

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

REGULAR MEETING – August 24, 2016

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:02 PM, Wednesday, August 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 John Riley
Commissioner Victor Sofelkanik

Absent: Vice Chair Larry Andrade

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 Cuiilty.

4. ORAL COMMUNICATION

Chair Cuiilty opened the meeting for Oral Communication for items not on the agenda. There being no speakers, Chair Cuiilty closed Oral Communication.

5. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of June 22, 2016.

Motion/Second: Grose/Sofelkanik.

Carried 5/0/1 (Riley abstained and Andrade absent): The Planning Commission approved the Minutes of the Regular meeting of June 22, 2016 as written.

B. Approve the Minutes for the Special Subdivision Committee Meeting of June 22, 2016.

Motion/Second: Grose/Sofelkanik.

Carried 5/0/1 (Riley abstained and Andrade absent): The Planning Commission approved the Minutes of the Special Subdivision Committee meeting of June 22, 2016 with corrections.

C. Approve the Minutes for the Regular Meeting of July 27, 2016.

Motion/Second: Grose/Sofelkanik.

Carried 6/0/0 (Andrade absent): The Planning Commission approved the Minutes of the Regular meeting of July 27, 2016 as written.

6. CONSENT CALENDAR

None

7. PUBLIC HEARINGS

A. Site Plan Review (SPR) 16-05

Duplex to be Constructed on a Parcel in the R-2 Zone.

Consider a Site Plan Review (SPR 16-05) application for the construction of a new 4,450 square foot residential duplex at 10833 Cherry Street on a 6,750 square foot parcel in the R-2 zone, APN 242-183-11 to replace an existing 1,126 square foot single family residence. This project will also include construction of a detached 400 square foot two-car garage. (Applicant: Theresa Murphy - Precious Life Shelter).

Commissioner Grose indicated she will recuse herself from this item as she is the Co-Chair on the Board of Directors for the Precious Life Shelter; she left the dais.

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, and introduced the Applicant, Theresa Murphy, Architect on the project Don Jacobs, Evan Miles with the Homemate Orange County, and Mike McMillan with Tri-Point Group, are present to answer questions. Mr. Oliver went on with his Staff report and presented a video that the Applicant provided.

Chair Culty opened the Public Hearing.

Theresa Murphy, Applicant, indicated she has been with Precious Life Shelter for 27 years and they have been in existence since 1989. Ms. Murphy explained what the Shelter does and what they would like to do with this proposed project.

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

Commissioner DeBolt asked why this is designated as a duplex; shouldn't these really be 2 detached single family homes?

Mr. Oliver answered that our Code is not very clear as to what a duplex is.

Assistant City Attorney Kranitz read the description from the Code and said it is defined as "A residential structure under a single ownership containing two

dwelling units designed exclusively for occupancy by two families living independently of each other.” This is in the R-2 zone and that’s why this (a duplex) is allowed.

Commissioner DeBolt said he likes the project but wonders if this is the right designation on the property.

Commissioner Loe felt that a duplex on the property is fine but this is actually a four unit project and he felt that a four unit project does not belong in an R-2 zone. If the Commission is making a special exception for Precious Life, then that’s one thing but if a private citizen were to come in with the same kind of project, it would never get very far.

Commissioner Riley indicated when he looked at the plans, what he saw was two duplexes on one lot which is really four dwelling units; it would also be under parked. He feels that Precious Life is a great organization but the decisions of the Planning Commission are supposed to be for the good of the community. There have been fantastic applicants that proposed things that the Commission didn’t think were appropriate and have had to turn them down because the decision has to be made based on the guidelines that have been set up for the good of the City. He feels that this is like bending and tweaking to make this project fit but he doesn’t know if they’re being honest about what this is. He said also that it goes to the future and this property ever changes hands and somebody puts a wall between the kitchens and now it becomes four units. It just feels questionable to him.

Commissioner DeBolt said he agrees with Commissioner Riley and feels this might be a work-around.

