

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

REGULAR MEETING – February 24, 2016

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 p.m., Wednesday, February 24, 2016, in the Council Chambers, 3191 Katella Avenue; Chair Cuiilty presiding.

2. ROLL CALL

Present: Commissioners: Chair Mary Anne Cuiilty
Commissioner Art DeBolt
Commissioner Wendy Grose
Commissioner Gary Loe
Commissioner Riley
Commissioner Sofelkanik

Absent: Vice Chair Larry Andrade

Staff: Development Services Director Steven Mendoza
Associate Planner Tom Oliver
City Attorney Cary Reisman
Department Secretary Dawn Sallade

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Cuiilty.

4. ORAL COMMUNICATION

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

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

5. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of December 16, 2015.

Commissioner DeBolt asked that the following sentence be added to page 5 and above paragraph 7 for clarity purposes:

Ms. Kranitz said they would get something on file before the City could get a General Plan through the Planning Commission and then the Council so absent a moratorium...

Motion/Second: Grose/DeBolt.

Carried 5/0/1 (Andrade absent and Riley abstained): The Planning Commission approved the Minutes of the Regular meeting of December 16, 2015 with the correction above.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

**A. Zoning Ordinance Amendment (ZOA) 15-05
Nonconforming Use Provisions**

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

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

Chair Cuiilty re-opened the continued Public Hearing.

City Attorney Cary Reisman indicated Commissioners DeBolt and Sofelkanik cannot participate in the continued discussion as they were absent at the last meeting unless they either watched the video or had read the minutes of that meeting.

Commissioner DeBolt indicated he had watched the video of the meeting in its entirety.

Commissioner Sofelkanik indicated he had neither watched the video nor had he read the minutes as they were not submitted for approval as yet.

Kevin Hayes, Lincoln Property Company, representing the Katella property owner at 3131 Katella Avenue, handed out a proposed text amendment to the ordinance. It's policy talking points and the second one is an abandonment language change within the last draft that they reviewed (§17.64.080 Abandonment A & B). He indicated that they are very excited that they are actively pursuing a retail development next door to City Hall in accordance with the General Plan amendment that went through last year and they are even more excited to announce that they have signed a fully executed lease with Whole Foods to open one of their new 365 concepts. There are a number of contingencies that can impact whether the development comes to bear and Whole Food becomes a tenant and their ownership seeks assurances that an office use will not be deemed abandoned if for whatever reason the Whole Food lease for the development fails. He said since the last time they were at the Commission meeting, the language has been greatly improved and he said the Commission has done a fine job and wisely preserved Nonconforming uses where there's no intent to abandon that nonconforming use; however, it's important that they look at the language and make sure there are no unintended consequences.

They have a lot of experience as a large landlord where an economy can slump and properties remain vacant for more than 180 days. The property next door has obviously been vacant since September. During that entire period of time, they have actively marketed the property; they have signs out front, it's listed on the multiple listing services, they have a brokerage agreement in place and they are still evaluating the highest and best use for the site as any owner would. They've owned properties that have sat vacant for 2-1/2 to 3 years before signing a lease but in no event were they abandoning that use; similarly, if an owner involuntarily seizes a nonconforming use because it needs a period of time to rebuild following a fire, flood, earthquake or some other casualty. That period of non-use cannot be evidence of intent to abandon the nonconforming use. A land owner with a brokerage agreement, actively marketing their property would demonstrate that they are continuing that nonconforming use but potentially the economy or the tenants haven't come along. The proposed revisions also protect the City during economic downturns; if the economy is slow or there's a casualty in market conditions do not yet favor the conforming use, property values will decrease if the building on the property is deemed abandoned and nonconforming; it lowers the property tax revenues to the City and increases urban blight. They have owned buildings that have been vandalized; copper stripped out, vagrants occupying despite their best efforts to keep people out. They've had a person die on one of their properties when they tried to strip the copper out of the electrical vault which was still active. These are the type of things that happen in these buildings that become truly abandoned.

The proposed amendment does not interfere with the City's ability to realize the benefits of converting the conforming use when marketing conditions are right for it. LPC (Lincoln Property) and Whole Foods are optimistic that market conditions are right for retail and he feels that's evidenced not only by them executing a lease; it being announced to Wall Street through Whole Foods but additionally executing an ENA with the City to grow this footprint and help be a great partner to the City in developing a first class retail center. However, the City Staff, Commissioners, City Council members, Lincoln Property Company and Whole Foods have all been around long enough to know that land development processes are inherently risky. Lincoln Properties seeks a minor common sense clarification to the City's abandonment rules that they believe will be a benefit to the City and property owners throughout the City.

