

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

REGULAR MEETING – September 28, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, September 28, 2022 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Chair DeBolt presiding.

2. ROLL CALL

Present: Commissioners: Chair DeBolt
Culity, Grose, Sofelkanik, and Zellmer

Absent: Loe and Andrade

Staff: Ron Noda, Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

3. PLEDGE OF ALLEGIANCE

Chair DeBolt led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Chair DeBolt opened the meeting for Oral Communications for items not on the agenda.

There being no speakers, Chair DeBolt closed the Oral Communications.

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

Motion/Second: Culity/Grose

Carried 5/0 (Loe and Andrade Absent): The Planning Commission approved the following Consent Calendar item:

**A. Findings Required by AB 361 for the Continued Use of
Teleconferencing for Meetings**

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

B. Approve the Minutes for the Special Meeting of July 12, 2022 and Regular Meeting of July 27, 2022

6. PUBLIC HEARING

A. Variance (VAR) 22-01 Driveway Variance 4321 Howard Avenue

Development Services Director Noda introduced the staff report.

Associate Planner Oliver summarized the staff report.

Commissioner Grose shared the reasoning behind having the driveways.

Chair DeBolt opened oral communications.

Blake Shagena shared his plans to build a new housing on the property, but encountered problems regarding the parking requirements.

Commissioner Zellmer asked Associate Planner Oliver about grandfathering in variances.

Applicant, Michelle Shagena, discussed the pedestrian safety on the property.

Chair DeBolt closed oral communications.

Commissioner Zellmer asked what prompted the variance. Associate Planner Oliver shared that the applicant wanted to build new units on the property which prompted the compliance of the zoning code of needing to remove the driveway.

Chair DeBolt discussed his understanding of this staff report.

City Attorney Daudt explained why the variance was discussed before a site development plan.

Commissioner Zellmer asked and received clarification that the zoning code was implemented in 1969.

Commissioner Grose explained how the property was grandfathered in.

Associate Planner Oliver explained the process the applicant would have gone through and still resulted in them needing to move the driveway to the alley.

Chair DeBolt shared the understanding of the code and granting a variance.

Chair DeBolt reopened oral communications.

Blake Shagena explained how the code was written wrong.

Chair DeBolt and Commissioner Sofelkanik discussed the zoning code and the requirements.

Chair DeBolt mentioned that he cannot make the findings to allow for a variance.

Commissioner Zellmer shared that he'd like to see the plans of the project before determining approval or denial of the variance.

Commissioner Sofelkanik and Zellmer discussed the variance for the project and the uniqueness of the land.

Commissioner Grose shared the issue she sees which is that what is being discussed is the variance and not the project.

The Planning Commission discussed the understanding of the variance, parking requirements, and cost of drawing up architectural plans.

City Attorney Daudt explained the affirmative findings in order grant a variance.

Development Services Director Noda reiterated that the discussion is about the variance.

Chair DeBolt made a comment regarding the zoning code and what is required.

Development Services Director Noda mentioned that there is an opportunity to updating the zoning code.

Chair DeBolt and City Attorney Daudt discussed the state code regarding variance.

Chair DeBolt reopened the public hearing.

Michelle, applicant, explained the project that would take place and the restrictions in the parking regulations.

Chair DeBolt closed the public hearing.

Motion/Second: Grose/Sofelkanik

Carried 4/0 (Loe and Andrade absent, Zellmer abstain): Denied PC Resolution No. 2022-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A VARIANCE 22-01 TO ALLOW PUBLIC- STREET-SIDE DRIVEWAY ACCESS TO REMAIN AFTER THE CONSTRUCTION OF A RESIDENTIAL ADDITION PROJECT IN A ZONE WHERE SOLE ALLEY ACCESS IS REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE AT 4321 HOWARD AVENUE IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-131-29. (APPLICANT: MICHELLE SHAGENA)."

City Attorney Daudt shared that since this item was denied, it is subject to an appeal within a 10-day period of this decision.

Chair DeBolt added that this item is subject to appeal with the City Council.

B. Conditional Use Permit (CUP) 22-03 – Continued Consideration of a Secondhand Store in the General Commercial (C-G) Zone 10582 Los Alamitos Boulevard

Development Services Director Noda summarized the staff report.

Chair DeBolt confirmed if the business still has open code violations and City staff stated the code violations have been addressed.

Commissioner Grose received clarification from Associate Planner Oliver regarding the citations for the code enforcement violations.

Chair DeBolt opened the public hearing.

Applicant, William Philips, explained the definition of a secondhand store. Also, he shared a report of the business's sales tax revenue. He asked [for staff to] explain whether he needs a CUP or not.

Chair DeBolt closed the public hearing.

Chair DeBolt asked and received confirmation on the following questions:

- The requirement of less than or more than 25% and if that would eliminate the need of a CUP
- If the applicant submitted documentation on the business's revenue

The Planning Commission and staff discussed the finances of the business.

Commissioner Zellmer explained how this item has been overly discussed and that the point is for the applicant to clear up the code violations then he could receive the CUP.

Chair DeBolt mentioned that is what the message has been for the last three months.

Chair DeBolt, Commissioner Zellmer and Associate Planner Oliver discussed the business as secondhand dealer and the need for a CUP or a business license.

