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

REGULAR MEETING – September 27, 2017

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:03
p.m., Wednesday, September 27, 2017, in the Council Chamber, 3191 Katella
Avenue, Chair Andrade presiding.

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

   Staff: Steven Mendoza, Development Services Director
       Cary Reisman, City Attorney
       Michelle Müller, Department Secretary
       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 Wednesday, August 23,
   2017.
   Motion/Second: Grose/Culity
   Carried 6/0 (Sofelkanik absent): The Planning Commission approved the
   Minutes of the Regular meeting of August 23, 2017.

6. CONSENT CALENDAR
None.

7. STAFF REPORTS
A. Introduction of new City Attorney Michael S. Daudt and Assistant City
   Attorney Kendra L. Carney of Woodruff Spaldin and Smart
   City Attorney Cary Reisman introduced the new City Attorney Michael S. Daudt
   and advised that he will be taking over starting the first of October.

B. Nomination of Two Planning Commissioners to sit on a Council Committee
   for the Zoning Update
   Development Services Director Mendoza provided a brief overview to the Planning
   Commission as to what a seat on this committee will entail.
Vice Chair DeBolt volunteered.

Commissioner Cuilty nominated Commissioner Riley.

Commissioner Loe nominated Vice Chair DeBolt.

The Planning Commission reached the consensus to appoint Vice Chair DeBolt and Commissioner Riley to the Council Committee for the Zoning Update.

8. PUBLIC HEARINGS
A. Conditional Use Permit (CUP) 17-03
Continued Consideration of Outdoor Storage in the Planned Light Industrial (P-M) Zone – Cottonwood Christian Center
This is a continuance of the proposed Conditional Use Permit for an outdoor storage area, consisting of shipping containers on a 1.6 acres of vacant railway property located across Lexington Drive from Cottonwood Christian Center’s Cypress campus (APN’s 241-241-32 & 33) in the Planned Light Industrial (P-M) Zoning District (Applicant: Mike Wilson, of Cottonwood Christian Center).

Development Services Director Mendoza summarized the Staff Report.

Chair Andrade opened the Public Hearing.

Applicant Mike Wilson advised that he had made Staff’s recommended changes.

Hedges were added to the design, in efforts to block the view of the storage containers from the public view as recommended by Staff.

Commissioner Cuilty asked if the gate should be changed since it is what is seen the most from the street.

Applicant Wilson indicated that the fence will not be changed and the new gate will match the existing fencing.

Motion/Second: DeBolt/Grose
B. 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

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).

Development Services Director Mendoza advised that this is the continued Public Hearing and includes the Variance.

Development Services Director Mendoza provided the Planning Commission with an overview as to what will be presented tonight.

Development Services Director Mendoza submitted a copy of a letter received prior to the meeting from a legal representative for the Applicant.

Associate Planner Tom Oliver summarized the Staff Report.

Chair Andrade re-opened the Public Hearing.

Neoklis Zamvakellis, Representative for the applicants, came forward and introduced himself and thanked the Commission and Staff for the opportunity to re-address this project.

Mr. Zamvakellis stated that the plans provided tonight address previous concerns on the design for this project. The back-up distance between building A and B was curved but now that has been eliminated and a straight 28-foot back-up space for all the units exist. The private open space for unit three was removed and made into a roof top deck. All the units have a private deck that is not included as part of the private open space. Four out of the five units have a yard.

Chair Andrade opened the Public Hearing for the Variance.

Steve Stapakis, son of applicant, expressed the following concerns:

- Opposition to R-1 zoning due to flood control easement proximity
- Adjacent to R-3 zones
- Inconsistency of zoning map
- Properties with similar scopes in close proximity
- Denial would cause a hardship and protect the flood control easement
Mr. Stapakis presented copies of photographs to the Commission and Staff of properties he found on the same street, that have similar scope of design to this project.

Vice Chair DeBolt asked and received clarification over the photographs submitted.

