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

REGULAR MEETING – November 28, 2018

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, November 28, 2018, in the Council Chamber, 3191 Katella Avenue, Chair DeBolt presiding.

2. ROLL CALL
Present: Commissioners: Chair DeBolt
Culity, Loe, Grose and Sofelkanik

Absent: Vice Chair Riley
Commissioner Andrade

Staff: Les Johnson, Development Services Director
David DeBerry, City Attorney
Michelle Müller, Department Secretary
Tom Oliver, Associate Planner

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

4. ORAL COMMUNICATION
Chair DeBolt opened the meeting for Oral Communication for items not on the agenda.

There being no speakers, Chair DeBolt closed the public hearing.

5. Approval of Minutes
A. Approve the Minutes for the Regular Meeting of October 24, 2018
Motion/Second: Grose/Sofelkanik
Carried 4/0 (Culity abstained, Andrade and Riley absent): The Planning Commission approved the minutes of the Regular meeting of October 24, 2018

6. DISCUSSION
None.

7. CONSENT CALENDAR
None.

8. STAFF REPORT
None.
9. **PUBLIC HEARING**
   A. Consideration of Site Plan Review (SPR) 18-05
   Katella Deli Addition, Additional Parking, and a Renovation of Exterior
   Consideration of a Site Plan Review for the expansion and reface of a restaurant at
   4470 Katella Avenue on a 1.3-acre parcel (per Assessor) in the Commercial
   Professional Office (C-O) Zoning District (APN 242-121-53) (Applicant: David
   Abbass, DMA Builders).

   Associate Planner Oliver summarized the staff report.

   Chair DeBolt opened the public hearing.

   Architect Craig Oka thanked Associate Planner Oliver for his work on the staff
   report. Mr. Oka provided clarification about the existing and proposed parking,
   stating that 102 parking stalls are existing, and 114 are proposed.

   Mr. Oka briefly described the proposed design.

   Chair DeBolt closed the public hearing.

   Commissioner Grose asked and received clarification from the applicant, David
   Abbass as to whether the parking area work would be done in stages stating that it
   would be done in two phases.

   Motion/Second: Grose/Loe
   Carried 5/0 (Andrade and Riley absent): motion to Adopt Resolution No. 18-26,
   entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
   LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 18-05 TO
   PERMIT A 1,758 SQUARE FEET ADDITION TO A 16,602 SQ. FT. STRUCTURE,
   ADD ADDITIONAL PARKING SPACES, AND RENOVATE THE EXTERIOR OF
   THE STRUCTURE ON A 1.3-ACRE PARCEL AT 4470 KATELLA AVENUE IN THE
   COMMERCIAL PROFESSIONAL OFFICE (C-O) ZONE, APN 242-121-53
   (APPLICANT: DAVID ABBASS, DMA BUILDERS)."

   B. Consideration of Site Plan Review (SPR) 18-02
   107 Apartment Unit Development in Two Buildings
   3342 Cerritos Avenue
   Consideration of a Site Plan Review for a development of a 107-unit residential
   apartment complex located at 3342 Cerritos Avenue on a 3.65-acre (net area)
   parcel in the Multiple Family (R-3) Zoning District (APN 242-222-11) (Applicant:
   Christopher Felix, Hutton Development Company representing the Los Alamitos
   Luxury Apartments, LLC). A Mitigated Negative Declaration has been prepared for
   the project.
Chair DeBolt stated that the approvals for this item would be discussed in two parts: the approval of the Mitigated Negative Declaration (MND) and discussion of the mitigation monitoring and reporting program would be discussed first, followed by discussion of the actual project.

Associate Planner Oliver summarized the staff report.

Chair DeBolt invited the applicant to come forward.

Applicant Christopher Felix gave a PowerPoint presentation on the project.

Chair DeBolt expressed concern over the following:
- The hazardous materials on-site, which will have to be remediated, and the ongoing monitoring that has to occur.
- The four mitigation measures outlined.
- The history and previous uses on-site, which include a oil refinery, chemical pesticide company and a batching company.
- Why is the on-going monitoring of the site necessary following the remediation?

Mr. Felix described the type of contaminants (hydrocarbons and lead) in the soil, and why it necessitates remediation.

Chair DeBolt asked and received clarification from Mr. Felix as to the purpose of the monitoring. Mr. Felix stated that this was a requirement set forth by the Santa Ana Regional Water Quality Control Board (SARWQCB); furthermore, SARWQCB has identified 14 wells and their specific locations which will be monitored in an on-going basis.

