

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
June 28, 2021

CALL TO ORDER: Chair Manley 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 POWELL

PRESENT: COMMISSIONERS: NIGSARIAN
(via phone) BERNIER
POWELL
MUNOZ
MANLEY

ABSENT: COMMISSIONERS: NONE

OTHERS PRESENT:
INTERIM DIRECTOR: JARAMILLO
PLANNING MANAGER: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: LOPEZ
CODE ENFORCEMENT MANAGER: DEKOWSKI

PROCLAMATIONS

Mayor Espinoza presented a proclamation from the City Council to Commissioner Jerry Powell. She and the Commission thanked Commissioner Powell for his service and wished him well on his retirement.

PUBLIC COMMENT

The Chair asked if there was anyone in the audience that wished to speak on any item not 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.

Moved by Commissioner Powell seconded by Vice Chair Munoz to approve the Consent Calendar. Motion passed.

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 May 24, 2021.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE LA HABRA MUNICIPAL CODE, INCLUDING: THE ADDITION OF CHAPTER 5.26 SHORT-TERM RENTALS, TO TITLE 5 BUSINESS TAXES, LICENSES AND REGULATIONS; THE ADDITION TO SECTION 1.08.020(A) OF "SECTION 5.26.010 VIOLATION -- NUISANCE" TO TITLE 1 GENERAL PROVISIONS AND ZONE CHANGE 21-01 AMENDING TITLE 18 ZONING ADDING CHAPTER 18.08.140 SHORT-TERM RESIDENTIAL RENTALS.

Planning Manager Ramsland presented the staff report to the Commission.

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

Commissioner Bernier asked who would receive a citation if one is issued. Mr. Ramsland said that the owner, and the occupant would be cited.

Commissioner Nigsarian referred to the information in the staff report as to the cities that regulate short-term rentals and those that currently do not. Mr. Ramsland went over the information stating that the staff used the ordinances of those cities as basis for the proposed regulations for La Habra.

Commissioner Powell asked if the City Attorney had looked at the constitutionality of the remedies being suggested in the ordinance. Mr. Ramsland said yes, the City Attorney's office reviewed the ordinance. Commissioner Powell asked how far back has this been an issue in the City. Mr. Ramsland said that 14 complaints were received by the Police Department from June 2020 – to June 2021, all regarding one particular location in the City.

Vice Chair Munoz asked if the operator would also be required to obtain a business license. Mr. Ramsland said no, they would obtain an "operating permit" noting that the City's business license requirements do not apply to this type of use. He then asked if the proposed renewal requirement would track how many times a particular property had been rented the previous year. Mr. Ramsland said no, but their renewal application will be submitted to the Police Department to see if any complaints have been registered against that particular address. Vice Chair Munoz asked how would the City regulate the distance requirements for condos and townhomes. Mr. Ramsland said home owners' associations would get involved and if allowed by them only one could be rented out as a short-term rental. Vice Chair Munoz then asked at what point can a permit be revoked. Mr. Ramsland said that once a permit is suspended they would go through the process of an investigation that could lead to a revocation of the permit.

Chair Manley asked what is the definition of a short-term rental as far as duration. Mr. Ramsland said that it's a minimum of 3 days but the Commission can suggest changes. The Chair then asked for an overview of the City's current noise ordinance. Mr. Ramsland explained how the current noise ordinance regulates the maximum

levels of decibels allowed per periods of time during certain hours of the day. The Chair then asked if any other complaints had been received for the property on Teakwood not related to the short-term rentals being done there currently. Mr. Ramsland said no and added that in addition to those calls made to the Police, the City had also received a number of emailed complaints regarding the property on Teakwood. The Chair asked if there are current regulations for the use of pools and spas. Mr. Ramsland said no. He then went over the list of cities that regulate, do not regulate and those that ban short-term rentals with Mr. Ramsland.

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

Micki Grothues, 921 Teakwood, La Habra, asked the Commission to disallow short-term rentals. Stating safety concerns for her family and noise concerns for her neighborhood; she referred to her written comments which Chair Manley noted they had all received.

