

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
January 28, 2019

ROLL CALL:

PRESENT: COMMISSIONERS: HANDLER, NIGSARIAN, FERNANDEZ, POWELL

ABSENT: COMMISSIONERS: BERNIER (EXCUSED)

OTHERS PRESENT:

DIR. OF COMM. DEV.: HO
DEP. DIR. OF COMM. DEV.: JARAMILLO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSISTANT 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 Assistant Planner Lopez.

CONSENT CALENDAR

Chairman Powell explained the Consent Calendar procedure to the audience. He called attention to the speaker's cards to be filled out before speaking on any item before the Commission and to be left on the lectern. He asked if any members of the audience or the Commission wished any item removed. There were no items removed.

MOVED BY Commissioner Fernandez, seconded by Commissioner Nigsarian, and CARRIED UNANIMOUSLY TO APPROVE THE CONSENT CALENDAR ITEMS AS FOLLOWS:

- a. Approval of the minutes of the Planning Commission meeting of December 10, 2018.
- b. A motion of the Planning Commission of the City of La Habra continuing the public hearing on requests for Conditional Use Permit 18-23 to operate a cannabis distribution facility and Development Agreement 18-02 for the property at 1000 South Leslie Street to a date uncertain.

PUBLIC HEARINGS

- a. Request for Mitigated Negative Declaration of Environmental Impacts 18-01, Planned Unit Development Master Plan 18-01, to construct a 30 unit apartment complex, Lot Line Adjustment 18-01, to combine two lots into one parcel and Conditional Use Permit 18-08 to permit Affordable Housing Incentives in association with the project located at 320-330 South Monte Vista Street.

Assistant Planner Lopez presented the staff report to the Commission.

Commissioner Fernandez commented that according to the staff report, the city codes requires 91 on-site parking spaces for this project, but that the State allows the reduction to 56 on-site parking stalls, due to provisions of the affordable housing. He asked staff if the city has any

control on this allowance. Assistance Planner Lopez responded that we do not and briefly explained the requirement.

Commissioner Handler asked if the State has a formula for determining the number of parking stalls. Assistant Planner Lopez responded that yes they do and that the breakdown of the ratios versus the city standards was included within the staff report.

Commissioner Handler referred to the storm water runoff and asked if it will be contained on site. Assistant Planner Lopez responded that was correct and this issue is addressed within the Mediated Negative Declaration.

Commissioner Handler then asked who would monitor the low-income housing units to ensure they stay low income for the life of the project. Assistant Planner Lopez explained an agreement for the affordable housing will be created and monitored by the City.

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

Mr. Michael Barnett, representing the developer, MS Development, LLC, 9587 Bolsa Ave, Westminster, California 92683, came to the podium to address the Commission. Mr. Barnett expressed their goal is to provide affordable housing. He noted that there is a statewide housing shortage, especially in the affordable range. Mr. Barnett stated they wish to revitalize the neighborhood noting the property currently has dilapidated old buildings, which they will replace with new buildings and hope to attract new young professionals to support the surrounding businesses. He added that they understand the concern for increase in traffic, but that they are following the state statute. Mr. Barnett made himself available for any questions from the Commission.

Commissioner Nigsarian raised concerns with the hours of construction which he referred to the current city code that allows construction Monday through Saturday 7:00 a.m. – 8:00 p.m. and that due to the location so near to residential homes he would suggest the Commission amend the hours or rely on strong verbal assurance from them that the noise will not last until 8:00 p.m. Mr. Barnett responded that they generally start construction between 7:30-8:00 a.m. and are done by 3:30-4:00 p.m.

Commissioner Handler expressed that, in his opinion, the trash enclosure is too small for the project size based on new state regulation that went into effect January 1st. He asked how many trash pick-ups would be made a week. Mr. Barnett stated once the certificate of occupancies have been issued the number of trash pickups will be finalized by the waste company and they will adjust, as needed. Commissioner Handler reiterated that per the current recycling requirement that he did not believe they had sufficient space.

There being no further speakers, in favor of the request, the Chair then asked if there was anyone in the audience to speak in opposition.

Mr. Michael Spolsky, 331 South Monte Vista Avenue, La Habra, California came forward to address the Commission. Mr. Spolsky stated he did not oppose the development of the property but opposed the building of apartments. He expressed that home ownership would be better for the neighborhood. He further expressed his concern with existing parking problems, traffic and potential crime. Mr. Spolsky stated the proposed 30 apartment units would increase the existing problems.

