

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

**REGULAR MEETING – April 22, 2020**

**1. CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Regular Session at 7:02 p.m., Wednesday, April 22, 2020, in a video conference, Chair Andrade presiding.

**2. ROLL CALL**

**Present:** Commissioners: Chair Andrade, Vice Chair Grose  
CUILTY, DeBolt, Loe, Riley (7:07 p.m.), and Sofelkanik

**Staff:** Leslie Roseberry, Interim Development Services Director  
Michael Daudt, City Attorney  
Tom Oliver, Associate Planner  
Maria Veronica Enciso, Department Secretary  
Windmera Quintanar, MMC, City Clerk

**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chair Andrade.

**4. ORAL COMMUNICATIONS**

Department Secretary Enciso quickly shared that there were no public comments received by the 4:00 p.m. cut-off time.

**6. APPROVAL OF MINUTES**

**A. Approve the Minutes for the Regular Meeting of January 22, 2019**

**Motion/Second: Grose/Art**

Carried 6/0 (Andrade abstained): The Planning Commission approved the minutes of the Regular meeting of January 22, 2020.

**ROLL CALL VOTE**

Chair Andrade	Abstained
Vice Chair Grose	Aye
Commissioner CUILTY	Aye
Commissioner DeBolt	Aye
Commissioner Loe	Aye
Commissioner Riley	---
Commissioner Sofelkanik	Aye

**7. CONSENT CALENDAR**

None.

**8. PUBLIC HEARING**

**A. ZOA 19-02 & 19-03**

**State Mandated Updates to Family Daycare Homes and Accessory Dwelling Unit (ADU) Regulations**

Consideration of a Planning Commission resolution recommending that the City Council adopt a draft ordinance to amend Los Alamitos Municipal Code chapters 17.08, 17.22, 17.28 & 17.74 as required to address recent changes in state law concerning the regulation of: (1) Large Family Daycare Homes (ZOA 19-03), and (2) Accessory Dwelling Units (ZOA 19-02) (Citywide).

Associate Planner Oliver summarized the staff report.

Chair Andrade opened public hearing.

Department Secretary Enciso shared that there were no requests received to speak during the public hearing.

Chair Andrade closed public hearing.

Commissioner DeBolt and City Attorney Daudt discussed the differences between the City ordinances and State law.

Commissioner DeBolt received clarification from City Attorney Daudt in regards to retaining the existing requirement that ADUs be spaced no less than 10 feet from the other structures.

Commissioner Sofelkanik stated that the 10 feet was vague and if it means wall to wall, roof peak to roof peak, or patio to patio.

Commissioner Riley asked about the spacing requirement precluding attached garage to an ADU and received clarification from City Attorney Daudt that this is in regards to new detached ADU.

Commissioner Sofelkanik and City Attorney Daudt discussed the following:

- The City currently has an existing ADU law that conflicts with the current state law and the need to either update it or rescind the current provisions.
- Suggestion that the ordinance be narrow to keep the density low.
- Why our current spacing requirement is 10 feet in comparison to other Cities that have a larger spacing. City Attorney Daudt shared that if spacing be changed to a larger amount, whatever numbers we choose there will be a secondary review.

Commissioner DeBolt suggested to follow the state law in regards to the setbacks and spacing, and questioned the need for a formula [to identify spacing].

Chair Andrade agreed to leave the distance to 10-feet as well as leaving the 1,000 square feet [as stated in the state law] (in regards to the unit size and height).

Commissioner Sofelkanik stated that the City not bring the square foot numbers from the 2017 ordinance and to adopt the more narrow and stringent state square foot numbers of 850 for a one bedroom and 1,000 for a two bedroom. He suggested the Planning Commission use this this opportunity to tackle the density issue.

Commissioner DeBolt stated he will not make false findings that the ordinance would not be detrimental to the neighborhoods in the City.

Chair Andrade and City Attorney Daudt discussed the use of 1,000 square feet in the ordinance and how that would result in residents building a two bedroom.

