

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS**

REGULAR MEETING - January 12, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:02 P.M., Monday, January 12, 2015, in the Council Chambers, 3191 Katella Avenue; Chairman Loe presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Loe.

3. ROLL CALL

Present: Commissioners: Mary Anne CUILTY
Art DeBolt
Wendy Grose
Chair Gary Loe
John Riley
Vice-Chair Victor Sofelkanik

Staff: Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Dawn Sallade, Part-Time Clerical Aide

Late: None.

Absent: Commissioners: Will Daniel

Staff: None.

4. ORAL COMMUNICATIONS

Chairman Loe opened the meeting for Oral Communications.

There being no persons wishing to speak, Chairman Loe closed Oral Communications.

Chair Loe requested a change in the order of discussion of agenda items, and further requested that Item 9 followed by item 8A on the agenda be discussed at this time. There were no objections to the requested change of order of discussion.

9. STAFF REPORTS

A. Planned Sign Program (PSP) 14-01 – Chevron – 5100 Katella Avenue, Los Alamitos.

Community Development Director Mendoza stated that this item is a continuation from the Planning Commission meeting of December 8, 2014, for a Planned Sign Program application for the Chevron service station located at 5100 Katella Avenue, Los Alamitos.

Associate Planner Oliver, summarized the Staff report, and stated that the applicant, Kevin Loring of Compass Services, has resubmitted the site plan with the modifications as requested. The resubmitted site plan for the signage includes the site safety triangles which are clearly marked for the monument sign. Mr. Oliver stated that Staff recommends approval of the pump signage for this program as presented, and also recommends approval for pump-mounted changeable advertisement signs and future attached wall signage.

Chair Loe opened the item for public comment.

Kevin Loring, Compass Services, applicant, requested approval of the signage as resubmitted.

There being no additional speakers, Chair Loe closed the item for public comment and brought it back to the Commission for their comments and action.

Motion/Second: Grose/Cuilty

Unanimously Carried: The Planning Commission approved Resolution No. PC 14-33, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING PLANNED SIGN PROGRAM (PSP) 14-01, AS MODIFIED WITH CONDITIONS, CONSISTING OF ONE (1) MONUMENT SIGN, A NEW CANOPY FASCIA WITH TWO (2) SETS OF CHANNEL LETTERS AND HALLMARK LOGO, SIX (6) ILLUMINATED PUMP SPANNERS, SIX (6) PUMP-MOUNTED CHANGEABLE ADVERTISEMENT SIGNS, TWELVE (12) PUMP BASE STICKERS, AND FUTURE ATTACHED WALL SIGNAGE LOCATED AT 5100 KATELLA AVENUE, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 222-181-03, (APPLICANT: COMPASS SERVICES – KEVIN LORING)."

8. PUBLIC HEARINGS

A. Proposed 2035 General Plan

Community Development Director Mendoza reported that an issue was raised at the December, 2014 Planning Commission meeting regarding land use designation for Opportunity Site 6. This site consists of properties north of Katella Avenue and south of Florista Street between Chestnut Street and Reagan Street; and properties south of Katella Avenue and north of Farquhar Avenue. Mr. Mendoza stated that a number of years ago there was a vision for the properties on the south side of Katella to be developed into a retail environment, and accordingly, the properties were designated as Retail Business and given a compatible zoning designation of General Commercial (C-G) at that time. During the current General Plan process, direction was given to encourage the future improvement and intensification of this area by allowing mixed uses, with retail uses on the first floor and offices or residences above these properties.

Mr. Mendoza further reported that at the November Planning Commission meeting it was stated that the Mixed-Use designation would not require that a mixed use development be built and that existing stand-alone uses would be allowed to remain. At the December meeting, a concern was raised that the non-residential properties in this site not be changed to Mixed-Use designation so they could retain their underlying land use. Mr. Mendoza stated that Staff executed Public Hearing Notices for a new hearing for the January 12, 2015 meeting and included all properties within the boundaries that are south of Katella Avenue, north of Farquhar Avenue, east of Los Alamitos Boulevard and west of Reagan Street, as well as those within a 500 foot distance of these boundaries.