Chair Culty said she felt that if this project was something other than Precious Life, it would be scrutinized more and probably wouldn’t be approved.

Commissioner Sofelkanik indicated this can easily be confused for four units and he said he’s fine with Precious Life but it’ll be hard to stop any future copy cats.

Ms. Murphy said they presented numerous designs to Staff when they were first starting this project, because they didn’t want to be in conflict because what they thought it was going to be was a multi-family dwelling and the definition that they were given to them that it should be a duplex. The method for them was to try to give each of the individuals a space to be with a child; to reconfigure this to be two single family homes and put a mother and child in each of the bedroom units that’s a possibility and they could work it like that. It doesn’t give them the privacy that they were trying to get to and give them some dignity to have some privacy and a home that would be theirs that wouldn’t just be a room that was theirs. That was the objective, to try to

design something that would meet that need which is why they went to the one kitchen per the request of Planning and made it be one area that would be their common area and that they would still have a little privacy in their living space. Also for the safety of the children, the space between the two buildings was really to have a place to play so they weren't going to Cherry Street to play. Those were the objectives that they were trying to accomplish; trying to meet the needs of that piece of property.

Commissioner Solfelkanik asked Ms. Murphy if she would want the opportunity to meet with her architect and come back with a different design.

Ms. Murphy said she would be.

Motion/Second: Sofelkanik/DeBolt

Carried 5/0/1 (Grose abstained and Andrade absent): The Planning Commission moved to continue this item to the Planning Commission meeting of September 28, 2016.

Mr. Mendoza said he wanted to thank Kathryn Brun, an intern from Cal Poly, Pomona that helped with the Staff report.

Commissioner Grose returned to the Chamber.

B. Conditional Use Permit (CUP) 16-12

Motor Vehicle Impound Yard in the Planned Light Industrial (P-M) Zone

Consideration of a Conditional Use Permit (CUP 16-12) to permit a 6,000 square foot motor vehicle impound yard with a 2,300 square foot indoor office in a building located at 10621 Bloomfield Street, Unit 20, (APN 242-242-62) in the Planned Light Industrial (P-M) Zoning District (Applicant: Jose Flores, Ultimate Towing & Recovery).

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

Chair Culty opened the Public Hearing.

Scott Peotter, representative, introduced Amber Flores, the Applicant's wife.

Amber Flores, Applicant's wife, said she was an E.R. Nurse and a part owner of the towing company. Her husband's main goal was to work with AAA & the local law enforcement and gave a brief background of the company.

Scott Peotter spoke about the property and the project. Mr. Peotter pointed out a few conditions in the resolution that they would like modified; they are:

15. The block walls surrounding the yard shall be constructed of decorative blocks, such as slump stone, or split faced.
 - *Would like a smooth or split face wall to match the building.*
16. The gate shall be made of wrought iron or tubular steel, painted black with a mesh or screen backing, painted black.
 - *Proposes to install painted (building color) metal decking's as it will block visibility better.*
19. Wrought iron or tubular steel spikes, that are no taller than one (1) foot, shall be installed on top of the block wall to deter thieves and trespassers from entering the area.
 - *Razor wire was included on the Police comments but would like the option to install this as it more effective and easier to maintain.*
20. A surveillance system shall be installed to the satisfaction of the Police Department. Please contact the Development Services Department to present the selected type of system to the Police Department.
 - *They will install an Ultimate surveillance system and will work with the PD.*
21. 24-hour onsite personnel shall be employed.
 - *Since this operation is very small and there are no plans to provide onsite personnel 24-7, and, currently Ultimate does not do predatory towing which usually gets customers upset, the need for this security happens when the operator does certain kinds of business. They are suggesting the condition be modified to allow flexibility.*
22. Bullet proof glass shall be installed in windows to protect staff from angry customers as required by the Police Department, based on the operation of the facility.
 - *They would like this to be based on the type of business Ultimate is doing.*

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

Following a lengthy discussion, it was decided:

- Condition 15: Change is approved.
- Condition 16: Change is approved.
- Condition 19: No modification.
- Condition 20: Change is approved.
- Condition 21: Planning Commission shall review this item in 6-8 months after the business commences operations for the sole purpose of determining whether 24 hour on site personnel is required based on data provided by the Los Alamitos Police Department.
- Condition 22: No modification.

