

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

November 14, 2016

ROLL CALL:

PRESENT: COMMISSIONERS: BERNIER, FERNANDEZ, HOLTHOUSER,
HANDLER

ABSENT: COMMISSIONERS: POWELL (Excused)

OTHERS PRESENT:

DIR. OF COMM. DEV.: HO
DEP. DIR. OF COMM. DEV.: JARAMILLO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
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 of the Administration Building. The flag salute was led by Commissioner Fernandez. Vice Chairman Handler announced that Chairman Powell had an excused absence.

CONSENT CALENDAR

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

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

- a. Approval of the minutes of the Planning Commission meeting of October 24, 2016.

PUBLIC HEARING

- a. Request for Mitigated Negative Declaration of Environmental Impacts 16-01, Planned Unit Development 16-01 for a grocery store, Conditional Use Permit 16-02 for off-sale beer and wine (ABC Type 20), and Conditional Use Permit 16-08 for a 24-foot tall freestanding sign at 951-1001 East Imperial Highway.

Senior Planner Schaefer presented the staff report to the Commission and provided a detailed explanation of conditions that have been modified or removed as a result of conversations with the developer and City Engineer since the release of the staff report.

Mr. Schaefer indicated that Standard Condition 1.21, and Project Specific Condition 3 had been modified and Project Specific Condition 4, 7, and 23 had been removed from the Planned Unit Development 16-01 resolution. Mr. Schaefer also indicated the developer wished the condition regarding public art and tree landscape up lighting be removed but staff was not willing to do so given these have been conditions placed on projects for the past year.

Commissioner Holthouser asked staff about truck delivery access and timing. Senior Planner Schaefer stated delivery hours had been established and conditioned in mitigation measures 16.6 (large truck deliveries should be limited to between the hours of 9:00 p.m. to 6:00 a.m., Monday through Sunday).

Commissioner Fernandez asked staff to explain the public art condition. Senior Planner Schaefer explained the condition had been created approximately a year ago to implement policies of the La Habra General Plan. He added that the condition has been placed on other projects; most recently on the Kaiser project. He noted the applicant has requested to reduce the amount from the one percent of the total project value to a payment of \$5,000 in lieu of fee.

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

Mr. Mick Meldrum, ICI Development Company representing Lake Union Investors, L.P., 2222 E. 17th Street, Santa Ana, California 92705 came forward to address the Commission. Mr. Meldrum requested the Commission's favorable consideration of their request including their request for modification to the conditions addressing public art and up lighting as previously noted by staff.

Commissioner Fernandez asked the applicant to explain their reason for the requested changes. Mr. Meldrum stated they were never made aware of the two conditions at any time during their application process which had been submitted over a year ago and therefore not included in their cost projections. Mr. Meldrum stated this would be a huge impact on their project because the costs associated with those improvements. In an effort of compromise, he has proposed an in lieu of fee of \$5,000 towards public art.

With regards to the condition requiring the installation of up lighting, Mr. Meldrum again expressed that this would be a substantial added cost to the project for both installation and maintenance. He stated he operates the Westridge shopping center that has up lighting but that it is only in the public areas such as the food court. He added that he does not see any other up lighting along Imperial Highway and that it was not required of them when they built the CVS building.

Commissioner Bernier asked staff when the condition was implemented. Senior Planner Schaefer stated that the condition had been used on other projects within the city for the past year. He commented that he was unsure of when these requirements were first discussed for this project.

Vice Chair Handler asked Mr. Meldrum if there will be other lighting on site. Mr. Meldrum stated there will be some architectural features added to the building that are not typical but which staff had requested to match the architecture features of the building.

Commissioner Fernandez referenced a letter received from an Indian council which states a representative must be present prior to grading and asked if the developer is required to cover the costs. Senior Planner Schaefer stated that this was correct and directed further questions to the environmental consultant, Keeton Kreitzer who had prepared the Initial Study (IS).

Commissioner Fernandez noted that within the report it states the project site had been previously developed and asked if the condition could be removed. Deputy Director of Community Development Jaramillo informed Commissioner Fernandez that all environmental documents prepared for the City by law must now be reviewed by the Native American tribes and this condition will become standard and placed on all projects from this point forward.

Mr. Mathew Baca, Director of Real Estate for Aldi, came forward to address the Commission. Mr. Baca stated he was available for questions and also requested the Commission's favorable consideration of their request.