Mr. Mendoza stated that in order to proceed with the General Plan process, the Planning Commission must resolve the following issues:

1. What should the boundaries be for Opportunity Site 6; and
2. What is the Planning Commission's vision for Opportunity Site 6 and what should the land use designation be?

Chair Loe opened the Public Hearing.

Colin Drukker, General Plan Consultant with PlaceWorks stated that the previous General Plan did not have a Mixed-Use designation. The suggestion of Mixed-Use in the proposed General Plan is an opportunity and an option to property owners, but it is not a mandate. Mr. Drukker further explained the options that a Mixed-use designation would allow.

Chair Loe clarified that this discussion was related only to the General Plan, and was not related to any one specific project. Mr. Drukker concurred that there is no specific project envisioned.

Chair Loe questioned if the property at 3562 Howard which is currently used as Commercial-Professional Office, should be included in Site 6. Mr. Drukker stated that this property was omitted to reflect the current boundary between residential and nonresidential uses, and adjusting the General Plan designation for the property should be addressed.

Chair Loe asked if there was anyone present who wished to speak on this item.

Rob Goth, owner of 3562 Howard, stated that his business is located in the building, along with four additional tenants. Mr. Goth stated that he preferred that the property remain as a commercial property and not residential.

Chair Loe stated that the property appears to be zoned Residential, and requested clarification from Staff regarding the current land use designation of the property.

Mr. Mendoza responded that it is difficult to determine the designation from the current zoning map since it did not follow parcel lots, and that building records reflect that the property was zoned Retail Business. He further stated he would not consider it residential because of the confusion related to the zoning of the property. In conclusion, Mr. Mendoza stated that future land use designations can be determined now, with zoning uses to follow.

Mr. Drukker requested clarification whether to change the property to Commercial or include the property in Mixed Use Area 6 which will allow the office to continue as a stand-alone use in perpetuity. Chair Loe responded that for the present time, the property should be included in Area 6 with the Mixed Use land use designation.

Chair Loe asked if there was anyone else wishing to speak on this item.

John Benfanti, 3561 Howard Avenue, stated that he spoke at the previous month's meeting and wished to reiterate his previous comments. Mr. Benfanti thanked the Commission for initiating a fair and transparent process that will include parcel numbers. He stated that his current building was permitted as a professional or commercial office, and has been used in that capacity since it was built in 1978. He expressed concern that there could be unintended consequences related to changes and definitions over time. He further stated that his single parcel property would not be suitable for retail, and encouraged the Commission to determine a way to achieve the City's objectives while maintaining the integrity and value of properties. Mr. Benfanti stated that a number of property owners in the area were present and proposed that the Planning Commission evaluate their unique properties and the intended use of the properties. He suggested that the appropriate designation would be Professional Office with an overlay, which would allow Mixed Use in the future.

Assistant City Attorney Kranitz clarified how the General Plan and Zoning relate to each other. She stated that the General Plan is the broadest possible policy statement and Zoning, which is more specific, falls under the General Plan. Ms. Kranitz further stated that the City cannot change or amend the General Plan or Zoning without conducting public hearings and anyone wishing to be notified of proposed amendments or changes can file a request with the City Clerk's office to be notified by mail.

Dennis Duran, resident of Rossmoor, requested that the Planning Commission take parking into consideration during its planning process. He stated that parking is an issue on his street with many cars turning into and out of his driveway.

Mr. Mendoza clarified that Mr. Duran's property in Rossmoor is not within the purview of the Planning Commission.

Leah Gerber, 3581 Howard Avenue, stated that she and her husband are the owners of the apartment building at that address. Ms. Gerber stated concern about the Mixed Use designation because of foot traffic, parking, and the impact on property values.

Chair Loe announced that the Public Hearing would remain open, and further opened the discussion for Commission comments.

Vice-Chair Sofelkanik requested clarification of the definition of Mixed Use as listed on Page 2 of 5 of the Staff report and asked if it is the most current definition.