Motion/Second: Grose/Riley

Carried 6/0/0 (Andrade absent): The Planning Commission unanimously adopted Resolution No. 16-16, *with changes*, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING WITH CONDITIONS A CONDITIONAL USE PERMIT (CUP 16-12) FOR A 6,000 SQUARE FOOT MOTOR VEHICLE IMPOUND YARD – *NO DISMANTLING OR WRECKING, ATTACHED TO AN EXISTING 58,512 SQUARE FOOT BUILDING ON A 5.25 ACRE PARCEL* AT 10621 BLOOMFIELD STREET (APN NO. 242-242-62) IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSE FLORES, ULTIMATE TOWING & RECOVERY)."

A break was called at 8:33 PM and reconvened at 8:41 PM with all Commissioners present (Andrade absent).

**C. Conditional Use Permit (CUP) 336-90M
Site Plan Review (SPR) 11-01M**

Modifying a McDonald's Drive-Thru in the (C-G) Zoning District

Consideration of a modification to a Conditional Use Permit (CUP 336-90M) and a Site Plan Review (SPR 11-01M) to modify a drive-thru as well as make modifications to the landscape and curb for a McDonald's at 3562 Katella Avenue in the General Commercial (C-G) zoning district (APN 222-091-20) (Applicant: Silman Ruiz).

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

Chair Cuijty opened the Public Hearing.

Scott Wilkinson, Area Construction Manager with McDonalds, introduced the owner/operator and members of the architect/engineering team as well that

can speak if needed. He thanked Staff for all of their help with this project. He said he thinks the layout is a good one and will help serve the community better. This should help alleviate some of the stacking issues that have been on this site over the last few years.

Kevin Kasha, Owner/Operator, purchased the restaurant two years ago and also owns three other McDonald restaurants. He spoke about issues involved in this self-contained pad and the stacking issues and spoke about the various ways they've been trying to mitigate this issue. Mr. Kasha said he feels that having two drive-thru lanes is the best idea they've come up with to solve this problem.

Commissioner Grose said she felt that the Commission should approve this design, give the Applicant the opportunity to try some other alternatives, perhaps without a chain, have the Applicant come back in six months or so and relook at the design and see how it worked and did it effectively remove the traffic off of Katella Avenue as much as possible. She felt we won't get 100% but she said she would like to see some improvement so that traffic isn't backing up as much.

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 6/0/0 (Andrade absent): The Planning Commission unanimously adopted Resolution No. 16-17, *without the chain condition*, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION OF CONDITIONAL USE PERMIT 336-90 AND SITE PLAN REVIEW 11-01 TO PERMIT THE ADDITION OF A SECOND ENTRANCE TO THE MCDONALD'S FAST-FOOD RESTAURANT DRIVE-THRU AT 3562 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 222-091-20 AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORIAL EXEMPTION FROM CEQA (APPLICANT: SILMAN RUIZ);

And

Informally return to the Commission in six months and give an update as to how this plan worked and if he would like to try something different.

8. STAFF REPORTS

None

9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

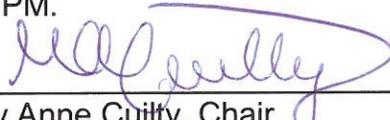
Mr. Mendoza reported he will be on vacation for the next two weeks.

10. COMMISSIONER REPORTS

Commissioner Grose recognized the members of the women's water polo team who swam in the Summer Olympics and were from Los Alamitos.

11. ADJOURNMENT

The Planning Commission adjourned at 9:05 PM.



Mary Anne Cully, Chair

ATTEST:



Steven Mendoza, Secretary