

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

REGULAR MEETING – March 22, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, March 22, 2023 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Vice Chair Loe presiding.

2. ROLL CALL

Present: Commissioners: Chair Loe
Cuiilty, Grose, and Sofelkanik

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

3. PLEDGE OF ALLEGIANCE

Vice Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Chair Loe opened oral communication.

Chair Loe closed oral communication.

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.

A. Approve the Minutes for the Special Meetings of December 14, 2022 and January 11, 2023, and the Regular Meeting of January 15, 2023.

Motion/Second: Grose/DeBolt

Carried 6/0 (Andrade abstained): The Planning Commission approved the Special Meeting minutes of December 14, 2022.

Motion/Second: Grose/Cuiilty

Carried 4/0 (Andrade, Loe, Zellmer abstained): The Planning Commission approved the Special Meeting of January 11, 2023.

Motion/Second: Grose/Cuiilty

Carried 4/0 (Andrade, DeBolt, Zellmer abstained): The Planning Commission approved the Regular Meeting of January 25, 2023.

6. PUBLIC HEARING

A. Conditional Use Permit (CUP) 23-01 Health/Fitness - Large

Development Services Director Noda introduced the staff report.

Associate Planner Oliver summarized the staff report.

Commissioner DeBolt asked and received clarification from Associate Planner Oliver confirming that no letters were received from the surrounding businesses.

Commissioner Grose asked and received confirmation from Associate Planner Oliver confirming the hours of operations to be Monday through Friday, with limited hours on Saturdays.

Chair Loe opened the Public Hearing.

Applicant Laura Gutierrez briefly discussed the nature of the business.

Chair Loe asked and received clarification from Ms. Gutierrez about the hours of operation to be from 9am to 11am and 4:15pm to 8pm.

Chair Loe asked and received a response from Ms. Gutierrez stating that she has read the conditions and has no concerns.

Chair Loe closed the Public Hearing.

Chair Loe asked and received clarification from Associate Planner Oliver about the previous designation for recreational uses in the light industrial zone, stating that the designation was eliminated as part of the zoning code. Additionally, Associated Planner Oliver noted that the designation remains on the general plan but not the zoning code.

Chair Loe asked about future consideration of including safety components when reviewing projects. Development Services Director Noda advised that this is an existing practice when a project is proposed.

Associate Planner Oliver briefly discussed the rezoned area behind the Los Alamitos Medical Center, which now has a medical overlay zone.

Motion/Second: Grose/Zellmer

Carried 7/0: Adopt PC Resolution No. 2023-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, Approving CONDITIONAL USE PERMIT (CUP) 23-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE IN A 4,200 SQUARE FOOT UNIT IN THE PLANNED LIGHT INDUSTRIAL (P-L-I) ZONING DISTRICT AT 4260 CERRITOS AVENUE (APPLICANT: LAURA GUTIERREZ), APN 241-251-04."

7. DISCUSSION

A. Zoning Ordinance Amendment (ZOA 23-02) Short-Term Rentals

Director Noda introduced the staff report.

Associate Planner Oliver summarized the staff report.

Commissioner Grose asked and received clarification from Associate Planner Oliver about how many rooms would be classified as a hotel or motel, stating that a hotel/motel is defined by a rental of less than 30 days and not by the number of rooms.

Vice Chair Cuiity asked and received clarification from Associate Planner Oliver about the subjectivity to hotel tax for these types of rentals, stating that these types of rentals would be subject to the hotel tax [Transient Occupancy Tax (TOT) tax].

Development Services Director Noda advised that the current TOT tax in the City is 8%, Seal Beach is 15%, La Palma is 12%, Garden Grove 14.5% and Cypress is 10%.

Commissioner Zellmer inquired about the possible amount of Airbnb's that could be established based on the number of calls received, and inquired about the possible revenue that could be generated annually from these rentals. Associate Planner Oliver and Director Noda briefly discussed the different variables which make it difficult to quantify prospective Airbnb locations and the expected revenue with regards to the TOT tax at this time.

Commissioner Grose asked and received a response from Development Services Director Noda as to why the TOT tax is low, stating that the is not aware of the history behind this approval, however identified that any changes would have to go before the voters for consideration.

City Attorney Daudt clarified that the TOT tax was enacted in 1964.

Commissioner DeBolt inquired about whether other cities were contacted as part of this research. Associate Planner Oliver advised that they were not, as there was plenty of information available on the websites.