Assistant City Attorney Kranitz responded that it is the definition included in the current draft General Plan.

Vice-Chair Sofelkanik stated he did not think it would be viable for properties east of the alleyway to become retail properties, and a Mixed-Use Overlay would allow them to retain their current use with the opportunity to expand in the future. He suggested that it would be more appropriate that the properties contiguous to Los Alamitos Boulevard, immediately to the east and adjacent to the Boulevard be required to be retail properties. This would allow the Mixed Use Overlay, but would not require anyone to amend current uses and would allow a retail component on the ground floor of the properties that are directly on the Boulevard.

Chair Loe questioned if the alleyway could be vacated in the future, and expressed concern that limits could be placed on the space.

Mr. Mendoza responded that previous suggestions were not intended to place limits but rather to suggest that thoroughfare frontage properties should

have the restriction on the ground floor. He further stated that the demarcation line is up to the Commission.

Discussion ensued regarding the alleyway, with Mr. Mendoza stating that the General Plan could support a larger development opportunity.

Mr. Drukker stated that if the language is modified to read, "Retail is preferred on the ground floor on parcels fronting Los Alamitos Boulevard and Katella Avenue", this would provide a degree of specificity in the General Plan and ensure that properties to the east of the alleyway would not be limited.

Vice Chair-Sofelkanik stated that he was not thinking beyond Site 6 and did not think there would be any harm in language that said any Mixed Use that abuts or is contiguous to a major artery "shall be" retail on the ground floor as opposed to "preferred."

Discussion ensued regarding permitted and existing uses, and uses as allowed by zoning.

Vice-Chair Sofelkanik asked Mr. Mendoza to read the Mixed Use definition as listed in the Staff report for the public's use and information. Vice-Chair Sofelkanik stated that his suggested change to the definition would remedy concerns expressed by property owners and would allow the Commission to look into the future and still maintain a revenue generating core.

Commissioner DeBolt stated that correct and specific language is imperative and suggested that language such as "preferred" should not be used.

Mr. Drukker responded that certain wording, such as "preferred" was used because of existing properties such as the museum and a medical office.

Commissioner DeBolt stated that he has been unable to determine when the zoning changed to Retail, but when that occurred, it made all of the parcels presently under discussion non-conforming parcels.

Mr. Drukker stated that zoning must be consistent with the General Plan and a Mixed-Use designation would allow commercial, office, or other uses on the properties. Existing offices, such as the museum or medical office, would therefore be allowed to stay and would become conforming. This would be a first step in correcting the inconsistencies.

Dr. Chang, representing the dental office property at 3532 Howard Avenue, commented that parking at this location would be restricted if the alleyway were to be blocked.

Chair Loe clarified that previous discussion regarding the alleyway was conceptual and there are no plans to block it.

Mr. Mendoza reiterated that the alleyway discussion was theoretical.

Dr. Chang asked to be apprised of the eventual goals and the length of time involved.

Commissioner DeBolt stated that the wording "preferred" does give flexibility and protects certain properties, but questioned what would happen if larger buildings are replaced and the new facility has a ground floor office. He further asked what influence does the word "preferred" have as opposed to the word "shall?"

Assistant City Attorney Kranitz responded that the General Plan is designed to give flexibility so that when the Commission reaches Step Two, which is to make all of the zoning consistent with the General Plan; it will set forth specifically what can be done. Ms. Kranitz further explained the zoning provisions and the General Plan.

Commissioner DeBolt requested further clarification related to protecting the retail use that is currently in place and at the same time protecting the museum and the small corner.

Ms. Kranitz responded that the amortization provisions can be changed to say that their legal non-conforming use continues indefinitely.

Mr. Drukker suggested language stating, "Retail is required on the ground floor for parcels fronting Los Alamitos Boulevard and Katella Avenue, unless the parcel is a legal conforming use as of (date)." Mr. Drukker summarized that the intention is to require retail, but not to penalize if the business is a legal conforming use, which would allow the business to remain.

Commissioner Riley asked if the two properties in question, the museum and medical office, are presently non-conforming.

