

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

June 27, 2016

ROLL CALL:

PRESENT: COMMISSIONERS: BERNIER, FERNANDEZ,  
HANDLER, POWELL

ABSENT: COMMISSIONERS: HOLTHOUSER (Excused)

OTHERS PRESENT:

DIR. OF COMM. DEV.: ANDREW HO  
PLANNING MANAGER: ROY RAMSLAND  
SENIOR PLANNER: CHRIS SCHAEFER  
ASSISTANT PLANNER: DAVID LOPEZ  
CITY ATTORNEY: KEITH COLLINS  
PLANNING COMMISSION SECRETARY: CARMEN 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 of the Administration Building. The flag salute was led by Commissioner Fernandez.

CONSENT CALENDAR

Chairman Powell explained the Consent Calendar procedure. He asked if any members of the audience or the Commission wished any items removed. There were none.

MOVED BY Commissioner Fernandez, seconded by Commissioner Bernier, AND CARRIED TO APPROVE THE CONSENT CALENDAR ITEMS AS FOLLOWS:

- a. Approval of the minutes of the Planning Commission of June 13, 2016.

CONTINUED PUBLIC HEARING

- a. Continued Public Hearing for consideration of requests for Conditional Use Permit 16-03 for a café, Conditional Use Permit 16-04 for a general off-sale alcohol license (ABC Type 21) and Design Review 16-05 for an addition to a commercial building and exterior façade and site upgrades to an existing retail shopping center at 1231-1357 and 1405-1465 West Whittier Boulevard.

Senior Planner Schaefer presented the staff report to the Commission.

Vice Chair Handler asked staff if the proposed outside patio will be secured at night and if there will be security cameras. Senior Planner Schaefer responded that it is not proposed to be secured but noted there will be a wall at the north side of the plaza which will prevent pedestrians accessing the patio from the loading area (north side) but

the south side will be open. He added that per city codes and project conditions, security cameras will be required to be installed before issuance of certificate of occupancy.

Vice Chair Handler then asked staff if there will be signage in the patio area that states there will be no alcohol consumption outside. Senior Planner Schaefer stated that one is not proposed, but that a condition can be added to that effect if the Commission wished.

Vice Chair Handler then referred to the switch back ADA ramps that are proposed to be removed and asked why the removal. He stated that, in his opinion, this would eliminate a class of potential customers whom are in wheel chairs. Senior Planner Schaefer stated that the applicant will need to comply with the ADA requirements and deferred further questions to the applicant's Architect to explain the proposed removal.

Chairman Powell asked if the cart wheels would employ a locking mechanism and if the perimeter would be at the boundary where the west side shops will be. Staff responded that was correct.

Chairman Powell asked if the requested liquor license does not allow for on-site consumption. Senior Planner Schaefer responded that was correct only for off-site sales.

Chairman Powell referred to Pad "D" which is currently vacant and asked if there is any proposal for a new occupant. Senior Planner Schaefer responded that the applicant's brokers are working on future tenants to occupy the empty storefronts.

Vice Chair Handler asked if the issue with the silo was ever resolved. Senior Planner Schaefer commented that staff will work with the applicant to develop architectural designs to screen it.

Commissioner Fernandez asked if the applicant is proposing to purchase the Petco property. Senior Planner Schaefer referred the question to the applicant.

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

Mr. Carl Middleton, representing Northgate Markets, 1201 North Magnolia, Anaheim, California came forward to address the Commission. Mr. Middleton stated they have worked closely with city staff and appreciated their assistance through the process. He added that they have worked out an amicable arrangement with the ICI Development Company to purchase the adjacent property in the future in hopes to make the La Habra Towne Center what it should be.

Mr. Miguel Gonzalez, owner of Northgate Markets, 1201 North Magnolia, Anaheim, California came forward to address the Commission. Mr. Gonzalez expressed that this project is a dream come true for him noting that he has ran the existing La Habra store for over 20 years. He added that he visits the store at least twice a week and constantly

is approached to inquire if he will improve the La Habra store the same as their Norwalk store which is nicer. Mr. Gonzalez stated that he believes their La Habra customers deserve a better store and are ready to make that happen. He further expressed he looks forward to providing a quality store for their customers.