Commissioner DeBolt inquired about whether there was any information available which identifies problems faced from transient occupants. Associate Planner Oliver advised that there are no records however, he was able locate that changes have been made along the way to establish a maximum number or Airbnb's in a town, and requiring a Conditional Use Permit (CUP), as done by the City of Seal Beach.

Development Services Director Noda briefly discussed Airbnb requirements in the desert cities, which establish guidelines identifying a maximum occupancy, which imposes fines if exceeded. Also included are noise ordinances to restrict noise after 10:00 p.m.

Commissioner Andrade briefly discussed the current process in the city of Big Bear for Airbnb rentals.

Commissioner Grose asked and received clarification from Associate Planner Oliver about how these rentals would be enforced, identifying that the Code Enforcement Division would be a key role in enforcement.

The Planning Commission and staff briefly discussed possible options to track Airbnb rentals including the newspaper, VRBO, Airbnb, and third party.

Chair Loe opened the public hearing.

Speaker Leslie Whitley expressed support for Airbnb rentals and described the various options for the term of rentals. Ms. Whitley also proposed noise level conditions as part of this approval.

Commissioner Solfelkanik expressed opposition for allowing Airbnb rentals in the City, stating the following:

- Unsure about the efficacy of software tracking.
- Destroys the neighborhood.
- Owners have little control over the tenants.
- Neighborhoods become tourist zones.
- Complexion for neighboring residents.
- Potentially reduce housing units affecting available housing.
- Negative issues with crime and nuisance complaints.
- Take revenue and tenants from established hotels.
- Establish enough provisions and enforcement mechanisms from permitting Airbnb rentals.

Commissioner Zellmer discussed consideration to impose limits on the number of units permitted in a neighborhood. Additionally, Commissioner Zellmer expressed

that more research should be done about the potential impacts to the City, while working to take the next step forward.

Commissioner Grose expressed that both sides of the matter should be examined.

Commissioner Grose inquired about the number of Airbnb rentals allowed in Seal Beach. Associate Planner Oliver noted that this information is not currently known. Additionally, Commissioner Grose requested information about difficulties faced by some of the neighboring cities and information about the City's current TOT tax.

Commissioner Zellmer also expressed interest in additional information for comparable cities, and the impacts faced in those communities including Cypress, parts of Long Beach and Fullerton.

Commissioner Grose expressed concern in ensuring that these rentals prevent the use of a residence for the benefit of entering the school district.

Commissioner Zellmer described his experience with requests received for short-term rentals.

Commissioner DeBolt expressed the following concerns:

- The existing potential in an increase of Accessory Dwelling Units (ADUs) in neighborhoods and their potential use as short-term rentals.
- Current circumstance surrounding single-family tenancy and the desire to be part of the community and the school district.
- Not in favor of signage at Airbnb rentals in single-family neighborhoods.
- Concern over not wanting single-family neighborhoods to turn into multi-family neighborhoods.
- Concern over neighborhoods becoming further impacted.
- Concern over effective management of tracking of where Airbnb rentals would be allowed.
- Concern over applicable landlord-tenant laws and the transient nature of Airbnb rentals.

Commissioner Zellmer described the option of breaking down the allowable rentals per neighborhood based on the number of homes in the neighborhood.

Chair Loe asked and received clarification from City Attorney Daudt about the possibility of approving for a term and re-considered after that expiration date. City Attorney Daudt stated that he has not seen an ordinance that proposes a sunset date at the local level. Additionally stating that it could be proposed as

such by the Planning Commission however, the City Council will have the ability to make a final determination.

Commissioner Zellmer asked and received clarification from City Attorney Daudt whether it would be possible to incorporate the sunset date, stating that it is possible however its enforceability is questionable.

Commissioner Solfekanik briefly discussed the information he found from other cities, which have implemented efforts to further enforce or re-evaluate these rentals after approval, to either oppose or reduce it. Additionally, Commissioner Solfekanik noted concerns over the increase in density and the takeaway from traditional neighborhood feel.

Commissioner Zellmer asked and received clarification from Director Noda as to whether rentals can be limited to other zones other than R1, stating that additional research will need to be conducted.

Commissioner Andrade briefly discussed how Airbnb rentals are becoming more regulated in communities where they are currently permitted. Additionally, Commissioner Andrade discussed reaching out to these communities, and learning about their experiences and how issues have been rectified along with way.

Commissioner Grose expressed concern over the limited community involvement at this point in the process. Additionally, Commissioner Grose asked for community outreach to take place in order to provide the opportunity for input from the City.

