

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

REGULAR MEETING – May 27, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:00 PM, Wednesday, May 27, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

2. ROLL CALL

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

Staff: Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Dawn Sallade, Department Secretary

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communications.

There being no persons wishing to speak, Chair Riley closed Oral Communications.

5. APPROVAL OF MINUTES

A. Approve the Minutes of the Special Meeting of April 22, 2015.

Motion/Second: Grose/Cuiilty.

Unanimously Carried: The Planning Commission approved the minutes of the Special meeting of April 22, 2015.

B. Approve the Minutes of the Regular Meeting of April 22, 2015.

Chair Riley indicated that the vote on Item 7A was incorrect in that it reflected a 5/0 vote and it should have been 5/1 vote with Commissioner Loe casting his vote as a no vote.

Motion/Second: Grose/Cuiilty.

Unanimously Carried: The Planning Commission approved the minutes of the Regular meeting of April 22, 2015, as amended.

6. CONSENT CALENDAR

A. Resolution of Intention PC 15-04

Consideration of a Resolution of Intention by the Planning Commission to make zoning changes relating to massage establishments as allowed by Assembly Bill 1147 (Citywide) (City initiated).

Recommendation: Staff recommends that the Planning Commission adopt Resolution PC 15-04, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO AMEND LOS ALAMITOS MUNICIPAL CODE TITLE 17 AND MAKE CHANGES AS ALLOWED BY THE NEWLY ADOPTED ASSEMBLY BILL 1147 ON THE ESTABLISHMENT, EXPANSION, INTENSIFICATION OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS (ZOA 15-02) (CITYWIDE) (CITY INITIATED)."

Community Development Director Mendoza summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. He indicated that once the resolution of intention is approved, Staff will bring it forward to the next Commission meeting to begin work on the zoning changes

Chair Riley asked if there were any comments or questions of Staff. There being none, Chair Riley called for the question.

Motion/Second: Grose/Cuilty

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-04, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO AMEND LOS ALAMITOS MUNICIPAL CODE TITLE 17 AND MAKE CHANGES AS ALLOWED BY THE NEWLY ADOPTED ASSEMBLY BILL 1147 ON THE ESTABLISHMENT, EXPANSION, INTENSIFICATION OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS (ZOA 15-02) (CITYWIDE) (CITY INITIATED)."

7. PUBLIC HEARINGS

A. Consideration of a Five-Unit Condominium Development Application for Tentative Tract Map, Conditional Use Permit, and Site Plan Review at 10742 Walnut Street (APN 242-192-01); Applicant: Olympia Stepakis.

Consideration of a five-unit, townhome-style condominium project at 10742 Walnut Street (APN 242-192-01) on a 9,587 square foot vacant parcel in the Multiple Family (R-3) Zoning District. The project requires a Site Plan Review, Conditional Use Permit and a Tentative Tract Map for condominium subdivision purposes (Applicant: Olympia Stepakis).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 *In-Fill Development Projects*; and,
3. Adopt Resolution No. PC 15-05, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-01) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)"; and,
4. Adopt Resolution No. PC 15-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 15-02) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)"; and,
5. Adopt Resolution No. PC 15-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 15-01 (TTM 17802) TO SUBDIVIDE PROPERTY TO ALLOW FOR DEVELOPMENT OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BY FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)."

Commissioner DeBolt declared a conflict of interest as he has an interest in real estate within 500 feet of the property and excused himself from the Chamber.

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, gave a PowerPoint presentation and indicated he's prepared to answer questions from the Planning Commission.

Chair Riley asked if the Commission had any questions or comments prior to opening the Public Hearing.

Commissioner Grose said that when she reviewed the drawings, she wondered if the location of the trash dumpster will be an issue with the trash company as it appears the turn radius is not adequate.

Mr. Oliver responded that the applicant will speak regarding the trash enclosure issue.

Commissioner Grose said she also had an issue regarding Unit C and the parking situation there and felt that people would park in the space and their car would protrude into the alley.