Chairman Powell asked if they will provide shuttle service to the new location. Mr. Gonzalez responded they will and hope to provide a pickup area at the old location for those customers who do not have transportation.

Chairman Powell thanked Mr. Gonzalez for all he has done for the community and business in La Habra. Mr. Gonzalez stated he felt this was his town noting that he spends a more time in the city than any other place.

The Chair asked if there was anyone in the audience to speak in opposition to the request. There being no further speakers, in favor or in opposition, the Chair closed the public hearing.

Vice Chair Handler commented he continues to have questions regarding the removal of the switch back ramps and why the city will preclude allowing a whole class of potential customers to go to the facility. Planning Manager Ramsland explained that all of the ramps are not eliminated, but consolidated based on the applicant analysis that there are more than necessary. He suggested that the project architect come to podium to explain further.

Mr. John Le, Courtney & Le Architects, 801 S. Myrtle Ave., Monrovia, California came forward to address the Commission. Mr. Le referred to the site plan on display noting the locations of three existing switch back ramps. He stated that they wish to consolidate the three paths to one main location directly in front of the proposed Northgate Market. Mr. Le added that the main reason is the grade difference between the site and the sidewalk which is approximately 8 feet. Chairman Handler then asked if there will be a direct path of travel to the satellite buildings noting the code requires this. Mr. Le responded that if the center was designed today that he would be correct but with the existing center and layout that they will create the path of travel. Vice Chair Handler stated the he continues to question whether it meets code but will leave it up to the building official to make that determination.

Planning Manager Ramsland referred to the Commissions concerns of alcohol consumption in the proposed outside patio and recommended a modification to Standard Condition No. 7.2 The property owner shall not allow the consumption of any alcohol beverages on the premise *“and post signage to that effect notifying the customers of this requirement.”*

The Chair asked for a motion.

Moved by Commissioner Bernier, seconded by Vice Chair Handler, APPROVING RESOLUTION NO. 16-14 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 16-05

FOR EXTERIOR FAÇADE AND SITE UPGRADES INCLUDING CONSTRUCTION OF AN ADDITION TO A COMMERCIAL BUILDING FOR THE EXISTING RETAIL SHOPPING CENTER AT 1231-1357 AND 1405-1465 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, HANDLER, FERNANDEZ, POWELL  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOLTHOUSER

Moved by Commissioner Fernandez, seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 16-15 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-03 FOR A RESTAURANT IN CONJUNCTION WITH A MARKET AT 1305 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: FERNANDEZ, BERNIER, HANDLER, POWELL  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOLTHOUSER

Moved by Vice Chairman Handler, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 16-16 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-04 FOR THE SALE OF ALCOHOLIC BEVERAGES (LICENSE TYPE 21, OFF-SALE GENERAL) IN CONJUNCTION WITH A MARKET AT 1305 WEST WHITTIER BOULEVARD, MAKING THE APPROPRIATE FINDINGS INCLUDING PUBLIC CONVENIENCE OR NECESSITY, AND SUBJECT TO CONDITIONS AS PER THE APPROVED PLANS.

Modified Standard Condition No. 7.2 to read: "The property owner shall not allow the consumption of any alcohol beverages on the premise *and post signage to that effect notifying the customers of this requirement.*"

The roll call vote was as follows:

AYES: COMMISSIONERS: HANDLER, FERNANDEZ, BERNIER, POWELL  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOLTHOUSER

## PUBLIC HEARINGS

- a. Consideration of requests for Design Review 16-07 and Conditional Use Permit 16-01 to operate a fueling station at 1050 South Leslie Street.

Assistant Planner Lopez presented the staff report to the Commission.

Vice Chair Handler commented it appears that only one CNG (Compressed Natural Gas) dispenser will be provided for the public and asked what spill kit will be required. Assistant Planner Lopez explained there are two dispensers, one for city use of gas and diesel fuels located on west side of the wall and another dispenser located on the other side of the wall which is where the spill kit will be.