The Planning Commission discussed the following in regard to the unit size and height that was present in the drafted ordinance (Section 4E 5a).

- Commissioner Sofelkanik shared that the ordinance would diminish the quality of life, safety, and welfare of the neighborhood.
- Commissioner Andrade shared and agreed with Commissioner Sofelkanik in regards to the drafted ordinance not being ideal, but something needs to be done.

Commissioner DeBolt asked and received clarification from City Attorney Daudt regarding the bedroom count of a 1,000 square foot unit and the three findings listed on page 2 of the drafted ordinance.

Commissioner DeBolt discussed the findings in the ordinance of section 2 page 2 of the three findings and asked if the City is required to come up with affirmative findings that the ordinance will not be detrimental to public convenience, health, welfare of the city and will not create inconsistency with the zoning codes and general plan. City Attorney Daudt explained that the municipal code requires these findings to be made for all zoning code amendments.

Commissioner DeBolt shared that he finds the findings to be false and suggested to scrap the existing ADU ordinance and adopt the state code.

City Attorney Daudt shared that the state law caps will apply if an ordinance is not enacted.

The Planning Commission and City Attorney Daudt discussed the ADU law mentioned in the staff report (page 3 of 4).

- Commissioner Riley clarified the ordinance in regards to the space size and how this can make the findings true.
- Commissioner Sofelkanik shared his preference to bring down the 1,200 square feet maximum size limit included in the proposed ordinance.

- Commissioner Sofelkanik and DeBolt discussed keeping the state code that was presented.
- Commissioner Cuijty expressed that she does not agree with the summary stating the maximum size may not be less than 850 square feet.
- Commissioner Riley clarified that a local agency cannot establish an ordinance that limits the maximum square footage to less than 850 square feet or 1,000 square feet. So, there is a need to limit it so that there won't be a request for a larger amount.
- Commissioner Cuijty, Sofelkanik, and DeBolt agreed that the ordinance should include a maximum unit size limit of 850 square feet for studio and one bedroom ADUs and 1,000 square feet for two bedroom ADUs.

The Planning Commission discussed the Family Daycare Homes item in the staff report (page 4 of 4).

- Commissioner Sofelkanik shared that he disagrees with the findings listed.
- Commissioner DeBolt also disagreed with the findings and that the Planning Commission should leave it to the state law.
- Commissioner Sofelkanik mentioned that the Planning Commission can make [the ordinance] as tight as they can, therefore the drafted ordinance should be made so that it isn't left open to interpretation since the ordinance approval is ministerial the drafted ordinance should be tight to provide the Director the tools to keep the projects consistent and avoid the opportunity for developers to challenge the language.

Commissioner Sofelkanik wanted to add design guidelines to the ordinance and cited ADU ordinances from other cities that have included that language. City staff discussed the appearance of the ADU's and suggested to keep the existing language regarding architectural compatibility.

City Attorney Daudt suggested to the Planning Commission to express to the City Council their concerns of the findings in regards to this item.

Interim Development Services Director Roseberry clarified that there is a building code that does require spacing between structures.

Commissioner Loe shared that there are architectural differences between R1 and R3. He also agreed with the 850 and 1000 square feet maximum and to keep it to the minimum in the code. He also agreed with the discussion regarding deferring the findings to the Council and communicating to the Council that that the Planning Commission finds it difficult to agree with the findings about quality of life issues.

Commissioner Riley agreed with Commissioner Loe and shared that he cannot agree with the findings presented in the proposed ordinance. He cannot make these findings unless the Planning Commission can extract it, but he understood the restricting of square footage.

Commissioner Sofelkanik discussed and shared that he disagreed with Section E of the ordinance.

Vice Chair Grose shared that nothing in the ordinance is about the health and safety of the residents.

Interim Development Services Director Roseberry clarified to the Planning Commission that they make a motion that clearly outlines their wants.