Mr. Mendoza responded that the medical office is legal, non-conforming and the museum is permitted.

Discussion ensued regarding existing legal, non-conforming properties.

Mr. Drukker explained that the amortization schedule would be a method of allowing those legal, non-conforming properties to remain.

Mr. Mendoza stated that when the Commission discusses zone changes, that will be the time and the opportunity to implement specific land use

designations. He stressed that the zoning changes should take place soon after the General Plan is adopted.

Commissioner Riley stated opposition to accommodating non-conforming uses.

Commissioner DeBolt stated that the two properties in question have been allowed to remain even though the area is zoned as Retail. He recalled when his property was rezoning in approximately 1977. He then said that he favors a way to accommodate properties which are legal, non-conforming.

Mr. Mendoza reiterated that the purpose of the General Plan is to set the broad policy statement related to land use patterns and the purpose of the Zoning ordinance is to implement the General Plan.

Commissioner Riley stated that he favored wording as suggested by Mr. Drukker to be used in the proposed General Plan.

Commissioner Culty stated that she favored the wording "preferred" in the General Plan, but the wording "required" could be used in Zoning.

Commissioner Grose concurred in that she favored the wording "preferred" in the General Plan and "required" in Zoning.

Vice-Chair Sofelkanik stated his preference was the wording "required" with the additional language as suggested by Mr. Drukker.

Commissioner DeBolt concurred that he favored the wording "required" with the additional language as suggested by Mr. Drukker.

Chair Loe asked the Commissioners to voice their choice of wording to be used in the Mixed Use land use category and it was the consensus of the Commission that the wording "required" and the additional wording as suggested by Mr. Drukker was the preferred wording to be used in the proposed General Plan.

Commissioner Riley asked Staff to provide future clarification related to a possible Conditional Use Permit (CUP) on the corner property.

Commissioner Grose questioned the inclusion of the property at 3562 Howard in Opportunity Site 6.

Mr. Mendoza confirmed that the property will be included in Opportunity Site 6 and this will be reflected on future maps.

In response to a request from Commissioner DeBolt, Mr. Drukker reiterated that the existing lots that do not front Los Alamitos Boulevard or Katella

Avenue will be allowed to remain, and will come under the definition "stand-alone (not Mixed-Use) Commercial, Office and public/quasi-public uses are also permitted." He read the proposed draft language. Mr. Drukker stated the language will allow the museum and the dental office (if it is conforming) to continue. The map will be amended to reflect the demarcation line for Opportunity Site 6 and to change the proposed General Plan designation from R-3 to Mixed Use which will allow stand-alone office to continue, therefore bringing it into conformance once the zoning follows through.

Dr. Chang, property owner of 3532 Howard, stated that he has been in the City for 31 years and the corner property under discussion has been a medical/dental office for a number of years. Dr. Chang questioned the requirements of the next property tenant as to the type of business.

Mr. Mendoza stated that the proposed language will allow anything that was legal conforming as of the adoption of the new General Plan to remain legal conforming. He then clarified the requirements for future discussion and presented the following options:

- 1) If the Commission wishes to discuss any parcel specific, any zone specific, or other opportunity site at the next meeting, that meeting will require a public hearing notice.
- 2) If the Commission no longer wishes to discuss the above matters, a public hearing notice will not be required.

Mr. Mendoza further clarified that the discussion at tonight's meeting was for Opportunity Site 6 only and not for the entire City. Mr. Mendoza explained that the Public Hearing at the November Planning Commission was closed and the Commission directed Staff to bring back the resolutions for approval at the December meeting. There was a decision at the December meeting that there was a need for further discussion of Opportunity Site 6 at the January meeting.

Chair Loe confirmed that continuing the Public Hearing to the next meeting will allow further discussion of Opportunity Site 6.

Leah Gerber, resident, requested clarification regarding the proposed language to be used in the General Plan.

Mr. Mendoza stated that the "required retail" is for the properties which front Los Alamitos Boulevard and Katella Avenue; it is not mandatory that the ground floor be retail for the remaining properties.