Mr. Oliver answered that that space was not a designated parking space but supposed it could be.

Commissioner Grose said that it was a high probability that people would indeed park there and Staff needs to ensure that this concern is included in the CC&R's.

Chair Riley opened the item for public comment.

Nick Zamvakellis, President of Tech-Wide Development, Inc., speaking for the applicant, Olympia Stepakis, indicated he is deeply involved in the development of the project, and also appeared before the Commission on another project on Howard Avenue in the City which is in plan check. He indicated both projects are of similar design and are trying to keep a similar design on all the projects they are doing and have done in the City. He indicated Mr. Oliver has already covered all the high points on the project but he said he could address that one spot in the alley that Commissioner Grose was concerned about. He said CC&R's on these types of projects generally already say that, "Resident's cars must be parked in their corresponding garages", and that area that was spoken about in the alley would probably be striped as "No Parking". He said there's ample parking in the rest of the project for the guest parking that is required for this number of units and, of course, each unit has a two-car garage with extra storage space in the garages. If somebody were to park in that area, they would be in violation of the CC&R's and either the association could enforce that or the City could be called to help enforce that.

In response to Commissioner Grose's question regarding the dumpster issue, Mr. Zamvakellis explained that normally the trash hauling person comes out and wheels the dumpster out to empty it and then wheels it back in.

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

Community Development/Public Works Director Steven Mendoza indicated Staff would like to introduce an amendment to enforce the driveway parking in the Conditions of Approval to read:

- 31-f. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development is the responsibility of the Homeowner's Association, including the common landscaped areas.

Assistant City Attorney Kranitz indicated that the City's Attorney's office has reviewed the letter that Mr. Zamvakellis submitted, the Staff report and resolutions dating back to 2005 when the park fees were adopted and they believe that the appropriate amount to be charged is the R-3 fee and not the R-1 fee as Mr. Zamvakellis indicated in his letter. This would change the fee to $\$13,412$ per dwelling unit $\times 5 = \$67,060$ and that Condition should be amended to reflect the proper amount. The Condition is No. 8 in Exhibit A.

Responding to Chair Riley's question as to why we're nailing down parks fees, Mr. Mendoza explained that parks fees are triggered by a map. If the applicant did not have a parcel map connected to this, there would be no park fee. So it's really a condition to only the map portion. If he built five units of rentals and didn't sub-divide the air space, there would be zero fee because Quimby (or park fees) are only triggered upon the subdivision of a property. This is a fee that was adopted by the City Council and enforced by Staff.

Assistant City Attorney Kranitz indicated she was going to completely change Condition #8 to simply say:

- 8-a. In accordance with Government Code Section 66477 and Chapter 1617 of the Los Alamitos Municipal Code the park fee shall be as follows:

- i. Fees: \$67,060 (Quimby Park Fees)
- ii. Dedications: n/a
- iii. Reservations: n/a
- iv. Other Exactions: n/a
- v. The Applicant may appeal the imposition or amount of the fees described above within ninety (90) days following the adoption of this resolution and pursuant to the procedures set forth in the Government Code.

Motion/Second: Grose/Riley

Motion to adopt Resolution No. PC 15-05, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-01) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)"; and,

Adopt Resolution No. PC 15-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 15-02) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)", *with amended Conditions No. 8-a and 31-f as reflected above*; and,

Adopt Resolution No. PC 15-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 15-01 (TTM 17802) TO SUBDIVIDE PROPERTY TO ALLOW FOR DEVELOPMENT OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)."

Chair Riley called for discussion prior to the vote.

Commissioner Daniel had reservations of placing a 3-story structure on a corner lot and questions if this fits the area.

Chair Riley called for the vote.

The motion carried 5/1/0 (Commissioner Riley cast the dissenting vote and Commissioner DeBolt abstained).

Commissioner DeBolt returned to the Chamber.