Chair DeBolt noted a discrepancy in the document where it identifies in two different areas, the necessity to conduct monitoring after the project is completed: in one area of the document, it is identified that monitoring is to occur for up to three years and in another area, it reads at a minimum of three years. Furthermore, questioned how remediation would be completed if the buildings were already occupied.

Chair DeBolt asked and received clarification from Attorney Anna Mirandos with Anna Tucker Law Firm as to how remediation will be completed (if necessitated) following the completion of the project.

Ms. Mirandos Firm advised that she has been working with SARWQCB since 2016. Ms. Mirandos stated the following:
- There is no exposure on-site.
- Described the purpose of protecting ground water resources.
• After the contamination is removed from the soil, the ground water over time should break down and naturally degrade.
• The purpose of monitoring is to confirm over time that the remediation did the job that they were designed to do
• 2-3 years is standard time for monitoring.
• Should contaminants be found once the project is fully developed, it can be treated.
• The wells are screened between 20 and 40 feet.
• Not many volatile chemicals were found on-site. There was primary presence of hydrocarbons.
• The foundation will be covered with concrete therefore, there will be no vapor intrusion.
• The first floor will not have occupancy; it will be a leasing office.
• The first floor will have a vapor barrier. This is will be done as a complete precaution.

Chair DeBolt referred to mitigation measure number four in the document, which describes the necessity for the project developer to record a separate notice to provide notification of the presence of vapor barrier or such building features that are installed to future project residents.

Ms. Mirandos stated that the only ground floor space, which requires a vapor barrier, is where the leasing office will be located as there is no other residential space on the first floor. Ms. Mirandos stated that it is assumed that, the four mitigation measures were based on the former Cottonwood Church site.

Chair DeBolt asked and received clarification from Ms. Mirandos about the SARWQCB approving the groundwater remediation plan. Ms. Mirandos stated that approval has not been received in writing; however, it was discussed verbally and informally approved in a meeting between the developers and the SARWQCB, where the developers were given direction to implement task number one of the remediation plan.

Commissioner Sofelkanik also mentioned the discrepancies in the document regarding the length of years for remediation.

Ms. Mirandos noted that there is no precise end date for monitoring. The SARWQCB would established a final date.

Commissioner Sofelkanik questioned starting construction prior to completely removing all of the contamination on-site.

Ms. Mirandos described the type of material used when vapor barriers are installed.
Mr. Felix stated that they are willing to fully disclose to the tenants and residents anything as required by the SARWQCB.

Commissioner Sofelkanik asked and received clarification from Ms. Mirandos stating that the chromium 6 is not volatile for drinking water at that type of exposure.

Chair DeBolt opened the public hearing.

Speaker John Underwood expressed concern over the mitigation processes and the development and occupancy of those grounds. Mr. Underwood provided history of the site and the previous uses, which reflect the contamination problems. Furthermore, Mr. Underwood asked for the City to get involved.

Chair DeBolt closed the public hearing.

Mr. Felix stated that the SARWQCB is about safety. No construction can occur until remediation is completed.

Chair DeBolt asked and received clarification about the following from Ms. Mirandos:
- Once all the impacted soil has been removed, the project grading can move forward.
- The wells are approximately 11 to 16 feet shallow.
- The remediation plan is reviewed by toxicologist on behalf of the SARWQCB prior to the approval of the remediation plan.

Chair DeBolt expressed a like for the project, however is concerned about the mitigation measures for the people who will live there.

City Attorney DeBerry stated that the following:
- The County of Orange Health Care Agency has oversight as to the remediation of the soil. Not until after a clean bill of health is asserted, permits will be issued.
- The SARWQCB will monitor the ground water.
- A definitive time for continuous monitoring is not set by the SARWQCB. The site will be monitored until the SARWQCB is satisfied that no more contaminants will get into the ground water.

Commissioner Culity asked and received clarification from City Attorney DeBerry as to whether the City has any exposure in allowing this project. City Attorney DeBerry stated that there is always the possibility, however, there would be no merit because of the other agencies involved, whom determine whether or not the site has been properly remediated would be the primary defendants.
Commissioner Sofelkanik asked and received clarification from Mr. Felix as to why construction is not allowed until the SARWQCB gives the okay. Mr. Felix stated that they are required to implement the RAP program first.

