MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – May 24, 2017

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, May 24, 2017, in the Council Chamber, 3191 Katella Avenue, Chair Andrade presiding.

2. ROLL CALL
Present: Commissioners:
Chair Andrade
Vice Chair DeBolt
Culity, Grose, Riley and Sofelkanik

Absent: Loe

Staff: Steven Mendoza, Development Services Director
Lisa Kranitz, Assistant City Attorney
Tom Oliver, Associate Planner

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Chair Andrade.

4. ORAL COMMUNICATION
Chair Andrade opened the meeting for Oral Communication for items not on the agenda. There being no speakers, Chair Andrade closed Oral Communications.

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular Meeting of Monday, April 26, 2017.
Vice Chair DeBolt addressed a change to the minutes regarding the square footage for the gross land per dwelling unit for the proposed project. Upon staff’s review of this item in question it was determined that Commissioner DeBolt’s correction was accurate.

Vice Chair DeBolt also stated that on page 2, paragraph 9 be changed as follows:

Vice Chair DeBolt expressed concern over the parking calculation. He read the code requiring parking and noted the staff report omitted the parenthetical example of an “other room” which included a den or office. He stated the other rooms should be counted at ½ space each resulting in a total of 15 spaces. He thought the project would need to be re-designed to accommodate the extra spaces.

Vice Chair DeBolt said there was no mention in the minutes of Development Services Director Mendoza’s references to the memo that was distributed to the Commission prior to the meeting. He said he would like to read it into the record as follows:
Development Services Director Mendoza states his staff is challenged with what is readily used as a bedroom because there is no definition of a bedroom. Mr. Mendoza commented about a memo created by Staff in order to address this issue consistently on future projects.

Motion/Second: Grose/Cuilty
Carried 4/0: (Chair Andrade and Riley abstained and Loe was absent). The Planning Commission approved the minutes of the April 26, 2017 Regular meeting as amended.

6. CONSENT CALENDAR
None.

7. PUBLIC HEARINGS
A. Consideration of a Five-Unit, Residential Condominium Development Application for Tentative Tract Map, Conditional Use Permit, and Site Plan Review at 3751/3755 Farquhar Avenue (APN 222-062-28) Applicant: Alison Stapakis and Olympia Stapakis
Continued consideration of a five-unit, residential condominium project at 3751/3755 Farquhar Avenue (APN 222-062-28) on an 8,760 square foot 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: Alison Stapakis and Olympia Stapakis).

Vice Chair DeBolt asked for clarification as to whether or not the plans are drawn to scale.

Developer Neoklis Zamvakellis stated that they are to scale, but given that they are dimensions, if the scale does not match, you would go by what the architect noted as the dimensions.

Vice Chair DeBolt questioned Staff about the whether or not the plans submitted satisfy what is required for this application process.

Development Services Director Steven Mendoza indicated that it does.

Vice Chair DeBolt questions the plans over them being labeled inadequately to identify dimensions. Furthermore, specifically addressing the trash enclosure and the distance from Building C to Building D.

Vice Chair DeBolt questioned the dimensions from the trash enclosure to the property line; it should be five feet by eight feet in interior dimension, exterior dimension has to be six feet by nine feet. Given such calculations, the dimension is short by one foot.
Staff, Developer, and the Planning Commission discussed at length what the code states about dimensions, curbs and landscaping.

Commissioner Grose suggested that if Staff deems it necessary, adjusting the location of the trash enclosure by a matter of inches should resolve this problem.

Vice Chair DeBolt asked for clarification from Assistant City Attorney Lisa Kranitz about what the Code Section 17.26.080 says regarding residential curbs and how permissive is the term “shall be”.

Assistant City Attorney Kranitz stated that “shall be” translates to “it must”.

Development Services Director Mendoza stated that Section 17.26.060 is the residential section of the parking dimensions; it begins and ends there. He said this is the wrong code section being referenced by Commissioner DeBolt pertaining to the parking dimensions is for commercial projects.

Commissioner Culity inquired about the possibility of continuing this item to the next Planning Commission meeting given that the other two projects (4551 Farquhar) that the Planning Commission have approved have been pulled by the City Council and she doesn’t know why. She said the Commission could sit here and debate until midnight but, if it’s going to be pulled like the other two, so she’s wondering if they continue the item to the next one because it’ll be at the City Council meeting on June 19.