Chair Culty said she agrees that the new language that Mr. Hayes introduced is actually something that can be understood.

Commissioner DeBolt indicated he would like to add the proposed text.

Mr. Mendoza reported that Staff and the City Attorney have reviewed Mr. Hayes' proposed text and stated that Staff can certainly work with it.

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

Motion/Second: Grose/DeBolt

Carried 5/0/1 (Andrade absent & Sofelkanik abstained): The Planning Commission adopted Resolution No. 16-04 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE FOR ZONING ORDINANCE AMENDMENT (ZOA) 15-05 TO REPEAL CHAPTER 17.64 AND ADD A NEW CHAPTER 17.64 RELATING TO NONCONFORMING USES (CITY INITIATED)."

B. Conditional Use Permit (CUP) 15-05 – Restaurant with Outside Seating Area in the General Commercial (C-G) Zone

Consideration of an Conditional Use Permit to allow an Outside Seating Area at a Restaurant (Mighty Kitchen) in the General Commercial (C-G) Zone (Applicant: Craig Hofman of Hof's Hut Restaurants, Inc.). The Applicant has asked that this item be continued to the next Planning Commission meeting for continued consideration of parking options.

Development Services Director Mendoza summarized the Staff report, referring to the information contained therein, and indicated Staff is recommending this item be continued to March 23, 2016.

Chair Cuiilty opened the Public Hearing and indicated the Public Hearing will remain open until the next Commission meeting on March 23, 2016.

Motion/Second: Grose/Sofelkanik

Carried 6/0/0 (Andrade absent): The Planning Commission moved to continue the Public Hearing to March 23, 2016 providing the Applicant more time to work with Staff to address parking related issues.

**C. Zoning Ordinance Amendment 15-09
Allowing Recreation Uses Only for Certain Parcels in the Planned Light Industrial Zone (City initiated)**

Continued consideration of a Zoning Ordinance Amendment (ZOA 15-09) to create a Limited Industrial (L-I) Zone to allow commercial recreation uses only for certain parcels in the Planned Light Industrial (P-M) Zone to comply with the new 2015-2035 General Plan and to amend the Zoning Map by placing the Zone on specified parcels (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.

Chair Cuijly re-opened the Public Hearing and brought it back to the Commission for their comments and action.

Commissioner DeBolt said he had an issue with page 13 of 20 in the ordinance and in Table 2-05; under P-M/L-I, the 1.50 FAR is a good number but it is a maximum number; he felt that it should be .4 FAR. He recommends that they: 1) Put a maximum of 1.50 but thinks in this case, it should be done as a range such as .4 – 1.50 and then footnote it so that the project will come before the Planning Commission. The Commission can then decide as to whether the project is good or they want something less which becomes a variable that the Planning Commission makes the decision on. The applicant submits on what they want but it has to be in the range of .4 to 1.50 and then the Planning Commission has the latitude to say no if they so choose.

Commissioner Riley said his concern with that is it's going to be a challenge for developers or business owners to feel comfortable bringing something forward if they don't have outlines on what meets the requirements. If there's a range from .4 to 1.5, then maybe depending upon what they're proposing, the City is going to want .4 but they want something different and then the City shoots it down, it puts them in a challenging position because they don't know what they're suppose to design to.

Commissioner DeBolt said it's always after the fact; the project that comes in and triggers it too high is already approved and then we want to back track a little bit.

Commissioner Riley said what's challenging is that we don't give a range in other areas like they know what the maximum's are and they're resigned to it.

Commissioner DeBolt pointed out that we're going from .4 to 1.5; we've had .4 for how long and now we're virtually quadrupling that density and he doesn't know what that means until he sees a project in front of him.

Commissioner Riley said he's with Commissioner DeBolt in that we don't want to have excessive density but at the same time, we need to have development standards that aren't going to put the onus and this risk on people to put something in front of the Commission that can just get shot down because we didn't define the standard clearly.

City Attorney Reisman explained that he would leave that to the Planners. He said he thinks the Commission's suggestion .4 to 1.5 would not be illegal or improper.

Commissioner DeBolt asked if we could leave this at .4 until we can come back and address this one issue.

Mr. Mendoza said he feels that that is perfectly acceptable.

Associate Planner Oliver reminded the Commission that the .4 was the maximum before so if they say a range between .4 and 1.5, then they're going to have to start at the old maximum.

