

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
August 8, 2022

CALL TO ORDER: Chair Munoz called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:30 p.m. in the Council Chamber.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER MANLEY

PRESENT: COMMISSIONERS: BERNIER
MUNOZ
ROJAS
SURICH
MANLEY

ABSENT: (EXCUSED) COMMISSIONERS: NONE

OTHERS PRESENT: DIRECTOR: KIM
DEPUTY DIRECTOR: RAMSLAND
PLANNING MANAGER: LUI
ASSISTANT PLANNER: O'TOOLE
SECRETARY: V. LOPEZ

PUBLIC COMMENT

Chair Munoz asked if there was anyone in the audience that wished to speak on any item not listed on the agenda. There were none.

CONSENT CALENDAR

The Chair explained the Consent Calendar procedures. He asked if there were any members of the public or any Commissioners that wished to have any item removed. There were none.

The approval of the Consent Calendar was moved by Commissioner Surich and seconded by Commissioner Manley. The motion passed 4-0-1, with Commissioner Bernier abstaining from Item No. 2 below.

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
2. Approval of the Planning Commission Minutes of July 25, 2022.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR LOT LINE ADJUSTMENT 22-01 TO ADJUST A LOT LINE BETWEEN 2200 WEST IMPERIAL HIGHWAY (PARCEL 1) AND 1240 SOUTH BRASS LANTERN DRIVE (PARCEL 2).

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said no correspondence had been received.

Assistant Planner, Michael O'Toole presented the staff report.

Chair Munoz asked if any of the Commissioners had any questions.

Commissioner Manley pointed out that with the lot line adjustment it would result in the church property abutting a new neighbor at 1250 South Brass Lantern Drive. Commissioner Manley questioned what type of modifications by the church would require a public hearing. Assistant Planner O'Toole said that any expansion or intensification of the current church land use would require a modification to the original Conditional Use Permit (CUP); and therefore, would require a public hearing. For clarification, Commissioner Manley asked if an expansion of the parking lot would require a modification to the CUP. Assistant Planner O'Toole answered in the affirmative.

Chair Munoz asked if grading would be included as part of the lot line adjustment. Assistant Planner O'Toole confirmed that no grading work is proposed at this time.

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

Jared Higgins, lead Pastor of Green Hills Baptist Church, addressed the Commission. Mr. Higgins stated that Green Hills Baptist Church has been a part of the community for nearly 60 years. Mr. Higgins explained that the church acquired the property at 1240 South Brass Lantern about 10 years ago with the intent to expand the church facilities, meeting rooms and offices. However, with the change in church leadership and other circumstances of the world, the church presently desires to have more outdoor space for ancillary storage and/or potentially more parking spaces. Mr. Higgins said that while the lot line adjustment would result in a new neighbor at 1250 South Brass Lantern Drive with the lot line adjustment, they believe that future improvements would not impose on their new neighbor especially given the fact that the existing topography of the expanded lot area includes a hillside. The church intends to continue complying with the City's noise regulations and be a good neighbor.

The Chair then asked if there was anyone wishing to speak in opposition of the project.

Margie Sullivan, 1280 South Brass Lantern Drive, shared that she is a retired teacher. Ms. Sullivan said she was not opposed to the lot line adjustment for reasons related to her property. However, she stated that if she was the property owner of 1250 South Brass Lantern Drive, she would not like having a parking lot to be added because vehicles would generate unwanted gas fumes in close proximity to residents. She suggested that the church consider creating a new parking to replace the grass area at the northeast portion of the church property to avoid adversely impacting the residents at 1250 South Brass Lantern Drive. Ms. Sullivan also said she was glad that the church had more members, but asked the church to look into adding more worship services to reduce the parking demand rather than expand the parking lot in the future.

Carl Funke, 1250 South Brass Lantern Drive, addressed the Commission. Mr. Funke said he understood that the request before the Commission involved a lot line adjustment only and therefore, was not opposed to that sole request. Mr. Funke said he was more concerned about the church's future plans to use their expanded lot and how that may impact his backyard. Mr. Funke said that he moved in to the neighborhood with the expectation that surrounding properties

would maintain a single-family residential atmosphere. Mr. Funke expressed concern about the unknown impacts that may result from improvements made after the lot line adjustment.

Chair Munoz explained that they were only considering the lot line adjustment at this time and future modifications affecting the church use would necessitate a public hearing review. Chair Munoz explained to Mr. Funke that if he had further questions about modifications to the church use, he could reach out to City staff and they would be happy to answer his questions.

Chari Munoz asked Mr. Higgins if he wanted to provide a rebuttal to the comments in opposition.

Mr. Higgins said that although adding parking was initially desired, the church presently has a greater desire to add an outdoor patio or a storage unit. Mr. Higgins confirmed that he was aware that changes to the church use would require a public hearing.

Commissioner Bernier thanked members of the public that spoke and noted all of their concerns. Commissioner Bernier then relayed that she was ready to make a motion.