- B. Zoning Ordinance Amendment 15-01
A Zoning Map Amendment to Amend the Zoning Map of the City to Rezone Certain Parcels in the City to Comply with the New 2015-2035 General Plan (Citywide) (City Initiated).**

This is a consideration of a Zoning Map Amendment to rezone certain parcels in the City to conform to the requirements of the 2015-2035 General Plan (Citywide) (City Initiated).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. The City Council of the City of Los Alamitos, California, has certified a final Environmental Impact Report for the Los Alamitos General Plan to include land use changes for various parcels and adopting environmental findings, a statement of overriding considerations and a mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act. The EIR for the General Plan covered the corresponding zone changes; and,
3. Adoption of Resolution No. PC 15-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE ICITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-01 TO AMEND THE ZONING MAP OF THE CITY TO REZONE VARIOUS PARCELS IN THE CITY TO CONFORM TO THE 2015-2035 GENERAL PLAN (CITY INITIATED)".

Community Development Director Steven Mendoza summarized the Staff report, referring to the information contained therein, gave a PowerPoint presentation and indicated he's prepared to answer questions from the Planning Commission.

Chair Riley opened the Public Hearing.

Kevin Hayes, Executive Vice-President that runs Lincoln Property Company in Orange County. He said they are a 50 year old developer/owner/operator of commercial real estate that controls over two hundred million feet nationally. In Southern California the company has a little more than 13 million feet with 5.9 million feet of that in Orange County. He said they acquired 3131 Katella Avenue, sometimes referred to as the Supermedia site, in December of 2014. The Retail use that is being pushed for here today is not feasible. Mr. Hayes read a paragraph out of the General Plan Land Element, "With relatively new shopping centers developed in Seal Beach and Cypress, Los Alamitos may not soon recover to its pre-recession retail sales. The vast majority of popular big box retailers are already located in adjacent cities and Cypress already has land capacity to accommodate additional big box tenants". He went on regarding the types of retail uses that are more feasible and points to downtown Los Alamitos along Los Alamitos Blvd. as the site for that and further discusses short term development opportunities with the Supermedia and Civic Center site today. He went on to say,

"Though it should be not developed to potentially compete with downtown uses" essentially meaning the zoning we're looking for here is the type of retail that is the least feasible for this site. He said he agrees that one day it can be a good retail location but he also agrees with the City's own General Plan and the zoning that it is not economically feasible in the near term. Over the last several months, he said they've developed five retail site plans, mounds of underwriting and have had over three dozen tenant conversations on the retail front. They've had four sets of retail brokers provide analysis and no matter how they slice it, the rents cannot support creation costs without looking for outside concessions. Based on economic feasibility, they intend to operate the property and are deeply in negotiations with two Fortune 200 tenants to continue to use the property as an office building. He said he wants the City to note that that would come with significant upgrades and lots of jobs for the city of Los Alamitos. The General Plan and zoning change before the Commission is going to transition this site to a legal non-conforming status. Arrowhead had the same problem initially; a situation where this plan would have converted their site and their long term use to legal non-conforming. The Commission and Council were able to achieve their long term vision for the site by virtue of a retail over-lay. He said they respectively request the same treatment and he cannot think of a reason why this already created mechanism cannot be applied and does not want to be denied equal protection. There will be no need for CEQA review as what is contained in the over-lay was already studied. Further, in looking at the EIR provided, he cannot fathom why the City would want to intensify the uses at the Supermedia and Civic Center site which currently operates at "D" level of service per the Mobility and Circulation Element and its projected to operate as an "F" with this new land use designation. To be clear, the projection as an "F" is an operation and, "with delays unacceptable to most drivers occurring to over saturation, poor progression and very long cycle links." The only reason other than tax revenue which they believe will be higher as an office property bringing quality jobs to Los Alamitos, is that the City is to profit on this Civic Center site by virtue of this land use and zoning change. He said they have reached out to pretty much every member of Council as well as having had meetings with Staff and he welcomes the opportunity to provide all this information and would like the Commission to consider this zoning change.

