

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

REGULAR MEETING – October 28, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:03 PM, Wednesday, October 28, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

2. ROLL CALL

Present: Commissioners: Chair John Riley
Vice-Chair Mary Anne Cuiilty
Commissioner Larry Andrade
Commissioner Art DeBolt
Commissioner Wendy Grose
Commissioner Gary Loe (Arrived: 7:05 PM)
Commissioner Victor Sofelkanik

Absent: None

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATION

Chair Riley opened the meeting for Oral Communication for items not on the agenda.

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

5. APPROVAL OF MINUTES

A. Approve the Minutes of the Regular Meeting of September 23, 2015.

Motion/Second: Cuiilty/Sofelkanik.

Carried 6/0/1 (Andrade abstained): The Planning Commission approved the Minutes of the Regular meeting of September 23, 2015.

6. CONSENT CALENDAR

None.

7. STAFF REPORTS

A. **Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use.**

Discuss the use and priority of Community Development Block Grant (CDBG) funds with interested community members per a request from the Orange County Community Resources Department. The Planning Commission is acting as a conduit to provide an opportunity for interested parties to provide comments.

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

Chair Riley opened the Public Hearing.

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

Chair Riley asked Staff if any action is needed to be taken by the Commission.

Mr. Oliver explained that the City Council will take the recommendations and tell Staff whether to submit the application or not.

Mr. Mendoza explained that the role of the Planning Commission is to provide a venue for the public to comment and provide input before a decision is made on the type of projects the City applies for.

B. **Resolution of Intention No. 15-17 Marijuana Regulation**

Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes concerning the sales, cultivation, distribution, delivery, storage and manufacturing of "Cannabis, Marijuana and Medical Marijuana."

Development Services Director Mendoza summarized the Staff report, and explained that a Resolution of Intention is required to start a process of amending the Code. There are some new regulations that the Governor has recently signed; he signed three new Bills that relate to marijuana regulation regarding everything from sales, cultivation, distribution, delivery, storage and manufacturing of cannabis, medical marijuana, and marijuana. The Assistant City Attorney Lisa Kranitz is busy drafting an ordinance that will work for the City of Los Alamitos but before she can bring an ordinance for the Planning Commission's consideration, you have to pass a Notice of Intention to give that process a start. We are a little rushed on this; we have

to have something in place by March 1, 2016 and the process to amend a code is pretty long so we need to begin this now.

Chair Riley asked who is asking for the March 1, 2016 requirement.

Assistant City Attorney Lisa Kranitz indicated that this is State law and basically the system that got set up is that the State is going to issue licenses for all sorts of commercial cannabis activities. Local control stays in that cities can require permits for everything. The way the statutes are written is that if a City does not have a prohibition in place by March 1, 2016, then the State will then be the sole regulator of cultivation in the City. There's also another thing you have to expressly prohibit, there's no exact timeframe on there, and that's delivery of medical marijuana being a starting point or an ending point in the City. Staff decided that we need to cover everything all at once; we don't want to just to the cultivation now and deal with the others later, for example. It will also cover personal marijuana cultivation by qualified patients and primary caregivers and exclude that as well because the State law does not cover the non-commercial activities which the Compassionate Use Act authorized.

Chair Riley asked what the Federal law says about medical marijuana.

Ms. Kranitz answered that they still prohibits it but there have been guidelines issued by the Fed's that basically say if you're complying with the State law, then they are no longer going to enforce it; they're not going to come after the State's where it's legal if they're within certain parameters.

A long discussion ensued.

Motion/Second: Grose/Cuilty

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-17, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO DRAFT AN ORDINANCE TO ADDRESS THE SALES, CULTIVATION, DISTRIBUTION, DELIVERY, STORAGE AND MANUFACTURING OF CANNABIS, MEDICAL MARIJUANA AND MARIJUANA AND BRING BACK SUGGESTED CODE CHANGES TO FUTURE MEETINGS OF THE PLANNING COMMISSION (ZOA 15-07) (CITYWIDE) (CITY INITIATED).

8. PUBLIC HEARINGS

A. Zoning Ordinance Amendment No. 15-04

Administrative Permitting of Restaurants with Outside Seating Areas

Providing parameters to Staff to make zoning code changes that will allow restaurant outside seating on private sidewalks as a permitted use. The draft ordinance will be brought back to the Planning Commission for a public hearing for recommendation to the City Council (Citywide) (City initiated).

Development Services Director Mendoza summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. Mr. Mendoza asked the following three questions of the Commission:

Chair Riley opened the Public Hearing.