Bryce Rix home owner at 3741 Farquhar (neighboring property – one of the properties that Mr. Stapakis presented in the photographs provided tonight to the Planning Commission) expressed support for owner rights and is aware that the property is in need of improvement. He stated that the difference between his property and this property include: they are right across the channel and have no neighbors, his property has large trees that shade the property to obscure its height, his property only needed a variance and not a conditional use permit in addition to the fact that when he was developing his home, they were denied an additional half bathroom to prevent overpopulation, the trash unit is almost directly in front their rear neighbors front doors, so it should be in the alley, five units are too many (four would be more appropriate for the area, a third story would eliminate views and the sense of privacy, parking would become a bigger issue especially because most people use their garage for storage and it will lower property value).

There being no further speakers, Chair Andrade closed the public hearing and brought the item back for discussion by the Planning Commission.

Vice Chair DeBolt expressed concern regarding the flood control channel stating that it is not an easement as it is owned by the Orange County Fire District. He stated that it is part of the subdivision and is within the R-1 zone.

Vice Chair DeBolt distributed a handout to the commission. He does not believe that a variance should be considered, because it involves a sub-division. This is a tract which includes creating new parcels, therefore you cannot create non-conforming uses at their conception. Vice Chair DeBolt referenced the staff report to discuss zoning regulations and what the municipal code dictates about developments.

Vice Chair DeBolt referenced the code on standards of design to discuss deviations pertinent to the land and not the improvements to include: needing to have consistency with the general plan, compliance with the zoning and boundary lines.

Chair Andrade asked for clarification from the City Attorney about the code sections which were brought up by Vice Chair DeBolt and how they affect this project.

City Attorney Reisman indicated that he does not necessarily agree with Vice Chair DeBolt’s interpretation of the code. Section 16.12.280 is specifically
designed to allow deviations from the standards and designs noted. It is his opinion that a condominium division is a parcel map situation - subdivision. Furthermore, City Attorney Reisman indicated that the Commission is not absolutely prohibited from approving a variance in a subdivision. Whether or not it is approved, is up to the Commission and the City Council, if needed.

Chair Andrade inquired about the photographs presented by Mr. Stapakis of the other properties on Farquhar Avenue which have three story designs like this project. Chair Andrade asked Staff what would allow these to be built versus the project presented tonight.

Development Services Director Mendoza indicated that he will need to look into it to compare what the conditions and the codes were at the time that these other projects were approved.

Commissioner Riley that the circumstances in which the other projects were approved, have no bearing. Commissioner Riley asked for clarification from City Attorney Reisman as to whether or not that gives enough leeway to grant a variance.

City Attorney Reisman stated that the current Code should be enforced as the standard reads.

Vice Chair DeBolt stated opposition to the variance.

Development Services Director Mendoza clarified variances are used when a lot has special circumstances where you are not enjoying the same privileges as another lot with the same zoning.

Commissioner Riley stated that believes the drainage ditch should be viewed as a special circumstance.

Chair Andrade commented that if that was zoned appropriately, this would not be a topic of discussion.

City Attorney Reisman added that a variance is implemented when the inability to develop a property at all exists.

Development Services Director Mendoza provided the Planning Commission with information he found on the neighboring property at 3741 Farquhar Avenue, and concluded that there was no Variance, but do have a Conditional Use Permit and Tract Map as part of their development in 2002. Furthermore, Development Services Director Mendoza indicated that he will have to research what code read when this project was approved.

Commissioner Cughty expressed that they can build on this property, however instead of building five units, four could be built and not need a variance.
Mr. Stapakis commented that they can come up with a design solution. Chair Andrade conferred that this might be the solution.

Development Services Director Mendoza added that the other address shown in the photographs (3641 Farquhar Avenue) does not have a variance but it is also not across from the channel.

Mr. Stapakis asked if the project can be approved with the condition to make it two stories; Development Service Director Mendoza indicated that it cannot, because there is too much re-designing to be reviewed.