Chair Andrade felt that there were some merits to that for the simple fact that whatever they decide to go through at this point it would probably be helpful to know if there is a similarity between all three that need to be addressed at the same time.

Developer Zamvakellis expressed opposition to continuing this item and would like to call for the vote on this item. He felt that all of these tactics are merely delay tactics by somebody out there in the cloud.

Chair Andrade acknowledged the Applicant’s opinion but indicated that it’s the Commission’s job to make sure the project meets code. He said the Commission could do that but doesn’t know if the Applicant would ultimately like the result. He said his point is if the Council pulled the other two projects because one of the questions he was going to ask next was, after watching the video from the last Commission meeting, there was no discussion on the curb on those two projects and they’re very similar in design and in property space but now that we know what we know, now that they’ve been pulled by Council, tells him that there’s another reason for that and since they are so similar in nature it would make sense to continue it just to handle anything that they may come up with on those two that may be part of this as well and we can address it at that time.
Developer Zamvakellis indicated that it would be much more proactive if questions concerning their developments were brought forward to their attention prior to the meeting, in order to be prepared to provide answers in efforts to avoid having the items get continued repeatedly.

Assistant City Attorney Kranitz expressed to the Planning Commission that all issues should be made known to the Applicant at tonight’s meeting.

Commissioner Grose inquired about what the reasoning for the appeal was for the two projects.

Development Services Director Mendoza indicated that being that they are being called for review, the reasoning is neutral therefore, it will not be known until the night of the Council meeting why it is that these items were called for review.

Staff and the Planning Commission discussed proper interpretation of the code pertinent to parking in condominiums.

Vice Chair DeBolt inquired about parking for this development, and whether or not it is sufficient to meet code. Vice Chair DeBolt added that in the Code it states that condominiums must have two covered spaces for each unit.

Staff, the Developer, and the Planning Commission discussed what code stipulates about parking and which should be used for this development.

In response to Vice Chair DeBolt’s question, City Attorney Kranitz stated that R-3 is not meant to be apartment standards; it’s multifamily. But there are more specific provisions for condominiums. In this case of code inconsistencies, she said she would look at what the interpretation has been of the Planning Department and how has this been applied in the past. Generally, the more specific would prevail, in this case being the code referring specifically to condominiums.

Vice Chair DeBolt commented that if this project was scaled back to four units, it would be able to meet the development standards.

Commissioner Riley commented that he also believes that the parking requirements are not being satisfied for this development per the Code.

Commissioner Sofelkanik expressed concern over an insufficient amount of parking being available per what the code dictates about the number of bedrooms equal to the number of bedrooms.

Developer Zamvakellis provided Staff and the Planning Commission with a revision addressing this matter in which case, changing the use of what was
initially proposed as a den to a laundry/mud room and they would propose this change on the other two projects as well.

Vice Chair DeBolt inquired about the turning radius of vehicles and the location of a pivot point for each vehicle being parked on-site. Specifically addressing unit 2, space number 4. Code section 17.26.060(f) A minimum turning radius of 28 feet shall be required for garages. A minimum back up distance of 24 feet is required behind all 90-degree parking stalls. He felt that the turning radius is the exact opposite of what it should be.

Staff and the Planning Commission discussed what the code states about turning radius and back-up distances from garages and parking stalls. Mr. Mendoza indicated he would bring in the Traffic Engineer to speak on this matter.

Chair Andrade indicated he disagrees with the Vice Chair and feels somebody could easily back out and turn left.

Commissioner Cuilty said she agrees as the code doesn’t say it has to be straight, it just says you need the room and there’s clearly the room to do it.

Vice Chair DeBolt said that that was fine but he would like an interpretation of the turning radius and we don’t have to have the engineer here; a hand out is fine or even an email. It should illustrate for this space how you compute the turning radius to enable a person to exit that garage.

Developer Zamvakellis said they would tweak the plans.