Commissioner Manley thanked Ms. Sullivan, Mr. Funke and Mr. Higgins for their comments and for sharing their perspectives. He said that this Commission meeting was not the time to argue about what improvements can or cannot go in the expanded portion of the lot. Commissioner Manley stated that the neighbors could be receptive to future projects since the church has been a good neighbor that wishes to work with the community in the future.

The Chair closed the public hearing and asked for discussion or a motion.

Moved by Commissioner Bernier and seconded by Commissioner Surich, Approving Resolution No. 22-34 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING LOT LINE ADJUSTMENT 22-01 FOR THE PROPERTIES AT 2200 WEST IMPERIAL HIGHWAY AND 1240 SOUTH BRASS LANTERN DRIVE, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES:	COMMISSIONERS: BERNIER, SURICH, MUNOZ, ROJAS, MANLEY
NOES:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE

2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR SPECIAL EVENT PERMIT 22-03 TO CONDUCT A LARGE SPECIAL EVENT THAT INCLUDES A PUMPKIN PATCH AND ANCILLARY ACTIVITIES AT 777 SOUTH BEACH BOULEVARD

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said no correspondence had been received.

Commissioner Surich said she needed to recuse herself from this item and would be stepping out.

Assistant Planner, Michael O'Toole presented the staff report.

Chair Munoz asked if any of the Commissioners had any questions.

Vice Chair Rojas questioned whether someone would be living in the proposed security trailer. Assistant Planner O'Toole deferred to the applicant. The applicant, Jay Eyler, owner of a business known as "Santa's Garden," said that someone did live onsite in the past. However, the trailer is also used as a break room for staff during their shifts. Vice Chair Rojas asked if the on-site security was part of his staff or provided by a third-party agency. Mr. Eyler said that he hired his own security staff.

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

Mr. Eyler thanked the Commission for their consideration. He mentioned that he has been selling pumpkins and Christmas trees in La Habra since the 1990s. Mr. Eyler said that he grew up in La Habra. He also commented that he is very proud of his business and the support he gets from the community. Mr. Eyler said he runs a clean business and is happy to continue offering the pumpkin patch and ancillary activities at this location while he still can.

The Chair then asked if there was anyone wishing to speak in opposition of the project. There were none.

The Chair closed the public hearing and asked for discussion or a motion.

Commissioner Bernier said that there was an issue with someone living out of the security trailer in the past, but did not recall this to be an issue last year. Commissioner Bernier commented that this event has been a fun event and stated that she supported the applicant's request to offer the proposed event this year.

Commissioner Manley asked staff if the draft conditions contained wording regarding the ability for someone to stay in the security trailer overnight for the duration of the event.

Director Kim asked for clarification as to whether the concern was about having security on-site 24 hours or having someone live on site.

Deputy Director Ramsland explained that this was a multi event. After the sale of the pumpkins closes down, the applicant will then offer the temporary sale of Christmas trees. Deputy Director Ramsland recalled that neighbors in previous years had complained that someone was living in the trailer in between events, when the pumpkin lot was transitioning to a Christmas tree lot. Deputy Director Ramsland said he believed the complaint was not related to the event while it was in operation.

Commissioner Manley asked if there was an avenue to prevent that from happening. Commissioner Manley questioned whether such a complaint could be handled by Code Enforcement staff. Commissioner Manley also asked if there was wording in the Conditional Use Permit (CUP) to prevent someone from staying overnight in the trailer.

Assistant Planner O'Toole said there is no language in regards to overnight security in the conditions of approval. Deputy Director Ramsland clarified that there was no CUP, but this was a Special Event Permit application. As such, anything that does not comply with the conditions of approval becomes a Code Enforcement issue.

Commissioner Manley asked if a condition of approval could be added to prevent someone from staying overnight and felt that Commissioner Bernier was wondering if that could be prevented too. Deputy Director Ramsland said that the Commission could add any conditions that they felt were necessary. Commissioner Manley again asked staff to confirm that the draft resolution did not include a condition prohibiting someone from staying overnight. Deputy Director Ramsland said that was correct. Commissioner Manley said he did not have a preference regarding security living onsite and did not perceive that the applicant had a preference either.

The applicant, Jay Eyler, said he was requesting to be allowed to have someone stay in the trailer overnight in order to protect his gear and equipment. Commissioner Manley asked how long was the period of time in between events and would there be someone staying overnight during that time period. Mr. Eyler said that once they remove the rides and equipment, he has no need for someone staying overnight. Commissioner Manley said he recalled the issue they had in the past was that the person staying overnight was hanging laundry outside and making it obvious that someone was living in the trailer. Mr. Eyler said that person was no longer employed by him. He also mentioned that last year, for the first time ever, someone vandalized his equipment. Due to the heavy rains, Mr. Eyler was not able to take down the equipment in a timely manner and that enabled someone to steal wiring, batteries and spare tires. Mr. Eyler also noted that someone vandalized the trailers. Commissioner Manley asked if the police was involved. Mr. Eyler said that he filed a police report and a claim with his insurance company. Mr. Eyler wants to prevent that from happening again and that is why he wants someone to stay overnight in the trailer.