Mrs. Tamiko Washington, 331 South Monte Vista Avenue, La Habra, California came forward to address the Commission. Mrs. Washington stated that currently there are issues with trash that is constantly dumped on the road, as well as lack of parking. She referred to Mr. Barnett's comments about lack of affordable housing and investing in the neighborhood and bringing in new people to improve the neighborhood but she felt these problems would increase. She asked why there could not be condominiums or townhomes built instead of rentals. She added that there is an apartment complex next to her home and that walking out onto her patio she finds crack bottles from people smoking crack on the other side of the wall and gang members spray painting their wall. She asked who would control this element from the proposed apartments.

Ms. Christine Cook, 2001 South Mangrum Court, La Habra, California came forward to address the Commission. Ms. Cook stated that she agrees that the trash enclosure needs to be larger for organic waste. She commented she has experience managing commercial and apartment units and that she felt having such a small parking area is leading the management to failure. She expressed that, in her opinion, that tenants that are disappointed tend to treat the property worse and asked if there are any alternatives. In addition, there being no guest parking is unacceptable.

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

Commissioner Handler expressed he is not in favor of the parking reduction but that the state left the City with no options. He stated that the developer is complying with all the code requirements and that he felt the Commission's hands are tied.

Chairman Powell agreed. He added that the Commission would request staff pass on the concerns about the gang activity to the Police Department.

Commissioner Nigsarian addressed the concept of affordable housing being a problematic presence on the street. For clarity, he noted that out of the proposed 30 units only 3 units will be dedicated as affordable housing and that the rest will be market rate with the rental range of \$1600 for one bedroom with the larger units at \$2200. He also noted that he noticed security cameras had not been required in the CUP conditions. He stated that it seemed to him that a project as this should include cameras covering at least the four corners of the structures. Noting that this discourages the negative activity. He recommend to the Commission to add such a condition.

Chairman Powell asked staff to respond with respect to the cameras.

Assistant Planner Lopez stated that the Police Department had reviewed the plans and that they did not typically require cameras on residential projects. He added that the Commission has the discretion to add the condition if they feel it is appropriate.

Commissioner Fernandez, in response to the comments about home ownership, stated that there have been many residential building projects over the last year and that he could not remember when they last approved an apartment complex. He expressed that this was a different form of affordability and much needed. He stated that the new properties are not selling well and that he found it refreshing to review apartment complex because it is so difficult for people to find rentals.

Chairman Powell asked the applicant if there was any opposition to the installation of the cameras. Mr. Barnette responded there was not.

The Chair then asked for a motion.

Moved by Commissioner Nigsarian, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 19-01 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL CERTIFY MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT 18-01 FOR THE CONSTRUCTION OF A 30 UNIT APARTMENT COMPLEX AT 320-330 SOUTH MONTE VISTA STREET, SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM, AND THE STATEMENT OF FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" AND "B".

The roll call vote was as follows:

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

Moved by Commissioner Nigsarian, seconded by Commissioner Fernandez, APPROVING RESOLUTION NO. 19-02 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 MASTER PLAN 18-01 FOR THE PROPERTY AT 320-330 SOUTH MONTE VISTA STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS WITH ADDED CONDITION.

Condition No. 2 shall read: "The applicant/developer shall submit a security camera system design plan with proposed locations to the Chief of Police for approval. All tapes shall be kept on file for a minimum of 30 days and be available to the City upon request. Additionally, signage shall be placed in the parking lot indicating that security cameras are in use."

The roll call vote was as follows:

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

Moved by Commissioner Handler, seconded by Commissioner Nigsarian, APPROVING RESOLUTION NO. 19-03 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING LOT LINE ADJUSTMENT 18-01 TO REMOVE AN INTERIOR LOT LINE AT 320-330 SOUTH MONTE VISTA STREET, AS PER THE APPROVED MAP, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

AYES: COMMISSIONERS: HANLDER, NIGSARIAN, FERNANDEZ, POWELL
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BERNIER

Moved by Commissioner Fernandez, seconded by Commissioner Handler, APPROVING RESOLUTION NO. 19-04 ENTITLED: A RESOLUTION OF THE PLANNING

COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 18-08 TO PERMIT AFFORDABLE HOUSING INCENTIVES IN ASSOCIATION WITH A 30 UNIT APARTMENT COMPLEX AT 320-330 SOUTH MONTE VISTA STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

COMMENTS FROM THE COMMISSIONERS

Commissioner Handler wished to comment that our past Planning Commissioner Juan Guerrero had lost his son recently.

ADJOURNMENT: 7:25 p.m.

Respectfully submitted,

Carmen G. Henderson
Planning Commission Secretary