Mr. Mendoza explained that .4 would be the minimum and we would have to be careful with that. It wouldn't allow somebody to do less. Further, if this is ready, this can go forward just excluding that change. So there are a few things to consider which are Commissioner DeBolt's recommended changes in text form and either including or excluding the 1.50.

Commissioner Riley asked how problematic is it to keep that at .4 and then come back and change it later.

Mr. Mendoza said Staff would just bring a new code amendment and a Resolution of Intention to look at the floor area.

Commissioner Riley asked if Staff had a preference.

Mr. Mendoza indicated Staff did not but would like to get the L-I wrapped up but no desire to do it if the Commission doesn't agree on the floor area ratio. So the floor area ratio can remain and then the Commission just passes it to the Council without that change yet. If the Planning Commission doesn't have a problem with that, Staff certainly doesn't either.

Motion/Second: Grose/DeBolt

Carried 6/0/0 (Andrade absent): The Planning Commission moved to Adopt Resolution No. 16-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-09 TO ESTABLISH A LIMITED INDUSTRIAL ZONE, TO AMEND THE ZONING MAP TO PLACE THE LIMITED INDUSTRIAL ZONE ON PROPERTIES GENERALLY SURROUNDING THE CORNER OF SERPENTINE DRIVE AND REAGAN STREET, AND TO AMEND SECTIONS 17.04.020 - TABLE 2-01, 17.10.10, 17.10.020 - TABLE 2-04, 17.10.030 – TABLE 2-05, AND 17.76.020, OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO THE USES ALLOWED IN THE LIMITED INDUSTRIAL ZONE AND ELIMINATING COMMERCIAL RECREATIONAL USES FROM THE PLANNED INDUSTRIAL ZONE (CITY INITIATED) AND REMAIN P-M/L-I, PARCEL COVERAGE FROM 1.50 FAR TO .4 FAR IN THE ORDINANCE ONLY."

**D. Conditional Use Permit (CUP) 16-01
Request for a Medical Use (Dentist) in the General Commercial (C-G)
Zone Review**

Continued consideration of Conditional Use Permit (CUP 16-01) to allow a Medical Office (Dentist) in the General Commercial (C-G) Zone on a major arterial at 10688 Los Alamitos Boulevard, APN 242-245-01 (Applicant: Sandy Yavitz, of Los Alamitos Center Plaza II, LLC).

Development Services Director Steven Mendoza summarized the Staff report, referring to the information contained therein, and indicated Staff has received letters and would like to continue this item so Staff can repackage this item with more information, etc. to March 23, 2016.

Chair Culty reopened the Public Hearing.

Jim Wood, partner to the applicant, indicated he has nothing to present at this time but will return on March 23, 2016.

Chair Culty indicated the Public Hearing will remain open until the next Commission meeting on March 23, 2016.

Commissioner Grose asked what type of dentist the applicant is.

Associate Planner Tom Oliver indicated the dentist will be prepared to answer questions on March 23, 2016.

Motion/Second: Grose/DeBolt

Carried 6/0/0 (Andrade absent): The Planning Commission moved to continue the Public Hearing to March 23, 2016 providing the Applicant more time to work with Staff to address parking related issues.

E. Conditional Use Permit (CUP) 16-02

Outdoor Storage in the Planned Light Industrial (P-M) Zone

Consideration of a Conditional Use Permit to allow an Outdoor Storage area at the back of a Trend Offset building, 10631 Humbolt Street, in the Planned Light Industrial (P-M) Zone (Applicant: Kristie Nelsen, Kardent Design). Due to an error in publishing the Public Notice, the Hearing for this subject should be deferred to the March 23, 2016 Planning Commission meeting.

Development Services Director Steven Mendoza indicated this application is for a loading dock at Trend Off-Set Printing.

Mr. Mendoza went on to explain that the Public Hearing notice was noticed incorrectly as the wrong address was placed on the notice and for this reason Staff recommends taking no action on this item tonight. The item will be noticed for the March 23, 2016 Planning Commission meeting.

8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

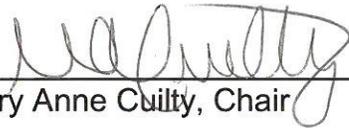
- Introduced City Attorney Cary Reisman to the Commission.

9. COMMISSIONER REPORTS

- Commissioner Grose reported that she will be participating in the Race at the Base and encourage all Commissioners to attend.

10. ADJOURNMENT

The Planning Commission adjourned at 7:55 PM.



Mary Anne Cully, Chair

ATTEST:



Steven Mendoza, Secretary