There being no further speakers, Chair Riley closed the Public Hearing.

Motion/Second: DeBolt/Grose

Motion to adopt Resolution No. PC 15-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-01 TO AMEND THE ZONING MAP OF THE CITY TO REZONE VARIOUS PARCELS IN THE CITY TO CONFORM TO THE 2015-2035 GENERAL PLAN (CITY INITIATED)."

Chair Riley called for discussion prior to the vote.

Commissioner Daniel asked how this site varies from the other one where they did the overlay.

Community Development/Public Works Director Mendoza indicated that Supermedia was for sale and was in the middle of transitioning. There was a long term tenant in one property and a short term tenant in another and was not looked at in the same way by the Commission or by the Council at the time.

Commissioner Daniel asked if it should have been.

Community Development/Public Works Director Mendoza answered in the negative and explained that when the City chose the opportunity sites, they saw the potential for a change of use on the neighboring site. That's why the City chose the list of ten opportunity sites and reviewed them; the Commission participated in all those reviews and there was clear indication of support for the change on this property and there was a clear indication of allowing Arrowhead to stay.

Commissioner DeBolt said he would just reinforce what Mr. Mendoza just said and wanted to add a little to it. He said they were looking at the opportunity for the sales tax revenue as that site seemed to make sense as a retail use along Katella Avenue and they chose to recommend a zone change. With regards to Arrowhead, in his opinion he felt they should have done the same thing and not overlaid the area and just make the zone change leaving Arrowhead as a non-conforming use.

Responding to Vice-Chair Cuiilty's question, Community Development/Public Works Director Mendoza indicated that Lincoln may not be the long term user or owner of the property. There's different reasons why people don't want to be in a category of legal non-conforming use and that is up to their lenders and their money people and he can't really speak for an applicant about that. He said he feels that they've stated their case and feels they'll continue to state their case as this goes forward to the City Council and he'd rather have them have that forum to do that.

Commissioner Loe said he concurs with Director Mendoza that this is a different situation. He said this has been vetted for well over a year now with this site and thinks the process has come to the point where it needs to go to the City Council.

Chair Riley called for the vote.

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-03, entitled, "A RESOLUTION OF THE PLANNING

COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-01 TO AMEND THE ZONING MAP OF THE CITY TO REZONE VARIOUS PARCELS IN THE CITY TO CONFORM TO THE 2015-2035 GENERAL PLAN (CITY INITIATED).”

8. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

A. Commissioner Request – Commercial Property Leases

This Staff report provides the venue for discussing the collection and storage of commercial property leases as requested by Commissioner Solfelkanik.

Upon being introduced by Community Development Director Mendoza, Commissioner Solfelkanik indicated that upon further reflection and comments by other Commissioners, he would like to withdraw this item.

Chair Riley asked if there was anybody in the audience that would like to speak on this subject. There were none.

B. Project Updates

Community Development Director Steven Mendoza presented a PowerPoint presentation and gave an update on the various projects in the City.

9. COMMISSIONER REPORTS

Commissioner Solfelkanik

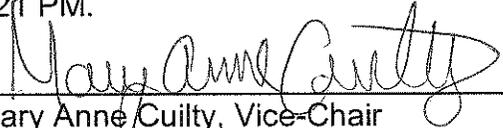
- Asked how and why certain projects come before the Commission and why all projects shouldn't come before the Commission instead of only being reviewed by Staff. Staff explained the process.

Commission Discussion

- The Commission introduced the topic of minimum lot size in the Multi-Family residential zone of the City out of their concern for lots that were not conforming to the current code. A long discussion ensued and Staff was directed to do research and bring it back to a future meeting for discussion.

10. ADJOURNMENT

The Planning Commission adjourned at 8:21 PM.



Mary Anne Cuiilty, Vice-Chair

ATTEST:



Steven Mendoza, Secretary