Development Services Director Noda described the process for this item should it move forward, and the community outreach that it would involve stating that it would be a public hearing with the City Council which would be noticed on the City website, social media, mass mailers, and newspaper advertising.

City Attorney Daudt described the process for approval of this item, stating that the zoning code amendment would involve a public hearing before the Planning Commission, followed by a second public hearing with City Council for the first of two introductions of the ordinances. Ultimately, providing three opportunities for individuals to get involved in the process.

Commissioner Zellmer asked and received clarification from City Attorney Daudt about the process for noticing, stating that the zoning code amendment would include a public hearing that would notice the community.

Commissioner Cuijly asked about the noticing process. Development Services Director Noda described the noticing efforts which include the newspaper, City website, mass mailers, and social media platforms.

Commissioner Andrade briefly discussed the potential benefits of utilizing Nextdoor for community noticing.

Commissioner DeBolt briefly discussed the efficacy of delivering door-to-door mailers.

Commissioner DeBolt and staff briefly discussed the process for review by the Planning Commission, which ultimately leads to City Council consideration of the item.

Vice Chair Cuijly briefly discussed the possibility of community outreach occurring at this level of the process before it reaches the level of approval. Commissioner Zellmer asked and received clarification from Director Noda about the possibility of releasing a survey to the community, stating that this is an option for this process.

The Planning Commission discussed various forms of noticing efforts to reach community members.

Commissioner DeBolt discussed the community impact from not providing adequate noticing for input.

Director Noda advised that going through the process for noticing the community will take some time.

The Planning Commission and staff further discussed noticing the community stating the following:

- Provide noticing to attend a Planning Commission meeting to be involved in this discussion for feedback.
- Minimizing the cost of the noticing for this survey.
- Number of subscribers which can be reached via the City e-news.
- Notifying the R-1 zones.
- Notifying property owners.

Ms. Whitley briefly discussed limiting the number of rentals per operator in the initial stage as an option.

Commissioner Zellmer discussed learning from other cities instead of using this as a trial and error, to help identify the benefits of short-term rentals for the community.

Commissioners Zellmer, Grose, Andrade and Vice Chair Cuijly favor additional outreach, discussion, and research as part of this process.

Chair Loe and Commissioners DeBolt and Sofelkanik do not favor additional outreach and research as part of this process.

The Planning Commission and staff briefly discussed the timeline for outreach efforts to be within 180 days.

Commissioner DeBolt suggested distributing the survey via tax bills or hand-delivery. Additionally, Commissioner DeBolt expressed importance of ensuring delivery to the R-1 zones of the survey. Director Noda clarified that the current budget provides opportunity for noticing via bulk mail, the newspaper and door hangers for this item.

Motion/Second: Grose/Zellmer

Carried 5/2: direct staff to conduct further research about experiences for adjoining cities with Airbnb rentals, conduct public outreach and low-cost surveys, and advertise a future discussion at an unspecified date to further discussion of this item for consideration.

Roll Call

Chair Loe	No
Vice Chair Cuijly	Yes
Commissioner Andrade	Yes
Commissioner DeBolt	Yes
Commissioner Grose	Yes
Commissioner Sofelkanik	No
Commissioner Zellmer	Yes

8. STAFF REPORT

None.

9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda discussed the following:

- Housing Element was submitted to the State of California
- Upcoming Spring Carnival on Saturday, April 8th from 9:30 a.m. to 12:00 p.m. at Little Cottonwood Park.
- Upcoming Parklet series on Pine Street from 6:30 p.m. to 8:30 p.m. starting on April 20th and ending on May 12th.

Associate Planner Oliver briefly discussed community outreach efforts and sought suggestions for other strategies to reach constituents. The Planning Commission and staff briefly discussed alternative options like Nextdoor.

Associate Planner Oliver briefly discuss the role that the Planning Commission serves.

The Planning Commission and Associate Planner Oliver briefly discussed options for communicating with the community.

10. COMMISSIONER REPORTS

Commissioner Grose discussed the following:

- Request the evaluation of the TOT tax to consider taking this item to City Council for consideration.
- Whether the gym [dance studio] has relocated. Director Noda advised that they are still in construction for tenant improvements.
- The absence of movement on the hospital project and inquired about the ramification from not following through on the project plan. Associate Planner Oliver advised that there has been a change in leadership. Additionally, he clarified that their timeline has expired, which now gives the opportunity re-evaluate the expansion of the hospital.

11. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:33 p.m. to April 26, 2023.

ATTEST:



Michelle Müller, Management Analyst



Gary Loe, Chair