Commissioner Sofelkanik asked and received clarification from Development Services Director Johnson as to whether the project can be conditioned to not start constructing until approval in writing from the SARWQCB is obtained. Development Services Director Johnson stated that mitigation measures establish that. They will need to remediate the site first and obtain written approval from the SARWQCB, and then the city can issue permits.

Commissioner Grose asked and received clarification from Development Services Director Johnson as to whether the City receives carbon copies of correspondence between the developers and the SARWQCB. Development Services Director Johnson stated that the City does not receive a copy of every single correspondence exchange however, there is direct engagement between the City and the developers to ensure that the process is followed.

Attorney Doug Dennington with Tucker Law Firm stated that there is a report by PlaceWorks whom prepared an environmental report for the City, which states that there are no significant impacts. Furthermore, Mr. Dennington added that the Olson Development next door has the same contamination situation and the SARWQCB would not allow anyone to come on the property if there is any danger.

Chair DeBolt suggested to have a condition of approval added, which requires a disclosure to prospective tenants of on-going monitoring.

Mr. Felix stated that this information is available on GeoTracker to any member of the public.

Mr. Dennington stated that this is a condition that usually applies when you have units which are going to be sold.

City Attorney DeBerry added that it is already a mitigation measure.

Commissioner Grose proposed the possibility of placing a notice in the leasing office to advise potential tenants of the ongoing remediation.

Mr. Felix stated that they are willing to do what is required by the SARWQCB, in addition to wanting parody with what happened with the site next to this one.

Commissioner Sofelkanik discussed the findings in the Traffic Study for the intersection of Chestnut Street and Cerritos Avenue.
Commissioner Sofelkanik noted the lack of discussion for vehicles making a left onto Chestnut Street from Cerritos Avenue in the Traffic Study.

Brian Estrada, Traffic Engineer for the project responded to the Planning Commissions’ questions about the Traffic Study with stating the following:

- The assumptions for this study are industry standard methodology, which utilizes the existing traffic counts.
- Very conservative and realistic findings based on existing conditions.
- The neighboring Olson project was taken into account in this study.
- Included impacts of projected developments in Long Beach, Seal Beach and Hawaiian Gardens.
- The intersection of Cerritos Avenue and Chestnut Street, shown to operate adequately therefore no mitigation was required to restrict or modify that turn with the addition of the project.
- Level of service for the intersection of Cerritos Avenue and Chestnut Street is calculated based on the worse movement expected.
- Full median would not viable at the intersection of Cerritos Avenue and Chestnut Street which concluded with the peak hour restrictions.
- No impacts or mitigations were required at the intersection of Cerritos Avenue and Los Alamitos Boulevard.

Commissioner Sofelkanik stated that there is no mention in the study for mitigation efforts to address the southbound turn onto Chestnut Street. Mr. Estrada stated that the westbound left turn from Cerritos Avenue onto Chestnut Street is the heavier load of traffic. Furthermore, Mr. Estrada stated that the presence of more traffic does not translate into an impact as it is based on the level of vehicle delay experienced when a vehicle is making a turn.

Development Services Director Johnson discussed the specifics in the Traffic Study which identifies the unmitigated and mitigated level of delay at the intersection of Chestnut Street and Cerritos Avenue. Furthermore, Development Services Director Johnson added that there is an ability for gaps during the peak hour movements with the "keep clear" markings.

Commissioner Grose asked and received clarification from Mr. Estrada regarding southbound movements onto Cerritos Avenue for traffic traveling westbound. Mr. Estrada advised that the movement into the complex traveling west is a legal movement.

**ROLL CALL**

- Chair DeBolt: No
- Vice Chair Riley: Absent
- Commissioner Andrade: Absent
- Commissioner Cuilty: Yes
Commissioner Grose        Yes
Commissioner Loe          Yes
Commissioner Sofelkanik   Yes

Chair DeBolt stated opposition to approval of the MND without first receiving the closure letter from the SARWQCB on the monitoring wells.

Commissioner Sofelkanik stated that traffic concerns are not really being mitigated; in regards to the construction, there is a degree of comfort with knowing that construction cannot commence until the City receives a letter from SARWQCB which states that all contaminants have been removed.