Steve Stapakis, son of Applicant, Olympia Stapakis addressed the concern expressed at the previous meeting by Vice Chair DeBolt about the height of the building versus the number of stories and its proximity to an R1 property. Referring to a handout, Mr. Stapakis indicated that the right-of-way at Farquhar is 60 feet wide and in addition, there’s another 40-foot drainage ditch which is 100 feet from the property line. Secondly, the code states for the height requirements in the R3 district, there’s a note that says, “#11. Portions of structures in excess of 30 feet shall be set back an additional 5 feet.” So the whole building is essentially less than 30 feet so no problem on that one. “B. Portions of structure located within 100 feet of R1 property shall not exceed 2 stories and 30 feet in height.” This is the one we’re up against. So, if you go back to the Google map that he provided, if you go to R1 property, and the drainage ditch is not R1 property, he referenced the word definitions in the code to address the development’s proximity to an R1 property. He felt that a drainage ditch is clearly not an R1 property. He questioned why we’re trying to protect a flood control from R3 use? It’s a policy that shouldn’t be there. At a minimum you should consider it, the 100 feet, from the nearest R1 use. Even if you said we were going to measure from the line in-between the flood control and the street, now we’d have to
have two stories in the first 40 feet of the lot because the street is 60 feet wide; it’s a 60-foot right-of-way. At worst, we’d have a 20-foot-wide front yard setback and have to have only two stories for the first 20 feet of structure. We would come back to you and ask for a variance. We have a unique situation here. Its tailor made for a variance.

Staff, Applicant, and the Planning Commission discussed the code that applies to this development regarding its proximity to an R1 property.

Following a lengthy discussion, Commissioner Riley suggested the Applicant come back and ask for a variance because otherwise we face the same challenges mentioned earlier.

Vice Chair DeBolt said he would like to have copies of the proposed CC&R’s as required in Section B; they should have been submitted with the application.

Mr. Mendoza said he would like to get the other Commissioner’s concurrence on this request as even though it’s a code requirement, it’s a code requirement that has been deferred by the Commission for almost 40 years. The question is: Do the Commissioners want to go line by line through a set of CC&R’s?

A lengthy discussion ensued as to how and why the CC&R’s haven’t been reviewed for all of these years by the Commission and the responsibility falls to the City Attorney to review them. Ms. Kranitz indicated that normally what occurs is that the Commissioners will add conditions that certain things will be included in the CC&R’s. For example, garages will remain clear so that cars can park in them, etc. It’s much more common in cities for the Commissioners to just say this is what we want in the CC&R’s and then when Staff and the City Attorney reviews them, they go through the conditions and checks them against the CC&R’s.

Commissioner Riley pointed out that there really are only four items that the Commission would like to have addressed in the CC&R’s so as long as that’s done, he’s fine with it.

Vice Chair DeBolt indicated he was okay with things as they are.

Chair Andrade wanted to make sure the Applicant is clear with the issues at hand to be addressed for their request for a continuation. They are:

1) Lack of a covered space;
2) Distance and how this effects the number of floors permitted;
3) Definition of an R1 property and is the flood channel in question zoned R1;
4) Applicant will have to find reasoning for a variance;
5) Curbs and whether they’re required in driveways next to buildings in the Residential zone.

Motion/Second: Guilty/Grose
Carried 6/0: (Loe absent). The Planning Commission moved to continue the discussion of a five-unit residential condominium project proposed for 3751/3755 Farquhar Ave. (APN 222-062-28) on an 8,760 square foot parcel in the Multiple Family Zoning District which will require demolition of two existing units to the next regularly scheduled Planning Commission meeting.

8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
None.

9. COMMISSIONER REPORTS
Commissioner Riley inquired as to the condition of Coyote Creek Bike Trail. Mr. Mendoza indicated the City is repaving it.

Commissioner Sofelkanik brought up an experience he had when an applicant had invited him to visit his project and when he did, the driveway was supposed to be 14 feet but it ended up being 10 feet when he stepped it off. What his point was what the Commission is seeing at the meeting is not what is getting built after approval. A question he had was when the inspector inspects a project and it doesn’t match up to the approved plans, what do they enforce? He said he’s not looking for an answer but it’s put out there to provoke some thought. He also brought up the condominium project and feels that it’s very important to strongly adhere to the code in terms of density. He asked that we arrange a meeting with the Commission, Staff and City Attorney to have a discussion about what the complexion of these properties we want as a City because he’s concerned about us getting extremely dense in some of these areas.

Mr. Mendoza indicated that when we award the contract for the zoning code, he thinks that’s a perfect chance to do a subcommittee of council members and a subcommittee of commissioners to be on that so these issues are addressed.

Commissioner Riley indicated the items that Commissioner Sofelkanik brought up should be agendized for a future meeting for discussion especially the item he brought up regarding enforcement of site plans.

10. ADJOURNMENT
The Planning Commission adjourned at 9:36 p.m.

Chair, Larry Andrade

ATTEST:

Steven A. Mendoza, Secretary