

**MINUTES OF SUBDIVISION COMMITTEE MEETING  
OF THE CITY OF LOS ALAMITOS**

**SPECIAL MEETING – May 25, 2016**

**1. CALL TO ORDER**

The Subdivision Committee met in Special Session at 9:57 PM, Wednesday, May 25, 2016, in the Council Chambers, 3191 Katella Avenue; Chair Cuiilty presiding.

**2. ROLL CALL**

**Present:** Commissioners:      Committee Chair Mary Anne Cuiilty  
   Committee Vice Chair Larry Andrade  
   Committee Member Wendy Grose  
   Committee Member Gary Loe  
   Committee Member Victor Sofelkanik

**Absent:**                              Committee Member Art DeBolt  
   Committee Member John Riley

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

**3. AGENDA REPORT / SPECIAL ORDERS OF THE DAY**

**A. Potential Violation of the Subdivision Map Act – 4411 Katella Avenue – Arrowhead Property**

This is a hearing of the Subdivision Committee to review and consider if the 28-acre Arrowhead Property was divided in violation of the Subdivision Map Act.

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 Subdivision Committee.

Assistant City Attorney Lisa Kranitz said although Public Comment is not listed on the meeting agenda, it is governed by the Brown Act and, therefore, the public may comment.

Committee Chair Cuiilty opened the meeting to public comment.

JM Ivler, resident, indicated when this document was provided by Mr. DeBolt, it had to go to the City and they had to make a determination if the information in the document was valid and if it was valid, our City code states that there are actions the Council had to take. He said the City Attorney decided they would not follow the City code but the Map Act would take precedence and so they would follow the Map Act. What specifically they

should have said to the property owners is, "It appears based upon the deeds, that this piece of property was divided on the horizontal in violation of the Map Act." At that point Arrowhead would know exactly what the violation was because the City determined that it appears that this is what happened. He said he agrees that the property owner was not properly advised by the City. He urged the Committee to kick this back to the Community Development Director and City Staff to either: A) Follow our City code; or, B) Do what the Map Act says and clearly delineate the information that was provided by Art DeBolt as statements of fact in that it appears to the City of Los Alamitos that the Map Act has been violated by cutting this property on the horizontal without the proper approvals. Also, come in to City Hall and show us that you have the proper approvals to do this.

Ms. Kranitz explained that Staff needs to put forth a few more facts into the record. Normally, when there is perceived to be a violation of the Subdivision Map Act which is fairly rare, it is something that Staff has found; Staff has determined and Staff affirmatively can say after talking with the City Attorney, that they definitely believe that there is a violation here. At that time, the City can give the other side a chance to present evidence to the contrary. In this case, it wasn't Staff who came up with the alleged violations but Mr. DeBolt brought it to Staff's attention with his letter. While Mr. Ivler said he feels it was clear, it wasn't clear to the City Attorney, the Assistant City Attorney or the Community Development Director that the alleged violation was the improper separation on a horizontal plane. The letter went out as it did because all Staff understood is what was in Mr. DeBolt's letter because it was filed as a private citizen and not as a member of the Planning Commission. Nevertheless, while Mr. Robert Grable raised the issue of improper notices, one of his grounds in his letter, she does believe his letter addressed both the issue of the antiquated map, of it being divided before 1891, and also addressed the horizontal delineation. Now that Staff had the response and had an expert at Willdan Engineering who could review this, (and she thinks he's prepared to put into the record tonight his views of it), she urged the Commission before taking any action, to listen to what everybody has to say first.

Mr. Grable, representing the landowner, indicated he hasn't heard Staff's position as yet and would like to hear that before he speaks to the matter.

