

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

August 22, 2016

ROLL CALL:

PRESENT: COMMISSIONERS: FERNANDEZ, HOLTHOUSER,  
HANDLER, POWELL

ABSENT: COMMISSIONERS: BERNIER (Excused)

OTHERS PRESENT:

DIR. OF COMM. DEV.:	ANDREW HO
PLANNING MANAGER:	ROY RAMSLAND
DEP. DIR. OF COMM. DEV.:	CARLOS JARAMILLO
SENIOR PLANNER:	CHRIS SCHAEFER
ASSISTANT PLANNER:	DAVID LOPEZ
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 Holthouser.

CONSENT CALENDAR

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

MOVED BY Vice Chair Handler, seconded by Commissioner Fernandez, (Commissioner Holthouser abstained) AND CARRIED TO APPROVE THE CONSENT CALENDAR ITEMS AS FOLLOWS:

- a. Approval of the minutes of the Planning Commission meeting of July 11, 2016.

CONTINUED PUBLIC HEARING

- a. Consideration of request for Modification 16-01 to Design Review 14-06 for a 32 unit multi-family residential development at 1220 and 1240 West La Habra Boulevard.

Commissioner Fernandez left the dais due to possible conflict of interest.

Assistant Planner Lopez presented the staff report to the Commission.

Commissioner Handler asked if there will be a Home Owners Association for the proposed development and how will the guest parking be handled. Assistant Planner Lopez responded there will be an HOA and stated that the project provides the code required guest parking. He added that staff had included an additional condition within the CC & R's that require the HOA to mitigate any issues.

Commissioner Holthouser also expressed concerns for the parking to be enforced so there will not be parking issues with the surrounding neighborhood.

Commissioner Handler referred to floor plans which noted that "den" space is not counted as part of parking spaces which at no time can be converted to bedrooms. He asked staff if that was correct. Assistant Planner Lopez responded that was correct.

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

Mr. John Scull, D.R. Horton representing the applicant, 535 N. Brand Blvd., Suite #900, Glendale, California came forward to address the Commission. Mr. Scull referred to Condition No. 32 which required Public Art Fee, and respectfully requested the condition be removed. He added that that they do not understand the City's method for calculation of the fees and asked for an explanation. He also stated the proposed fee was never previously discussed and that it is his understanding the City will be exploring public art ordinance but did not believe the fee is currently in effect.

Director of Community Development Ho stated that City Staff is preparing to present to City Council a Public Art Ordinance which is modeled after surrounding cities Brea, La Mirada, City of Whittier and others. He provided further explanation of the proposed ordinance and fee calculation. Director Ho stated that the fee amount, in his opinion, is appropriate for the project.

Vice Chair Handler asked staff if the fee is imposed if the applicant would be able to appeal it to the City Council. Director Ho responded that to be correct.

Mr. Scull commented that they would not wish to appeal to the City Council and noted that the original Tentative Tract Map did not have this condition of approval. He added that the actual Public Art fee is not part of the current fee structure. He requested the Commission take this into consideration.

The Chair then asked if there was anyone in the audience to speak in opposition of the project. There were none. The Chair then closed the public hearing.

Moved by Vice Chair Handler, seconded by Commissioner Holthouser, APPROVING RESOLUTION NO. 16-23 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING MODIFICATION 16-01 TO DESIGN REVIEW 14-06 FOR A 32 UNIT MULTI-FAMILY RESIDENTIAL

DEVELOPMENT AT 1220 AND 1240 WEST LA HABRA BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

Commissioner Fernandez returned to the dais.

#### PUBLIC HEARING

a. Request for Conditional Use Permit 16-09 for a restaurant at 1360 South Beach Boulevard, Suite C.

Senior Planner Schaefer 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. There were none. There being no speakers, in favor or in opposition, the Chair then closed the public hearing.

The Chairman asked for a motion.

Moved by Commissioner Holthouser, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 16-24 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-09 FOR A RESTAURANT AT 1360 SOUTH BEACH BOULEVARD, SUITE C, MAKING THE APPROPRIATE FINDINGS AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

b. Consideration of Conditional Use Permit 16-07 for the operation of a commercial school at 2430 West Whittier Boulevard.

Assistant Planner Lopez 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. Fortunato Dumpit, applicant, 924 S. Oakcrest Street, Anaheim, California came forward to address the Commission. Mr. Dumpit provided a brief explanation of their business plan and asked for the Commissioners favorable consideration.

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

Vice Chairman Handler suggested to the applicant that he contact the Chamber of Commerce for possible student recruitment.

Moved by Commissioner Fernandez, seconded by Commissioner Holthouser, APPROVING RESOLUTION NO. 16-25 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-07 TO OPERATE A COMMERCIAL SCHOOL AT 2430 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

#### ADMINISTRATIVE ITEMS

Planning Manager Ramsland informed the Commissioners that for the next agenda they will be receiving the agenda packet materials through the new iPad adding there is still discussion on delivery methods.

#### COMMENTS FROM THE COMMISSION

Chairman Powell thanked Director Ho for his explaining of Public Art Fee calculation.

ADJOURNMENT: 7:10 p.m.

Respectfully submitted,

Carmen G. Henderson  
Planning Commission Secretary