Commissioner Grose asked about the handicap area. She mentioned that the business is in a good fit and location in the area, but that code violations be handled.

Commissioner Zellmer made a motion to grant the CUP.

Commissioner Cuijty second the motion.

Commissioner Sofelkanik mentioned why the Planning Commission should grant the CUP if the applicant thinks he doesn't need one. He would prefer to deny it and the applicant can run as a non-secondhand store.

Commissioner Zellmer reiterated that the applicant is granted the CUP.

The Planning Commission discussed the use of the CUP and the business as a secondhand dealer.

Commissioner Grose asked what the limitations and restrictions on a CUP. Associate Planner Oliver confirmed that if the business is a secondhand dealer, the limitations and restrictions would still be the same.

Commissioner Cuijty asked and received clarification from Associate Planner Oliver when the business moved into the location and if they were in the location before.

Commissioner Grose shared how the business is in a great location and for the violations be resolved.

Chair DeBolt shared that he is not inclined to approve the CUP.

Commissioner Zellmer and Commissioner Cuijty asked and received clarification from City Attorney Daudt and Associate Planner Oliver about outdoor sales and needing a CUP.

Commissioner Zellmer asked if there is a section in the code that defines what outdoor sales is. City Attorney read the definition.

Commissioner Sofelkanik asked and received clarification from City Attorney Daudt asked if there can be a combined CUP for the secondhand sales and the outdoor sales.

Chair DeBolt opened the public hearing.

Applicant, William Philips, explained that he used to have a CUP at the old location and how the previous business had a CUP. He also shared he's confused with the use of a CUP.

Commissioner Grose asked staff to clarify what a CUP is.

Chair DeBolt closed the public hearing.

City Attorney Daudt quickly explained what a CUP is.

Commissioner Grose shared that she was trying to show that just because the prior business had a CUP it does not mean it would fit the use for the next business.

Chair DeBolt added that the CUP is also for the type of use.

Development Services Director Noda shared an example of how a CUP works.

Commissioner Grose reiterated the benefit of the business being in their location.

Commissioner Sofelkanik agreed with Commissioner Grose statement regarding the benefits of the business being in their location.

Chair DeBolt shared that the business should've taken care of the code issues.

Commissioner Zellmer discussed the pros and cons of the business.

Chair DeBolt asked and received clarification from Associate Planner Oliver that the business currently has one code violation.

Commissioner Sofelkanik brought up the other option that Chair DeBolt mentioned for the Planning Commission to give the business one more chance to fix their violations.

City Attorney Daudt reminded the Planning Commission that there is still a motion and second that was not resolved.

Commissioner Grose mentioned that if the business violates the CUP, that would affect the business.

Chair DeBolt asked and received clarification from City Attorney Daudt regarding ramifications to the CUP. Commissioner Grose commented on the Planning Commission's ability to bring this item back.

The Planning Commission and staff discussed the voting on the motion that was made by Commissioner Zellmer, the timing of a ramification, and the possibility of a substitute motion.

Commissioner Zellmer commented on approving the CUP and that there are remedies to the violations of the CUP. He also denied making a substitute motion.

Chair DeBolt received clarification on ramifications to the CUP by City Attorney Daudt.

Commissioner Sofelkanik shared he cannot vote for something that is already flawed.

Motion/Second: Zellmer/Grose

Not Carried 2/2 (Loe and Andrade absent, Cuijly abstain): Adopt Resolution 2022-09. Entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA APPROVING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 LOS ALAMITOS BLVD., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS)."

Commissioner Grose made a substitute motion to bring the item back at the next Planning Commission with the business in compliance with the codes.

Associate Planner Oliver asked and received clarification from the Planning Commission about having the outdoor sales a part of the CUP [if the motion passes].

Motion/Second: Grose/Cuijly

Carried 5/0 (Loe and Andrade absent): The Planning Commission agreed to continue this item to the next Planning Commission meeting on October 26, 2022 for an opportunity for the business to be in compliance with the codes.

RECESS

The Planning Commission took a recess at 8:39 p.m.

RECONVENE

The Planning Commission reconvened at 8:44 p.m.

7. Discussion

A. Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use

Development Services Director Noda summarized the staff report.

Commissioner Zellmer asked and received information about the priority list from Development Services Director Noda.

8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Associate Planner Oliver shared the following:

- Wendy's commercial will be filmed at the local Wendy's business
- Loan Tran duplex project on Cherry Street is almost completed

Development Services Director Noda shared the following:

- With the passing of Councilmember Bates, the City Council voted to appoint a member in District 2
- Good Morning, Los Alamitos! Event will be on October 19th
- Recreation and Community Services Trunk or Treat event at Little Cottonwood Park on October 22nd
- Los Al Bucks round 2 have been mailed out

8. COMMISSIONER REPORTS

Grose thanked the City for the Serve Los Al and to ask to extend the time of the Bikes and Bites event. The Street Fair was lots of fun. Close tonight's meeting in honor of Ron Bates.

8. ADJOURNMENT

The Planning Commission closed the meeting at 8:59 p.m. in honor and memory of former councilmember Ron Bates.

ATTEST:

R. Noda

Art DeBolt

Art DeBolt, Chair

Ron Noda, Development Services Director