Motion/Second: Andrade/DeBolt
Carried 5/1 (Loe opposed and Sofelkanik absent): Directive for Staff to come back with a Resolution of Denial with the recommendation for the applicants to work with Staff to re-design the project so that it meets code.

Chair Andrade stated that the Public Hearing remains open for the Tract Map, Site Plan and the CUP with direction to re-notice the Public Hearing.

The following are the concerns Staff was directed to Review:

Vice Chair DeBolt
- Lack of a second 10 feet by 20 feet covered parking space
- Lack of having a recycle bin as required by the City and Public Resources code
- Condition #35 for a second recycle enclosure
- Private open space on the roof
- Landscaping along the east wall
- Reconsideration of the placement for the air condition unit

Commissioner Grose
- Location of the trash enclosure and moving it away from the adjacent property

Chair Andrade stated that the Public Hearing will be continued to the October 25, 2017 Planning Commission Meeting at 7:00 p.m.

E. Consideration of a Fifty-Unit Condominium Development Application for Tentative Tract Map, Conditional Use Permit, and Site Plan Review at 3311 Sausalito Street (APN 242-222-13) (Applicant: Steven Armanino representing The Olson Company)
Consideration of a development of fifty-units of townhome-style residential condominiums at 3311 Sausalito Street (APN 242-222-13) on a 2.44-acre 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: Steven Armanino, representing The Olson Company). A Mitigated Negative Declaration has been prepared for the Project.

Development Services Director Mendoza summarized the Staff Report.

Applicant Steven Armanino presented a PowerPoint presentation.

Chair Andrade opened the Public Hearing.

Gene Lasser, property owner of 10622 Walnut Street, expressed that the Olson Company is a good company and put out good products, however he has concerns regarding parking and the elevations. The entrances should be on Spring Street so that traffic does not pile up on the corner of Walnut Street and Sausalito Street.

Richard Murphy, resident, expressed concern and asked for protection of residents in the area who have been affected by the most recent demolition that picked up a lot of dirt. Mr. Murphy expressed concern over the enormity of the project, the number of units and the quantity of vehicles that will travel the street. Mr. Murphy was interested in mitigating the parking and traffic issues. School traffic causes a gridlock so bad that he was unable to get out of his street and it prevents access for emergency vehicles. Mr. Murphy supported the codes and the new waste laws being enforced, taking parking into account and ensuring what is built, is good for the whole community.

Resident Rachel Troter, stated that she attended the Community meeting hosted by the Olson Company where residents had the opportunity to ask questions about the project. Ms. Troter stated support for the project.

Natalie Chavez, resident at 4423 Farquhar Avenue expressed full support of the project, regardless of school congestion.

Mike Wilson, Cottonwood Church, expressed the Olson Company is presenting a good project; where the density is 20 dwelling units per acre instead of the 30 dwelling units per acre, and pointed out parking was much worse when the church was there.

Mark Waltman, owner of the Sausalito Walk expressed concern over this development lowering the surrounding property value. Mr. Waltman commented suggested using the same style as Sausalito Walk.

Tina Murphy, resident of Sausalito Walk, stated concern that the neighborhood cannot handle the traffic from this project. Mrs. Murphy expressed that she cannot get out of her house and there is not enough parking.
Chair Andrade opened the item for discussion among Planning Commissioners.

Staff and the Planning Commission discussed the following items regarding parking concerns:
- Parking does not meet code parking requirements – questioned implementing
- Tandem parking does not count towards the parking count per code
- Parking in this tract is already impacted by residents in the tract, Sausalito Walk residents and school traffic
- Changing the vehicle entrance location due to – high volume of vehicles that will travel through the already heavily impacted area
- Concern for safety due to the significant increase in vehicles that will travel the area
- Garage parking requirements

Commissioner Grose suggested working with the school district to see if traffic can be routed in a different direction to relieve congestion.

Chair Andrade commented that good points have been made by the community with regard to this development and how it will affect the neighborhood. He expressed concern over the phases of construction and how it will be handled. Chair Andrade requested more information to advise of the scope, length of time, and concerns will be mitigated.