Mr. David Knell, has been in the business for about 45 years as a Licensed Land Surveyor. He explained that he deals almost exclusively in the division of land. He said what we're dealing with tonight is very esoteric and the City probably has never been involved in something like this. He said he acts as City Surveyor to 18 cities (including Los Alamitos) and goes to court frequently on decisions such as this. In reviewing what was sent to him a number of weeks ago by Art DeBolt, he said he felt there was nothing out of the ordinary with this and conveyed that thought to Mr. Mendoza. He said he looked at it again a few days later and found nothing afoul about the Map Act

at all. It was very much in keeping with what he sees on a day to day basis. There was nothing he thought was illegal, out of sort, a break in the chain of title, or anything else.

There is one thing that is somewhat different in it in that there are two assessor's parcels but there are four assessor's parcel numbers. This is because if you read the deed from 1982, there are legal descriptions for two parcels and then there are legal descriptions for the improvements on the two parcels which give you four legal descriptions and four assessor's parcels. This does not make it four parcels; it makes it two land parcels and two improved parcels. This is an act of the Assessor's Office; it is not a function of the Subdivision Map Act. It is not to be confused with a subdivision. He said he feels that is where Mr. DeBolt went wrong in his assessment of what went on. He also alleged that this property was subdivided illegally in the 1890's and he cited a case called "Gardner v. County of Sonoma" which he said he's very familiar with and said it isn't even germane to this issue. It's almost like he pulled it out of his hat and said, "This sounds good". He said he became familiar with that case which basically deals with Certificates of Compliance and explained how this case came about.

Last week when he received the letter from Mr. Grable, he read through it and concurred with everything he said. He felt that Mr. Grable got it spot on as far as the assessment of Mr. DeBolt's allegations, the interpretation of the 1890 law with regard to antiquated lands; they don't apply here. We have to understand that the Assessor's maps are for assessment and taxation purposes only. They do not follow the regulations of the Subdivision Map Act. He feels there is a lot of confusion out there as when looking at an Assessor's parcel, you think that that is a legal parcel; it is not necessarily the case. There are only two legal parcels here but there's four assessor's parcels, two being for improvements. There is not an illegal subdivision of property here at all.

Committee Member Sofelkanik asked Mr. Knell if he is a member of the State Bar.

Mr. Knell said he is not an attorney but attorneys call him for his opinion as an expert witness. He is also the City's Surveyor as well.

Mr. Grable said that obviously the information that was just given by Mr. Knell was helpful. He said that as of now the only evidence on the City's side is that there is no violation; there is, however, Mr. DeBolt's concerns but the evidence that the City has is that there is no violation. At this point, he said he really has nothing further to add.

Committee Member Sofelkanik said in looking at the evidence, there is an expert witness present that has clarified the evidence and is probably

factually correct on it. Also, the City Attorney's response letter has probably been well researched. He said his thought is what would be the harm in having a letter come from our City Attorney to Mr. Grable just basically stating what Mr. Knell explained?

Ms. Kranitz explained that that isn't standard procedure when somebody submits something to a Planning Commission or a Committee to have a response. For the record, she indicated that this is very esoteric area of the law. Staff did do research on this and tried to figure it out. Her initial reaction was that because it was described by Metes and Bounds, it probably did not fall within the Gardner case and it was an exemption to that. Nevertheless, Staff put it forward for the Subdivision Committee to make the full recommendation. They tried to speak to various Title Officers themselves who really couldn't even comprehend why they were being asked those questions. Also, on a pro bono basis nobody wanted to become involved in this because, she thinks, money wasn't authorized by the Council to do any research.

Mr. Mendoza commented that a minor amount of money was authorized.

Ms. Kranitz continued by saying that they, as the City Attorney's Office, are in concurrence with our City Surveyor and do not find any fault in Mr. Grable's letter.

Motion/Second: Grose/Andrade

Carried 5/0/0 (DeBolt and Riley absent): The Subdivision Committee determined that there was no violation existing, and the City shall mail a clearance letter to the Owner.

#### 4. ADJOURNMENT

The Subdivision Committee adjourned at 10:25 PM.

  
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Mary Anne Guilty, Committee Chair

ATTEST:

  
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Steven Mendoza, Secretary