

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

March 25, 2019

ROLL CALL:

PRESENT: COMMISSIONERS: HANDLER, NIGSARIAN, FERNANDEZ, BERNIER,
POWELL

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:

DEP. DIR. OF COMM. DEV.: JARAMILLO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE 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 Commissioner Fernandez.

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 Handler, seconded by Vice Chair Bernier (Commissioner Fernandez abstained) and CARRIED UNANIMOUSLY TO APPROVE THE CONSENT CALENDAR ITEMS AS FOLLOWS:

- a. Approval of the minutes of the Planning Commission meeting of March 11, 2019.

PUBLIC HEARINGS:

- a. Consideration of a request for Conditional Use Permit 19-02 for a tattoo parlor at 331 South Harbor Boulevard.

Senior Planner Schaefer presented the staff report to the Commission.

Commissioner Handler referred to the staff report which states there will be ten employees and asked if there will be sufficient parking. Senior Planner Schaefer responded that the ten employees will not all work at the same time and that parking complied with code.

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

Chairman Powell asked for a motion.

Moved by Commissioner Fernandez, seconded by Vice Chair Bernier, APPROVING RESOLUTION NO. 19-07 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-02 FOR A TATTOO PARLOR AT 331 SOUTH HARBOR BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

b. Consideration of a request for Conditional Use Permit 19-03 for an On-Sale Beer and Wine (ABC License Type 41) in conjunction with a restaurant at 421 East La Habra Boulevard.

Associate Planner Lopez presented the staff report to the Commission.

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

Chair then asked for a motion.

Moved by Commissioner Fernandez, seconded by Commissioner Handler, APPROVING RESOLUTION NO. 19-08 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-03 FOR AN ON-SALE BEER AND WINE FOR A BONA FIDE PUBLIC EATING PLACE (ABC TYPE 41) LICENSE IN CONJUNCTION WITH A RESTAURANT AT 421 EAST LA HABRA BOULEVARD, 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, BERNIER,
POWELL
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

c. Consideration of a Zone Change 19-01 for amendments to Title 18 "Zoning", Chapter 18.62 Wireless Communication Facilities and addition of Chapter 18.63 Small Wireless Facilities in the Public Right-of-Way to the La Habra Municipal Code.

Senior Planner Schaefer presented the staff report to the Commission. He stated that a letter was sent to the City Council from Chris Felicijan, President of the Center for Electrosmog Prevention. He noted that this letter had been placed before them on the dais for their information. The letter writer indicated his opposition to the ordinance and asked that the City place a moratorium on 5G "small cell" sites.

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

Mr. H. John Hsieh, 450 Keene Drive, La Habra, California came forward to address the Commission. Mr. Hsieh expressed his concerns of the proposed antennas noting that there is a pole in the rear of his property and that may cause interference. He asked if the city had any restrictions of the distance from these type of installations to residents.

Senior Planner Schaefer explained that the city's current regulation for cell sites (Chapter 18.22) does not allow wireless facilities to be placed on residential properties and that the proposed section, Chapter 18.23, only allows small wireless facilities in the public right-of-way, therefore, no facility could be placed on his property.

Ms. Cynthia Holms, representing Crown Castle wireless company came forward to address the Commission. She stated that the proposed Ordinance had verbiage that did not comply with the FCC ruling, however, did not elaborate. She stated that she would follow up with staff in the following days.

Commissioner Handler stated that when the State or Federal Government imposes restrictions the City's ability to modify such laws are limited.

Dep. Director Jaramillo noted that due to the late time frame the letter from Mr. Felicijan was received, staff will consult with the City Attorney to determine if any modification to the proposed ordinance may be necessary. He asked the Commission to consider that if they move to adopt this request, that there is a possibility there may be changes made before the item is presented to City Council.

Commissioner Handler asked if it was advisable to postpone the vote. Dep. Dir. Jaramillo stated that we needed to proceed due to the restrictive time frames that the FCC has placed on Cities.

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

The Chair then asked for a motion.

Moved by Commissioner Nigsarian, seconded by Commissioner Handler, APPROVING RESOLUTION NO. 19-09 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 19-01 FOR AMENDMENTS TO TITLE 18 ZONING, CHAPTER 18-62 WIRELESS COMMUNICATION FACILITIES AND ADDING CHAPTER 18.63 SMALL WIRELESS FACILITIES IN THE PUBLIC RIGHT-OF-WAY TO THE LA HABRA MUNICIPAL CODE PURSUANT TO THE REQUIREMENTS OF THE FCC'S DECLARATORY RULING AND THIRD REPORT AND ORDER, AS PER THE EXHIBIT "A", EXHIBIT "B", AND EXHIBIT "C".

The roll call vote was as follows:

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

ADMINISTRATIVE ITEMS

Planning Manager Ramsland announced David Lopez had recently been promoted to Associate Planner.

ADJOURNMENT: 7:03 p.m.

Respectfully submitted,

Carmen G. Henderson
Planning Commission Secretary