He continued that not everyone can afford to pay for organized sports and this would provide them that space. He stated that this is the last land to be developed and the last opportunity to develop a park for kids for free play.

Director Ho stated that the Commissioner's role tonight is not to approve or deny the design of the park but to review the environmental impacts. Based on the analysis conducted, staff has recommended that the project will not create a significant impact and the Commission's action is to certify the report, which will then be submitted as part of a grant application.

Commissioner Manley stated he appreciated Mr. Badillo's involvement and support and felt it was important to have people like him within the community.

There being no further speakers, in favor or in opposition, the Chair closed the public hearing.

The Chair then asked for a motion.

Moved by Commissioner Manley, seconded by Commissioner Nigsarian, APPROVING RESOLUTION NO. 19-19 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 19-01 FOR THE VISTA GRANDE PARK IMPROVEMENT PROJECT SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE STATEMENT OF FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B".

The roll call vote was as follows:

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

b. Consideration of a request for Conditional Use Permit 19-11 for a restaurant and Conditional Use Permit 19-12 for an ABC Type 41 alcoholic beverage license in conjunction with a restaurant at 1450 South Harbor Boulevard; consideration of Conditional Use Permit 19-16 for a restaurant at 1452 South Harbor Boulevard; consideration of Conditional Use Permit 19-13 for a restaurant and Conditional Use Permit 19-14 for an ABC Type 41 alcoholic beverage license in conjunction with a restaurant at 1454 South Harbor Boulevard; and consideration of Conditional Use Permit 19-15 for a restaurant at 1456 South Harbor Boulevard.

Associate Planner Lopez presented the staff report to the Commission.

Commissioner Powell referred to the parking issue and asked if there was empirical data to suggest that use of Uber Eats and the off-site food delivery allows for the reduced on-site parking. Associate Planner Lopez deferred the question to the City's traffic consultant.

Mr. Alex Tabrizi, AK Engineering/City Traffic Consultant came forward to address the Commission. Mr. Tabrizi stated that they made this determination for a parking reduction by using information provided by the restaurant applicants at their other locations. Based off their data from the other restaurant locations, they stated that 40% of their business was food deliveries via rideshare services such as Uber Eats. He further stated that he has information for restaurants with bars, not located in La Habra, where 60% of the business is conducted via Uber Eats and other rideshare services. But that they selected to use the 20% amount to be conservative.

Commissioner Powell asked if the information on the Uber delivery concept is 24 months old and whether the empirical data for this time period supported a 40% reduction. Mr. Tabrizi stated that the information they used is based on the numbers from the applicant and deferred further questions to the applicant.

Commissioner Powell then asked Mr. Tabrizi regarding the study as to whether they considered the type of restaurant or if they looked at the location of the restaurant where there is a higher population, such as one in downtown Los Angeles. Mr. Tabrizi deferred the questions to the applicant.

Mr. BJ Kim, 10200 Sepulveda Blvd. #290, Mission Hills, California came forward to address the Commission. Mr. Kim responded to Commissioner Powell's question regarding Uber Eats services and that the data that was used is specific to the operator and provided a brief explanation of the current trend for restaurants. He added that the parking study was conservative by using only 20% of the business for off-site deliveries to support the parking reduction.

Chair Bernier expressed that it was their concern that the location is a high traffic area and that the parking is being reduced to below what the code requires. Mr. Kim responded that he understands this concern, which is why they proposed the use of a valet and the use of 60 parking stalls off-site.

Commissioner Nigsarian expressed concerns with the use of the St. Paul Church for parking.

Mr. David Ahn, 1460 South Harbor Boulevard, La Habra, came forward to address the Commission. Mr. Ahn explained that they acquired the parking agreement with the church property across the street to make sure there was enough parking for this hearing. He added that their goal is to acquire parking agreements with properties to the north and south and not use the location across the street. Mr. Ahn stated it was just a formality and do not foresee any issues obtaining parking agreements for the properties to the north and south and would abide by the conditions of approval. Additionally, he stated that they will have sufficient parking with the use of valet parking.

Commissioner Powell stated that the parking agreement could be placed as a condition of approval. Associate Planner Lopez noted Condition No. 3 addresses this issue.

Commissioner Powell then asked about the census tracts for the alcohol beverage control licenses as they included areas in other cities. Associate Planner Lopez provided a brief explanation.

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

There being no further speakers, in favor or in opposition, the Chair closed the public hearing.

The Chair asked for a motion.

Moved by Commissioner Nigsarian, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 19-20 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-11 TO OPERATE A RESTAURANT AT 1450 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: NIGSARIAN, POWELL, MANLEY, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: FERNANDEZ

Moved by Commissioner Nigsarian, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 19-21 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-12 FOR AN ON-SALE BEER AND WINE FOR A BONA FIDE PUBLIC EATING PLACE (ABC TYPE 41) LICENSE IN CONJUNCTION WITH A RESTAURANT AT 1450 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: NIGSARIAN, POWELL, MANLEY, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: FERNANDEZ

Moved by Commissioner Nigsarian, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 19-22 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-16 TO OPERATE A RESTAURANT AT 1452 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: NIGSARIAN, POWELL, MANLEY, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: FERNANDEZ

Moved by Commissioner Nigsarian, seconded by Commissioner Powell, APPROVING RESOLUTION NO. 19-23 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-13 TO OPERATE A RESTAURANT AT 1454 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: NIGSARIAN, POWELL, MANLEY, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: FERNANDEZ

Moved by Commissioner Powell, seconded by Commissioner Nigsarian, APPROVING RESOLUTION NO. 19-24 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-14 FOR AN ON-SALE BEER AND WINE FOR A BONA FIDE PUBLIC EATING PLACE (ABC TYPE 41) LICENSE IN CONJUNCTION WITH A RESTAURANT AT 1454 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: POWELL, NIGSARIAN, MANLEY, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: FERNANDEZ

Moved by Commissioner Powell, seconded by Commissioner Manley, APPROVING RESOLUTION NO. 19-25 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-15 TO OPERATE A RESTAURANT AT 1456 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: POWELL, MANLEY, NIGSARIAN, BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: FERNANDEZ

ADMINISTRATIVE ITEMS

Director Ho announced the Corn Festival is scheduled to be held August 2-4th. Additionally, he stated a plaque had been left on the dais for each of them and was a gift of appreciation from the Paragon Development Group to memorialize the City's partnership in the development of the shopping center for Trader Joe's.

COMMENTS FROM THE COMMISSIONERS

Commissioner Powell thanked staff for coordinating the grand opening event at Trader Joe's.

ADJOURNMENT: 7:34 p.m.

Respectfully submitted,

Carmen G. Henderson
Planning Commission Secretary