Motion/Second: Grose/Sofelkanik
Unanimously Carried: The Planning Commission:

1. Continued the Public Hearing to February 9, 2015, to allow further discussion for Opportunity Site 6; and
2. Directed Staff to bring back Resolutions for approval.

RECESS

The Planning Commission took a brief recess at 8:30 P.M.

RECONVENED

The Planning Commission reconvened in regular session at 8:34 P.M.

The following agenda item was taken out of order:

10. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Steven Mendoza invited the Commission to participate in the annual Race on the Base on February 27, 2015, and indicated he would pay for their entry fee.

The following agenda item was taken out of order:

11. COMMISSONER REPORTS

Vice-Chair Sofelkanik stated that his absence at several Planning Commission meetings was due to the day of the week upon which the meetings are held. Vice-Chair Sofelkanik further stated that he has reviewed the City's Code and has determined that a change of day or time of Planning Commission meetings is not prohibited. He questioned if any other Commissioners would be interested in a change in date.

Community Development Director Steven Mendoza responded that a consensus was needed to place this matter on a future agenda for discussion.

It was the consensus of the Planning Commission to direct Staff to place the item on a future agenda for discussion.

The following agenda item was taken out of order:

6. APPROVAL OF MINUTES

- A. Approve the Minutes of the Regular meeting of October 13, 2014, with corrections as noted by Commissioner DeBolt.**

Motion/Second: Grose/DeBolt

Carried: 5/0/1 (Chair Riley abstained): The Planning Commission approved the minutes of the Regular meeting of October 13, 2014.

B. Approve the Minutes of the Regular meeting of November 10, 2014.

Motion/Second: Grose/DeBolt

Unanimously Carried: The Planning Commission approved the minutes of the Regular meeting of November 10, 2014.

Vice-Chair Sofelkanik stressed the importance of accurate minutes and requested that a digital recording of a meeting be provided to Commissioners upon request.

The following agenda item was taken out of order:

5. PLANNING COMMISSION REORGANIZATION

This report provided relevant information for the Planning Commission's annual reorganization, by the election of Chair and Vice-Chair.

Recommendation: Nominate and elect the following officers:

1. Chair
2. Vice-Chair

Planning Director/Secretary of the Board Mendoza presented the Staff report.

Chair Loe turned the meeting over to Secretary Mendoza who opened the floor to nominations for the office of "Chair".

Commissioner Grose nominated Vice-Chair Sofelkanik.

Vice-Chair Sofelkanik nominated Commissioner Riley.

Vice-Chair Sofelkanik explained that although he would not mind serving as Chairman, he has already served in that capacity and felt that all of the Commissioners should have the opportunity to serve in the capacity of Chair.

There being no further nominations, Director/Secretary of the Board Mendoza closed the nominations.

Unanimously Carried: The Planning Commission appointed Commissioner Riley as Chair.

ROLL CALL

Commissioner Culty	Yes
Commissioner Daniel	Absent
Commissioner DeBolt	Yes
Commissioner Grose	Yes
Chair Loe	Yes

Commissioner Riley Yes
Vice-Chair Sofelkanik Yes

Planning Director/Secretary of the Board Mendoza opened the floor to nominations for the office of "Vice-Chair".

Commissioner Grose nominated Commissioner Culty.

There being no further nominations, Director/Secretary of the Board Mendoza closed the nominations.

Unanimously Carried: The Planning Commission appointed Commissioner Culty as Vice-Chair.

ROLL CALL

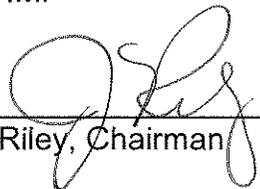
Commissioner Culty Abstained
Commissioner Daniel Absent
Commissioner DeBolt Yes
Commissioner Grose Yes
Commissioner Loe Yes
Chair Riley Yes
Commissioner Sofelkanik Yes

7. CONSENT CALENDAR

None.

12. ADJOURNMENT

The Planning Commission adjourned at 8:57 P.M.



John Riley, Chairman

ATTEST:



Steven Mendoza, Secretary