Chair Andrade commented that the density does seem high – with respect to the stats provided by the Olson Company, there is a lot of driveway but not enough private open space.

Commissioner Cuitly supported Sausalito Walk continuing where they want to build apartments.

Commissioner Loe articulated that this project should not have to suffer for not having enough off-street parking. He stated that if people parked in their garages like they are supposed to be doing, parking would not be such a big problem.

Commissioner Riley asked if all bedrooms and the lounge were taken into account for parking requirements. If parking meets requirements, then the Commission will have a hard time denying it based on parking, but it does not look like it meets the parking requirements.

Commissioner Loe asked for additional information about how Sausalito Walk affected the area and questioned if people were parking on Sausalito Street and Walnut Street?
Speaker Mr. Waltman responded by saying that most occupants obtained a permit and are parking on the street.

Vice Chair DeBolt expressed the following concerns:

- Space and distance for parking spaces, and street width, and the lack of that information in the plans
- Opportunity for the use of dining rooms and bonus rooms to be changed in use
- The lack of fully dimensioned plans
- Issue with the trash bins being located inside the garage and not at the exterior of the units
- Questioned whether or not this development satisfies the new Organic Waste Law
- Potentially dedicate three spaces as electric vehicles charging stations
- Per code, there is not enough private open space provided

Commissioner Grose asked if the Fire Department had already approved this project. Development Services Director Mendoza commented that they have already provided conditions and those conditions will be presented to the Planning Commission at a later date.

Commissioner Riley also questioned whether or not this development satisfies what code requires for open space and private open space.

Motion/Second: Andrade/DeBolt
Carried 6/0 (Sofelkanik absent): Continued the public hearing to the next Planning Commission meeting on October 25, 2017 at 7:00 p.m.

Item was moved forward for discussion by the Planning Commission.

The Planning Commission took a brief recess at 9:36 p.m. and reconvened in regular session at 9:50 p.m.

F. Consideration of a General Plan Amendment and Zoning Ordinance Amendment to change the designation of a vacant lot behind an existing home for the purpose of combining the two lots.

3621 Fenley Drive, Los Alamitos CA 90720

Consideration of a Zoning Ordinance Amendment (ZOA 17-02) and General Plan Amendment (GPA 17-01) to change both the General Plan designation and the zoning district for a parcel from Open Area (O-A) to Single Family Residential (R-1). This parcel is to the rear of 3621 Fenley Drive, APN 242-301-52. (Applicant: Carl T. Blum).
Development Services Director Mendoza summarized the Staff Report.

Applicant Carl T. Blum indicated he purchased this home several years ago and was misinformed that they were under the same zoning. Mr. Blum stated that there is no intent to build on the property, at most he would foresee adding a swimming pool.

Vice Chair DeBolt asked if this triggers Proposition 13 on this property. Mr. Blum responded that he was advised that it should not, if at most he would see the property taxes charged on the same bill.

Chair Andrade opened up the Public Hearing.

There being no speakers, Chair Andrade closed the Public Hearing.

Motion/Second: Grose/Andrade
Carried 6/0 (Sofelkanik absent): The Planning Commission Adopted Resolution No. 17-06, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A RESOLUTION FOR GENERAL PLAN AMENDMENT (GPA) 17-01 AND AN ORDINANCE FOR ZONING ORDINANCE AMENDMENT (ZOA) 17-02 TO CHANGE BOTH THE GENERAL PLAN DESIGNATION AND THE ZONING DISTRICT FOR A 10,488 SQUARE FOOT PARCEL FROM OPEN AREA (O-A) TO SINGLE FAMILY RESIDENTIAL (R-1) FOR A PARCEL TO THE REAR OF 3621 FENLEY DRIVE, APN 242-301-52 (APPLICANT: CARL T. BLUM).”

Vice Chair DeBolt commented that perhaps Staff should consider initiating a clean-up in the area for other properties that face this same situation. Commissioner Riley indicated that outreach should be done first to determine whether or not the affected homeowners are interested in having this change take effect.