Randy Vargas, 900 Teakwood, La Habra, asked what constitutes a complaint because staff said that only 14 complaints have been received but that there must have been over 30 complaints for just one night (for the property in question on Teakwood). He also said that a child almost drowned at that property and that the property owner posted the access code on social media one day and the next day the swimming pool was full of people. The Chair advised Mr. Vargas to speak with staff after the meeting.

Neil Shah, 841 Teakwood, La Habra, asked the Commission to not allow short-term rentals because it has been a nightmare for them and their neighborhood. The owner of the property at 800 Teakwood does not need the extra income and La Habra needs to keep its peacefulness.

Elizabeth Cuevas, 810 Teakwood, La Habra stated that she was unaware that the property next door was an Airbnb when she bought her house. She added that she moved to La Habra for peace and quiet and had she known that the property next door was being rented for parties, she would not have moved there. She went over her concerns and the concerns she has for her family including her young children. Mrs. Cuevas said she should not be having these issues in her own home. She asked the Commission to not allow short-term rentals and referred to her emails and videos that were sent to staff.

Jalpa Shah, 841 Teakwood, La Habra, said that the issue with that property (800 Teakwood) is that they make noise all day long when the property is rented. They are disturbing the peace of the whole neighborhood. She urged the Commission to do something.

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

Interim Director of Community Development, Carlos Jaramillo, shared some point for the Commission to consider before deliberating. This included the purpose of single-family neighborhoods, their character and livability; the value that short-term rentals

may bring into neighborhoods; what actions will be necessary to enforce the regulations and what costs will the City incur; and what actions will be necessary if they wish to modify approvals in the future after allowing short-term rentals. He noted that whatever action the Commission chooses will be forwarded to the City Council along with comments from the public.

Commissioner Powell said he could not see any value in trying to regulate an unregulatable type of behavior that will only continue to prosper by circumventing City regulations. He strongly recommended banning all short-term rentals in the City of La Habra.

Commissioner Nigsarian said that he looked at the cost benefits to the City and could not see any benefits as La Habra is not like Anaheim. He agrees with Commissioner Powell and recommend that they prohibit short-term rentals in La Habra.

Commissioner Bernier thanked the residents for their comments and emails and agreed with Commissioners Powell and Nigsarian and said she does not want to see these short-term rentals anywhere in La Habra.

Vice Chair Munoz said he supports short-term rentals but not for La Habra as we are not a vacation destination like Anaheim. He said he is in support of denying short-term rentals in La Habra.

Chair Manley said he agreed with Commissioner Nigsarian and could not see the benefits of trying to regulate something that is difficult to regulate. He asked for a motion.

Moved by Commissioner Powell and seconded by Commission Nigsarian Bernier, APPROVING RESOLUTION NO. 21-16 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE PROHIBITING SHORT-TERM RESIDENTIAL RENTALS IN THE CITY OF LA HABRA.

The roll call vote was as follows:

AYES: COMMISSIONERS: NIGSARIAN, BERNIER, POWELL, MUNOZ,
NOES: COMMISSIONERS: MANLEY
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

COMMENTS FROM STAFF

On behalf of staff, Roy Ramsland thanked Commissioner Jerry Powell for his years of service to the Planning Commission. He then informed the Commission of the selection of a new Commissioner, Esther Rojas, who would be present at the next meeting on July 12. Mrs. Rojas is an alternate and would fill Commissioner Powell's spot until new Commissioners are selected in 9 months. Mr. Ramsland also thanked

Carlos Jaramillo for his 40 years of service to the City of La Habra and wished him well on his upcoming retirement.

COMMENTS FROM COMMISSIONERS

Commissioner Nigsarian thanked Carlos for his service and insight and wished him a happy retirement. He also thanked Mr. Powell for his years of service to the City and wished him a happy and healthy retirement. Commissioner Bernier thanked Mr. Powell for all his help and wished him well. She also thanked Carlos and said he would be missed. Vice Chair Munoz wished both Carlos and Mr. Powell well. Chair Manley said he would miss Carlos and thanked Jerry for his leadership. Commissioner Powell thanked everyone for their comments and said La Habra will always be in his heart and wished everyone well. Chair Manley adjourned the meeting in memory of all the years of service that Carlos and Jerry have given to the City.

ADJOURNMENT: 7:38 p.m.

Respectfully submitted,

Roy N. Ramsland Jr.
Planning Manager