Commissioner Fernandez asked the applicant to explain their proposed shopping cart return system. Mr. Baca provided a brief explanation that the customer inserts a coin into the handle of the shopping cart resulting in its release from the shopping corral. When the cart is returned to the corral, the coin is released back to the customer.

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

Vice Chair Handler asked the Commissioners if they wished to discuss the requested modifications to the conditions that were discussed.

Commissioner Bernier asked for direction on how to proceed with the requested changes. Vice Chair Handler explained the motion process.

Commissioner Holthouser asked what the time line was from when the applicant first submitted their project application and the implementation of the public art condition. Planning Manager Ramsland explained that the requirement for public art has been ongoing for some time and that a draft ordinance had been prepared for City Council consideration and would be presented to them after the first of the year. He noted that the 1% requirement was based on staff's research of other cities with similar ordinances. He added that staff has been implementing this as a condition for other projects to comply with the Policies of the General Plan.

There being no further questions, the Vice Chair asked for a motion.

Planning Manager Ramsland reminded the Commissioners that their motion will include the proposed changes to the conditions as presented by Mr. Schaefer.

Commissioner Fernandez commented that he was leaning towards accepting the applicant's request to remove the up lighting and accept the \$5,000 in lieu of fee for the public art. He explained that he was concerned that the applicant had gone through plan check and at the end of this process, these conditions will be imposed on them. He asked the Commissioners for their thoughts. Vice Chair Handler responded removing the conditions would set precedence.

Senior Planner Schaefer stated that generally for plan checks (that are submitted concurrent with development applications) that planners do not provide the specific conditions until the Planning Commission has acted on the project. The conditions placed on the project are then a part of the plan check process and thus the reason these items have not come up during plan check.

Commissioner Fernandez expressed he would be in favor of removing the up lighting and let the City Council decide the public art fee.

Commissioner Bernier commented that she too would recommend the applicant's request for the two conditions be left for Council to decision. Commissioner Holthouser concurred.

The Chair then asked for a motion.

Moved by Commissioner Fernandez, seconded by Commissioner Holthouser, APPROVING RESOLUTION NO. 16-32 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL CERTIFY MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 16-01 FOR A GROCERY STORE AT 951-1001 EAST IMPERIAL HIGHWAY SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B".

The roll call vote was as follows:

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

Moved by Commissioner Fernandez, seconded by Commissioner Bernier, APPROVING RESOLUTION NO. 16-33 ENTITLED: A RESOLUTION OF THE PLANNING

COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING PLANNED UNIT DEVELOPMENT PRECISE PLAN 16-01 FOR A GROCERY STORE AT 951-1001 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS AS MODIFIED.

Modifications as follows: Removed duplicate Standard Condition (SC) 1.21 from the General Conditions section of the resolution, Modified SC 1.21, Modified Project Specific Condition (SPC) 3 by removing the last sentence, Removed PSC 4, Removed PSC 7 and Removed PSC 23.

The roll call vote was as follows:

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

Vice Chair Handler commented that the applicant had requested an increase in the square footage of the alcohol sales to five percent and asked for the Commissioners input.

Senior Planner Schaefer explained that staff had researched the request to determine what had been approved on other projects and that the average previously approved was between two and four percent.

Planning Manager Ramsland noted the condition is specific to only this conditional use permit and would be final unless it is appealed to the City Council.

Commissioner Holthouser recommended the increase of the square footage to four percent.

Moved by Commissioner Holthouser, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 16-34 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-02 FOR THE SALE OF ALCOHOLIC BEVERAGES (OFF-SALE TYPE 20 LICENSE) IN CONJUNCTION WITH A GROCERY STORE AT 951-1001 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS INCLUDING PUBLIC CONVENIENCE OR NECESSITY, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS AS MODIFIED.

Modified Condition Standard Condition 7.10 "The property owner/business operator shall locate alcoholic products in a highly visible area and monitored through the use of visible security cameras. The display monitors for the cameras are to be located in the manager's office. The alcoholic product sales area is not to be adjacent to soda or

candy sales areas. No more than four percent (4%) of the total floor space can be occupied by alcoholic beverage products.”

The roll call vote was as follows:

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

Moved by Commissioner Bernier, seconded by Commissioner Holthouser, APPROVING RESOLUTION NO. 16-35 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-08 FOR A 24-FOOT TALL FREESTANDING SIGN AT 951-1001 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

ADJOURNMENT: 7:11 p.m. adjourned to December 12th

Respectfully submitted,

Carmen G. Henderson
Planning Commission Secretary