Development Services Director Mendoza advised that Staff can do a survey to determine if the homeowners in that area which face the similar situation would be interested in combining parcels like this one; if so, the process will be to file a Resolution of Intention to change the Code and the General Plan.

Item was moved forward for discussion by the Planning Commission.

G. Conditional Use Permit (CUP) 17-04
Outdoor storage in the Planned Light Industrial (P-M) Zone
Alliance Space Systems
Consideration of a Conditional Use Permit for outdoor storage around the southern parking area of Alliance Space Systems, consisting of two media blast booths that project out of the back of the building, chain link fencing for
security at the rear of the building, the creation of a level asphalt parking space for a container-type equipment unit, and the expansion of an outside equipment yard to allow for the installation of two thermal testing chambers. The property is located at 4392 & 4398 Corporate Center Drive (APN 241-251-44) in the Planned Light Industrial (P-M) Zoning District within the Los Alamitos Corporate Center (Applicant: Walter White, of Bremco Construction).

Development Services Director Mendoza summarized the Staff Report.

Applicant Walter White came forward to speak on this item and answer any questions from the Commission.

Vice Chair DeBolt asked for clarification about what an Environmental Test Chamber (thermal test) is. Mr. White provided information to the Planning Commission about what this enclosure involves and how it is used to make satellites.

Vice Chair DeBolt asked for clarification about what the container van is. Ed Kenniston, Manager for Alliance Space Systems explained to the Planning Commission how this container is used to produce their satellites.

Chair Andrade opened the Public Hearing.

There being no speakers, Chair Andrade closed the Public Hearing.

Vice Chair DeBolt referenced the Code regarding storage units and whether or not the proposed use is allowed.

Motion/Second: Loe/Grose

Item was moved forward for discussion by the Planning Commission.

C. Zoning Ordinance Amendment 17-01
Repealing and Replacing Regulations for Accessory Dwelling Units in the Residential Zones in the City to Comply with New State Legislation
Consideration of a Zoning Ordinance Amendment (ZOA 17-01) to repeal and replace regulations for accessory dwelling units as residential units in the

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residential zones of the City of Los Alamitos to comply with new state legislation requirements of SB 1069 and AB 2299 (City initiated).

Development Services Director Mendoza summarized the Staff Report.

Chair Andrade opened the Public Hearing.

There being no further speakers, Chair Andrade closed the Public Hearing.

Motion/Second: DeBolt/Grose
Carried 6/0 (Sofelkanik absent): The Planning Commission adopted Resolution No. 17-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 17-01 TO REPEAL AND REPLACE SECTION 17.38.150 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES IN THE CITY TO COMPLY WITH NEW STATE LEGISLATION (CITY INITIATED)."

D. Zoning Ordinance Amendment No. 17-03
Recreational Marijuana – Commercial Sales, Commercial Cultivation and Mobile Sales
The Los Alamitos City Council adopted Resolution No. 2017-16 during their August 21, 2017 meeting initiating a Zoning Ordinance Amendment concerning recreational marijuana to comply with new State legislation.

Development Services Director Mendoza summarized the Staff Report.

City Attorney Reisman provided the Planning Commission with an overview as to what this law dictates and what some of the limitations are at a local level.

Motion/Second: Grose/Cuilty

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8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Services Director Mendoza an update on the Los Alamitos Median Improvement project indicating all that is left to be done is the installation of the lighting, re-slurry of the pavement, adjusting the timing of the traffic loops and reducing back to two lanes each way.

9. COMMISSIONER REPORTS
It was requested by the Planning Commission to agendize the following to items for a future meeting:
   • Fenley properties which have the second lots behind the properties
   • Parking – a general Staff Report, no Resolution

10. ADJOURNMENT
The Planning Commission adjourned at 10:40 p.m.

ATTEST:

Larry Andrade, Chair

Steven A. Mendoza, Secretary