Chair Munoz asked if the applicant would have to come back to the Commission to process another Special Event Permit (SEP) for the temporary Christmas tree lot or whether this event would be counted as ancillary under the SEP being heard that evening. Deputy Director Ramsland said that the Christmas tree lot does not require approval of a special event permit. An SEP would only be required for large events such as those that involve other activities like inflatables and rides. Chair Munoz asked if a Christmas tree lot could be processed with an administrative approval and whether an administrative approval would include conditions of approval. Deputy Director Ramsland said that was correct.

Commissioner Bernier said she would be fine approving the project. Commissioner Bernier recalled there was more to the complaint in the past but that this was no longer an issue regarding overnight stays because the person that caused complaints was no longer employed by the applicant. Commissioner Bernier said she was ready to make a motion in favor of the applicant's request.

Vice Chair Rojas said it made sense to have overnight security at the site and was in full support of the request.

Moved by Commissioner Bernier and seconded by Commissioner Rojas, Approving Resolution No. 22-35 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING SPECIAL EVENT PERMIT 22-03 TO CONDUCT A LARGE SPECIAL EVENT THAT INCLUDES A PUMPKIN PATCH AND ANCILLARY ACTIVITIES AT 777 SOUTH

BEACH BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: BERNIER, ROJAS, MUNOZ, MANLEY
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: SURICH
ABSENT: COMMISSIONERS: NONE

Commissioner Surich was asked to return to the dais.

3. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-20 TO ALLOW THE SALE OF BEER AND WINE UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE ISSUED BY THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR AN EXISTING RESTAURANT AT 2050 WEST WHITTIER BOULEVARD, SUITE B.

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said no correspondence had been received.

Assistant Planner, Michael O'Toole presented the staff report.

Chair Munoz asked if any of the Commissioners had any questions.

Commissioner Manley asked about the total number of ABC licenses in the census tract. He wondered how the census tract could be over-concentrated and requested if staff could identify the 13 businesses that already obtained ABC licenses. Assistant Planner O'Toole said that the calculation is based off of population but it does not consider the land uses in the area. That census tract includes businesses such as Red Robin, Black Bear Diner, Board and Brew, Regal Cinema, etc., located in the center at Imperial Highway and Beach Boulevard. Commissioner Manley said that was helpful in understanding that the majority of these licenses are located further south and away from where the Green Chile restaurant is located.

Chair Munoz asked if those were all type 41 licenses or if they were a mix of type 41 and 47 licenses. Deputy Director Ramsland said he believed that the total number of licenses exclusively included Type 41 licenses and that Type 47 licenses are counted separately.

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

Angelina Esqueda, owner of the Green Chile restaurant, addressed the Commission. Ms. Esqueda said she started her business in La Mirada and then moved to La Habra. She wanted to have a beer and wine license in the beginning but was misinformed as to the requirements. She said they are not a party place or a bar. They are a family friendly place and they want to have the option to offer beer and wine to their customers.

Chair Munoz asked if the alcohol would be stored in a cooler. Ms. Esqueda said they would be installing a larger cooler since they currently have a small Coca-Cola cooler. Chair Munoz asked

if staff would serve the alcohol because the floor plan layout makes it look like the cooler will be accessible to customers. Ms. Esqueda said that the cooler is located in the dining room but since they are a full-service restaurant, the restaurant employees would serve the guests. Patrons would not be offered beer and/or wine on a self-service basis.

The Chair then asked if there was anyone wishing to speak in opposition of the project. There were none.

The Chair closed the public hearing and asked for discussion or a motion.

Moved by Commissioner Manley and seconded by Commissioner Bernier, Approving Resolution No. 22-36 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-20 TO ALLOW THE SALE OF BEER AND WINE UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE ISSUED BY THE DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL FOR AN EXISTING RESTAURANT AT 2050 WEST WHITTIER BOULEVARD, SUITE B, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES:	COMMISSIONERS: MANLEY, SURICH, MUNOZ, ROJAS, BERNIER
NOES:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE

COMMENTS FROM STAFF

Deputy Director Ramsland informed the Commission that they would be reviewing the Draft Housing Element to make a recommendation to City Council to approve the document at the next meeting. Staff has decided to proceed with the approval process of the document before it is certified by the Department of Housing and Community Development (HCD) since HCD is taking longer to review the document. This will be the third draft being sent to HCD. Deputy Director Ramsland stated that staff is fairly confident that HCD will certify the Housing Element. Secondly, Deputy Director Ramsland informed that Commission that after a happy 37 years of working in La Habra, he will be retiring at the end of September.

The Commission expressed their appreciation and well wishes to Deputy Director Ramsland and said he would be missed.

COMMENTS FROM COMMISSIONERS

Commissioner Bernier said she was glad to see that the Green Chile restaurant survived the pandemic and was able to get approval for their request.

Commissioner Surich said it was nice to see the community and the applicants come out and be part of the hearing process.

Vice Chair Rojas thanked and congratulated Deputy Director Ramsland.

Chair Munoz echoed Vice Chair Rojas' sentiments.

ADJOURNMENT: 7:30 p.m.

Respectfully submitted,

Veronica Lopez,
Secretary