Vice Chair Handler asked if a trash receptacle will be available. Assistant Planner Lopez noted that the plan does not show one, but that the Commission could require the applicant to provide one.

Commissioner Fernandez noted the plans show a wrought iron fence but propose an 8 foot block wall and asked if that is a requirement. Assistant Planner Lopez stated it was trade off from the front landscape setback requirements which they will reduce the size but in turn they are building the 8 foot wall to screen the property from view.

Commissioner Bernier asked if the construction will occur at the same time as the Kaiser construction, expressing the potential for a lot of congestion in that area. Assistant Planner Lopez responded there is that possibility.

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

Mr. Ron Lebs, Assistant Superintendent for Business Services for the Fullerton Joint Union High School District, 1051 W. Bastanchury Rd., Fullerton, California came forward to address the Commission. Mr. Lebs commented that it is rare in their field of government to propose to do something that could possibly generate revenue. He stated this project will be a win-win situation in which they will be able to fuel their buses, the city will be able to fuel their fleet, and the La Habra City School District will be able to fuel their busses. Mr. Lebs stated this would be a benefit to the whole community and wished to thank the staff for their help in the process.

Chairman Powell commented that when reading the report that it seemed to him there was possibly an opportunity vocationally for students. He asked if there is any possibility or if classified employees will be hired. Mr. Lebs responded that at the moment they do not anticipate adding any staff and that the station will be unmanned and run 24/7 on a card lock. He added that the only public portion will be the CNG and that the wet fuels will be only for the districts and the city. Mr. Lebs stated that this site will not be a facility that is approved for students to receive instruction but that they had had some discussion about how to develop a marking plan and perhaps using the business

academy at the La Habra High School to help develop that in terms of reaching out to the community to get business.

Commissioner Fernandez asked Mr. Lebs to provide an explanation as to how the facility works in terms of the number of buses and how many of them are fueled by natural gas compared to normal fuel. Mr. Lebs provided a brief explanation for the Commission.

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

Planning Manager Ramsland referenced the question for trash cans and suggested Condition 1.18 could be modified if the Commission wished.

Vice Chair Handler commented that he doesn't know if the condition needs to be modified but only wanted to make sure that issue is looked at.

Moved by Commissioner Bernier, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 16-17 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-01 TO OPERATE A SERVICE STATION AT 1050 SOUTH LESLIE STREET, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, FERNANDEZ, HANDLER, POWELL  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOLTHOUSER

Moved by Commissioner Fernandez, seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 16-18 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 16-07 TO CONSTRUCT A SERVICE STATION AT 1050 SOUTH LESLIE STREET, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: FERNANDEZ, BERNIER, HANDLER, POWELL  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOLTHOUSER

b. Consideration of Amended and Restated Development Agreement 14-01 for a 335 unit apartment complex at 951-1055 South Beach Boulevard.

Planning Manager Ramsland presented the staff report to the Commission.

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

Mr. Trevor Boucher, representing the applicant Fairfield Development, came forward to address the Commission. Mr. Boucher thanked staff for their assistance and requested the Commissions favorable review.

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

Moved by Vice Chair Handler, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 16-19 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING AMMENDED AND RESTATED DEVELOPMENT AGREEMENT 14-01 BETWEEN THE CITY OF LA HABRA AND FARFIELD LA HABRA LLC FOR 951-1055 SOUTH BEACH BOULEVARD ATTACHED HERETO AS ATTACHMENT "A".

The roll call vote was as follows:

AYES: COMMISSIONERS: HANDLER, FERNANDEZ, BERNIER, POWELL  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: HOLTHOUSER

#### COMMENTS FROM THE COMMISSION

Vice Chair Handler reminded everyone of the upcoming 4<sup>th</sup> of July celebration at La Habra High School location.

ADJOURNMENT: 7:23 p.m.

Respectfully submitted,

Carmen G. Henderson  
Planning Commission Secretary