

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA HABRA

August 12, 2019

ROLL CALL:

PRESENT: COMMISSIONERS: MANLEY, POWELL, NIGSARIAN, FERNANDEZ

ABSENT COMMISSIONERS: BERNIER

OTHERS PRESENT:

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

The regular 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 Powell.

CONSENT CALENDAR

The Vice Chair explained the Consent Calendar procedures to the audience. He 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. He 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 Powell, seconded by Commissioner Nigsarian, (Vice Chairman Fernandez abstained) and CARRIED UNANIMOUSLY TO APPROVE THE CONSENT CALENDAR ITEM AS FOLLOW:

- a. Approval of the minutes of the Planning Commission meeting of August 1, 2019.

CONSIDERATION ITEMS

- a. Consideration of a request for Special Event Permit 19-02 to conduct a Large Special Event (pumpkin patch) at 777 South Beach Boulevard.

Associate Planner Lopez presented the staff report to the Commission.

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

Mr. Jay Eyler, applicant, came forward to address the Commission. Mr. Eyler thanked everyone for allowing him to do business in the City of La Habra for the past 22 years. He then asked about the new condition that had been added to his project for this year's event. He referred to the complaint received on his strawberry patch. He stated that as soon as he was made aware of the complaint he resolved the issue and even closed the strawberry patch early to not create a problem for his future events. He hopes there could be a compromise and didn't understand why it would affect his pumpkin patch. Mr. Eyler stated that he hasn't had a complaint and didn't understand

why Code Enforcement contacted the property owner instead of him. He added that he would have resolved the issue quickly. He added that he has a person from out of state who comes to take care of his site and expensive equipment. Mr. Eyler expressed this was a situation due to lack of communication and asked the Commissioners consider removing Condition No. 10 and hopes to continue his business.

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

Commissioner Powell asked staff to elaborate on the Code Enforcement complaint so he may understand better the situation. Associate Planner Lopez provided an explanation of the code and the nature of the complaint.

Commissioner Powell, asked if the complaint was received from residents in the area. Associate Planner Lopez responded it was an anonymous complaint.

Commissioner Powell commented that this function has been going on as long as he has been on the Commission. He asked staff if there has always been security housed in the area and has this always been allowed to occur. Associate Planner Lopez responded that in the past it was not discussed in detail as to how extensive 24-hour security is involved. He added that this was the first time that what is being conducted inside the trailer was examined. He added that due to this complaint the City will now ask further questions of all future events with on-site security to avoid similar complaints.

Commissioner Nigsarian stated it seemed to him that this event has been going on for such a long time with the pumpkin patch with no issues and that it would be reasonable for the applicant to have security. He added that he can see the City's vicarious liability but that the applicant has always had due diligence and would ask for there to be some compromise.

Director Ho stated the condition had been written for the security trailer for it to be uninhabitable and explained the complaint details of the strawberry patch. He added that staff felt there could be other methods to provide 24-hour security, but added that it is up to the Commissioner's discretion to allow for the trailer as proposed by staff or remove the condition. Director Ho suggested the applicant could be monitored for a year then re-evaluated. Commissioner Nigsarian expressed that option would be reasonable and deferred the consensus to the Commission.

Vice Chair Fernandez stated he would be in favor of removing the condition adding that there had not been any complaints with the pumpkin patch and this may have been an unfortunate situation with the strawberry patch. Commissioner Nigsarian concurred.

The Vice Chair asked for a motion.

Moved by Commissioner Nigsarian, seconded by Commissioner Manley, APPROVING RESOLUTION NO. 19-26 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING SPECIAL EVENT PERMIT 19-02 FOR A PUMPKIN PATCH AT 777 SOUTH BEACH BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS WITH THE REMOVAL OF CONDITION NO. 10.

The roll call vote was as follows:

AYES: COMMISSIONERS: NIGSARIAN, MANLEY, POWELL, FERNANDEZ  
NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BERNIER

ADJOURNMENT: 6:54 p.m.

Respectfully submitted,

Carmen G. Henderson  
Planning Commission Secretary