Commissioner Sofelkanik would like the ordinance to reflect the following:

- Tailored closer to the state's law.
- Include design requirements.
- Have guidelines for City staff provide sufficient language to provide the Director adequate tools to keep the projects consistent. An example would be the possibility of separate utility lines for the ADU or be tethered to the primary residence.

Commissioner Sofelkanik, Commissioner DeBolt, and City Attorney Daudt discussed the utilities section of the ADU ordinance.

Commissioner DeBolt shared that he liked the idea of narrowing down to 1,000 feet and passing on the decision of the findings to the City Council.

Chair Andrade suggested to the Planning Commission that there is need to tighten up the language in the ordinances.

- Possibility of having a subcommittee that would discuss each item of the ordinance.
- Commissioner DeBolt agreed with Chair Andrade.

City Attorney Daudt presented two options to the Planning Commission about how to move forward:

- Formulate a motion that gives staff guidance to communicate the revisions that the Planning Commission wants to make and have the City Council consider.
- No actions taken tonight and the City staff takes the PC direction, revise the resolution, and discuss again with the Planning Commission.

Commissioner Sofelkanik received clarification by City Attorney Daudt regards to the single-family residence having one ADU or JADU.

Commissioner Riley shared that it is not necessary to change the 10 feet [spacing] and that the design guidelines must match the City's codes.

The Planning Commission and staff discussed the following:

- Options for the Planning Commission to make their decision to continue this item or advise staff with direction for the ordinances.
- Setbacks and spacing of ADU's.
- The need to update the portions of the City's codes that are not consistent with the General Plan.
- Architectural guidelines.
- Agreed to include the old ADU code provisions relating to architectural consistency between an ADU and the primary residence in the ordinance.

Commissioner DeBolt agreed with the architectural consistency language of the previous ADU code along with the limitation of 1,000 feet and that the Planning Commission not vote on the findings and have this passed along to the City Council.

Commissioner Riley shared his support of Commissioner DeBolt's statement.

Commissioner Sofelkanik asked and received clarification by the City Attorney Daudt of the State Department of Housing and Community Development needing to review and comment on ordinances. He stated that he would like to review comments received to other Cities before submitting the ordinance.

Motion/Second: Art/Grose

Carried 6/1: Planning Commission voted to recommend adoption of the proposed ordinance to the City Council, with changes to the maximum unit size and architecture standards. Notwithstanding their recommendation for approval of the ordinance, the Planning Commission did not approve the required finding that approval of ordinance will not be detrimental to the public convenience health interest safety or welfare of the City.

#### **ROLL CALL VOTE**

Chair Andrade	Aye
Vice Chair Grose	Aye
Commissioner Cuijty	Aye
Commissioner DeBolt	Aye
Commissioner Loe	Aye
Commissioner Riley	Aye
Commissioner Sofelkanik	Nay

#### **9. STAFF REPORT**

None.

#### **10. DISCUSSION**

None.

#### **11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR**

Interim Development Services Director Roseberry emphasized that staff is still taking care of business although staff is telecommuting also shared that Public Works Foreman Gary Saldivar is retiring on May 7<sup>th</sup>.

Chair Andrade asked if there are any reports of the coronavirus in the City, Interim Development Services Director Roseberry and Vice Chair Grose clarified that there are.

**12. COMMISSIONER REPORTS**

Vice Chair Grose gave a shout out to the Recreation and Community Services Department for the work they are doing.

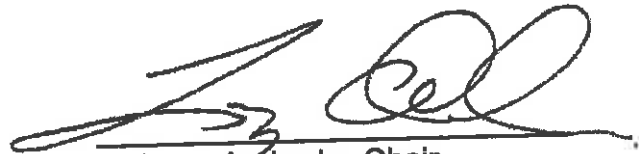
Commissioner Sofelkanik gave a shout out to Department Secretary Enciso for her assistance in setting up the Zoom meeting.

Chair Andrade thanks the Planning Commission for his or her participation and hopes for everyone to stay safe.

**13. ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:56 p.m.

ATTEST:

  
Larry Andrade, Chair

  
Maria Veronica Enciso, Department Secretary