Kevin Hayes, with Lincoln Property Company indicated this is of great interest to him. He said they own 5.9 million square feet of office and retail product in Orange County most of which he was responsible for acquiring and operating and so he sees this in a lot of different cities. He said they are about to break ground in Tustin on a relatively large ground up development with quite a bit of retail. In addition to that they have another 45,000 feet in their first phase of roughly a million square foot build. In addition to that they hope to be the City's largest and most sophisticated retail developer on the property next door per the General Plan update. He pointed out that there are a lot of issues that the Commission have to tackle and so he wanted to give them some perspective from the developer side as well as the retail leasing side. With respect to square footage, he urged the Commission to really carefully consider the square footage; it's about how the tenants are going to use it. If it's defined as the interior of that patio space and there is a five foot walkway between two sets of tables, those tables are typically four feet at a minimum which would be 260 square feet to have two rows of tables. To have it at 200 feet, the Commission is limiting it to a single row of tables on that 20 foot section.

With regard to parking, the most common way that they see this dealt with is that outside non-exclusive seating does not require parking.

Further, the fee that the City would charge relative to going through the permit process is irrelevant. It means absolutely nothing to the landlord or the tenant to get it. What would keep businesses from coming to the site is the difficulty in obtaining those permits and the ability to operate their business.

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

The Commission, Staff and the Assistant City Attorney participated in a round table discussion about the merits of developing a more streamlined process for establishing small outdoor dining areas. The discussion included the Commissioners questioning differing development standards but then settled on a template provided by the City of Murrieta. The Commission then went down the list of Murrieta's development standards where the Commission directed Staff to take those standards from Murrieta's example

and draft an Ordinance for the Commission's future consideration at the next meeting.

A break was called at 9:20 PM and reconvened at 9:25 PM with all Commissioners present.

B. Discussion of Nonconforming Use Provisions

Discuss with Staff desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City initiated).

Development Services Director Mendoza and Assistant City Attorney Lisa Kranitz summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Staff walked the Commission through a lesson on Non Conforming laws from a report authored by the City of Tustin. The report was part of the agenda.

Chair Riley opened the Public Hearing.

Kevin Hayes, with Lincoln Property Company, stated this is their greatest failure that the property next door to City Hall (3131 Katella Avenue) that they acquired will be a legal non conforming use. They have now passed on three brand name office tenants that would have brought a lot of office workers to the property. They acquired the property in December of 2014. The old tenant, Supermedia, occupied the space through September of this year and is no longer there. The non conformity they have does not relate to the structure; it relates to the use. Their amortization clock would be tied to only operating retail. They've had to pass on CareMore, Speedo, Van's Shoes and a list of others and they can't put the capital investment into the building because of the amortization that they are sitting at. No reasonable buyer is going to buy an office building from them, or no bank will lend them money knowing that they're going to have a non conforming use in the property at the expiration of that lease or sometime during the time of that lease. What this amortization does for them is allows them with some certainty to apply capital dollars to the property in the event retail is not a viable option for them. It makes more sense to him that the property should be an office property. They've proposed an amortization period of 50 years for some of the uses. (Refer to Attachment 2 – the proposal is part of this packet.) Once ground leases get shorter than 50 years, they're no longer financeable. That will give them a period of time and some certainty because the way current code is drafted creates a lot of gray area for all developers.

The Commission talked at length about the difference between non-conforming parcels/lots, uses and structures discussing particular examples

of properties within the City and how the properties and property owners could be impacted by the existing code and any proposed changes to the code.

Commissioners inquired about what made the Supermedia Property non conforming. Staff filled in the Commission about the history of Lincoln property's quick purchase.

Motion/Second: Grose/DeBolt

Unanimously Carried: The Planning Commission continued the Public Hearing to the November Planning Commission meeting, to allow further discussion.

9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

A. Discussion of Holiday Schedule for November and December.

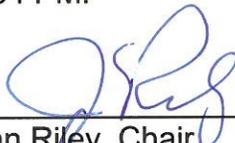
Following discussion, a consensus was reach by the Commission that the November 24th meeting will be moved to November 18th and the December 23rd meeting will be moved to December 16th due to the holidays.

10. COMMISSIONER REPORTS

None.

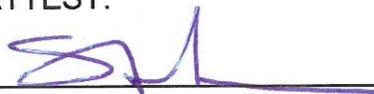
11. ADJOURNMENT

The Planning Commission adjourned at 10:34 PM.



John Riley, Chair

ATTEST:



Steven Mendoza, Secretary