Carried (4/1, DeBolt opposed, Andrade and Riley absent): Adopt Resolution No. 18-27, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM TO ALLOW THE CONSTRUCTION OF 107 RESIDENTIAL APARTMENTS IN TWO STRUCTURES FOR A PROJECT LOCATED AT 3342 CERRITOS AVENUE, APN 242-222-11 (APPLICANT: CHRISTOPHER FELIX, HUTTON DEVELOPMENT COMPANY, REPRESENTING THE LOS ALAMITOS LUXURY APARTMENTS, LLC)” with the condition of recordation of the tenant notice after the twenty (20) day appeal period of this approval.

RECESS
The Planning Commission recessed for a break at 8:58 p.m.

RECONVENE
The Planning Commission reconvened from break at 9:05 p.m.

Chair DeBolt opened the public hearing.

Speaker Guy Whitney spoke in support of the project. Mr. Whitney added that there is a good balance for rentals and walkability. Furthermore, questions the lack of trust in the process.

Speaker Gene Lasser and property owner at 10622 Walnut Street, expressed concern over the density of the project. Furthermore, Mr. Lasser stated concern over the mitigation of traffic.

Speaker Jim Montomer spoke in support of the project. Mr. Montomer added that the project is upscale and is a positive change for the City.

Speaker Bill Phillips spoke in support of the project. Mr. Phillips added that the project will bring more families and revenue to the community.
Speaker Tracy MacKey spoke in support of the project. Ms. MacKey added that the project will raise property values, bring local residents into the school district, pleased to have the huge dirt lot filled, and pleased that it will not be an industrial development.

Speaker Vince Leone spoke in support of the project. Mr. Leone added that the development of this project is the new beginning for Los Alamitos.

Speaker Javier Aguayo spoke in support of the project, adding that he likes the quality of it and the traffic issues that might come from this project can be worked out.

Chair DeBolt closed the public hearing.

Commissioner Grose asked and received clarification from Mr. Felix that there will be security cameras installed at every entrance and exit (both pedestrian and vehicular entrances).

Commissioner Grose stated that perhaps the condition of not allowing permit parking for occupants of the apartment should be included in the approval.

Agreement to work through these issues with staff – improve elevation and different colors. Work through those issues with staff.

Development Services Director Johnson added that there are a number of enhancements, which could be made to add greater depth to the project, which includes adding greater pedestrian connectivity to give a sense of arrival on the frontage of Cerritos Avenue and on Sausalito Street, enhance pedestrian entrances with a pathway, and re-consideration of colors and shading choices.

Mr. Felix stated that there is an agreement from the developers working through these issues with staff in efforts to improve the elevations.

**ROLL CALL**
Chair DeBolt Yes
Vice Chair Riley Absent
Commissioner Andrade Absent
Commissioner Culiity Yes
Commissioner Grose Yes
Commissioner Loe Yes
Commissioner Sofelkanik Yes

(Carried 5/0 Andrade and Riley absent): Adopt Resolution No. 18-28, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 18-02 TO PERMIT

Regular Planning Commission Minutes
November 28, 2018
Page 9 of 10
THE CONSTRUCTION OF 107 APARTMENT UNITS IN TWO BUILDINGS ON A 3.65-ACRE PARCEL AT 3342 CERRITOS AVENUE IN THE MULTIPLE FAMILY RESIDENTIAL ZONE (R-3), APN 242-222-11 (APPLICANT: CHRISTOPHER FELIX, HUTTON DEVELOPMENT COMPANY, REPRESENTING THE LOS ALAMITOS LUXURY APARTMENTS, LLC) with the conditions that:

(1) To the reasonable satisfaction of the Director, the applicant shall modify the project to address aesthetic concerns noted in the staff report to improve the project street frontage in curb appeal, the interior pedestrian circulation and pedestrian connectivity/access from the street.

(2) No issuance of parking permits to any occupants of this development.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Services Director Johnson advised of the following:
   - Commissioner Dinner on December 4, 2018.
   - No Planning Commission meeting for the month of December.

11. COMMISSIONER REPORTS
Commissioner Grose stated the following:
   - Winter Wonderland is on Saturday, December 1, 2018
   - Grateful Hearts showing of the Great Gatsby.
   - Extended an invitation to the Precious Life open house of the shelter.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 9:28 p.m.

ATTEST:

Art DeBolt, Chair

Les Johnson, Secretary

Regular Planning Commission Minutes
November 28, 2018
Page 10 of 10