

MINUTES OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING Monday, December 11, 2023

1. CALL TO ORDER

The City Council met in Special Session at 5:30 p.m., Monday, December 11, 2023, in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Mayor Doby presiding.

2. ROLL CALL

Present: Council Members: Hasselbrink, Hibard, Murphy
Mayor Pro Tem Nefulda, Mayor Doby

Absent: Council Members: None

Present: Staff: Chet Simmons, City Manager
Michael Claborn, Chief of Police
Michael Daudt, City Attorney
Craig Koehler, Finance Director
Emeline Noda, Recreation and Community Services Director
Ron Noda, Development Services Director
Windmera Quintanar, MMC, City Clerk
Chelsi Wilson, Administrative Services Manager

3. PUBLIC HEARING

A. Resolution No. 2023-20 – Overruling the Orange County Airport and Use Commission's Inconsistency Determination for the City's 6th Cycle Housing Element (Development Services)

On January 19, 2023, the Orange County Airport Land Use Commission (ALUC) found the City's 6th Cycle (2021-2029) Housing Element Update to be inconsistent with the 2017 Joint Forces Training Base Los Alamitos Airport Environs Land Use Plan. On February 21, 2023, the City Council adopted Resolution 2023-04, providing notice of the City's intent to overrule the ALUC's determination. The City Council conducted a Study Session and reviewed information related to ALUC's finding of inconsistency on July 17, 2023. A Public Hearing was held on August 21, 2023, where the City Council considered the adoption of a resolution overruling the ALUC's determination but failed to receive the required two-thirds affirmative vote (four affirmative votes were required).

On September 21, 2023, the ALUC voted to require the City to submit all discretionary actions related to Housing Element Sites 6 (4655 Lampson Avenue), 7 (Laurel Park), and 10 (5030-5084 Katella) to ALUC for review

until such time as the General Plan is revised, or the City overrules the ALUC's determination.

On October 24, 2023, the California Department of Housing and Community Development (HCD) issued a letter inquiring about the City's next steps to ensure its compliance with State Housing Element Law following the failed vote to overrule the ALUC determination.

The City Council will now hold a second public hearing to reconsider the adoption of a resolution overruling the ALUC's determination.

City Manager Simmons introduced the item. Development Services Director Noda summarized the staff report, provided a PowerPoint presentation, and introduced Nicole Criste, Terra Nova consultant.

Council Member Murphy referred to attachment 12 of the August 21, 2023 Staff report and stated Staff had corroborated the claims that homeowner's rights would be lost; however, according to the September 21, 2023 letter from ALUC that was false. She requested accurate information be presented to staff in moving forward.

City Manager Simmons stated that items submitted to the City Clerk for Public Hearings are required to be provided to the Council. He clarified that the ALUC correspondence included three options, one of which was to require a full-scale review of development in the City.

Council Member Murphy requested all options be provided in the future. City Manager Simmons clarified the City was facing a largely untested area of law and a strict reading of the law indicated loss of development oversight was a consequence. Staff were not privy to the thought process of ALUC prior to receiving the correspondence and could not have anticipated any options that would be provided.

Council Member Murphy questioned when attachments 12 and 13 were presented to Council. City Manager Simmons advised the correspondences indicated the sender had copied the Council Members.

Council Member Murphy referred to Site 6. She asked for and received information regarding the following: the City's Building Code and General Plan require potential developers/applicants to mitigate noise concerns and these requirements are enforced by the City; requests for additional setbacks would be addressed during the Environmental Impact Report (EIR) review period; an initial application has been received for the Lampson project; the Lampson Project would qualify as a Project of Significance and information would be provided to Council and the Community per the Council adopted policy; and, the submitted plans for site 6 would be provided after the initial

EIR was complete, approximately 60-90 days.

Council Member Murphy reiterated the importance of informing the public early in the process as lack of transparency and time to review information were the main complaints throughout this process.

Council Member Hibard referred to the attachments and stated support for the City and ALUC working together to reach a conclusion. She stated support for the three sites listed as inconsistent being submitted to ALUC for review.

Mayor Doby opened the Public Hearing for public comments.

Ashley Nichols, resident, stated he had spoken with Council Member Hibard regarding the three inconsistent sites. He stated concern ALUC had the power to change their decision at any time and was not comfortable with the rights of local residents being diminished. He indicated the letter from HCD stated several funding sources the City would lose access to and the potential of penalties for a decertified Housing Element. He believed overruling ALUC was in the best interest of Los Alamitos residents and opposed spending additional money to restart the project. He stated support for overruling ALUC.

Maggie Marchese, resident, requested Council consider the community and where additional houses would be built if the proposed sites were not utilized. She indicated her backyard was adjacent to the Joint Forces Training Base (JFTB) and the noise pollution from Katella Ave. was far greater than that of the JFTB. Not building on certain sites will add additional noise to already congested locations such as Katella Ave. and that should be a bigger concern.

Art Debolt, resident, submitted a copy of ALUC's guidelines and a map. He stated ALUC's guidelines state 60-65 CNEL was conditionally consistent with development as long as it was mitigated. Mitigation is required by City's Municipal Code. He questioned why ALUC did not follow its own guidelines. He indicated the crash zones for the JFTB were all located within the base and stated the flight path was for helicopters and not aircraft. He believed the Council had enough information to make a decision. He believed ALUC was ignoring their own guidelines and the inconsistency findings should be overruled.

Carol Churchill stated the time limits provided insufficient time for public comment and provided a flash drive of public documents she received as part of a Public Records Act Request. She referred to the Public Hearing notice that was published in the News Enterprise and stated her belief that it did not provide enough information. She disagreed with City Council

adopting one resolution to address the two conflicting findings of ALUC. She stated the following ALUC inconsistency findings had not been addressed: no analysis regarding the concentration of people near the military base being inconsistent for housing; the additional housing units identified above the State's requirement; and, the option to submit site plans to ALUC for the three inconsistent sites. She opposed the staff's presentation of only option.

Christine A. stated her backyard was adjacent to the JFTB and agreed the noise was not overwhelming unless there was an airshow. She stated opposition to residential high density being zoned adjacent to a military base. She believed that the Lampson development has submitted an application that had already been approved by a concession letter. She did not believe the Parkewood community would be approved by ALUC now. She referred to the site inventory and believed more units were approved than required. She stated concern regarding safety around the airport and was not concerned ALUC was not consistent with its findings, stating accident rates are higher near base airports. She felt zoning should be left commercial and felt property values would decline.

Helen questioned what information changed since the previous ALUC consideration. She was concerned the safety of the residents was not being considered and questioned the City's motives and transparency. She believed ALUC's knowledge outweighed staff's. She stated concern for the adequate pilot training and high level of accidents. Public safety should be the forefront concern for high density plans. Referred to her belief that City Staff had a relationship with Les Johnson, Lampson developer's contractor. She questioned the City's transparency and felt residents were being ignored and comments weren't included in the EIR. She questioned why outdoor CNELs were not being discussed.

Mayor Doby called the three-minute time limit.

Frank Marchese, resident, agreed with Mr. DeBolt's statements stating his home was adjacent to the JFTB. He stated air traffic noise and building on the site were not a concern. He was concerned with the developments closer to the racetrack. He urged Council to vote for what's best for Los Alamitos.

Gene, Seal Beach resident, stated she did not believe the State would follow through on its threats to fine City's because it would bankrupt cities. She urged the Council not to give in to threats like Seal Beach and questioned if the decision was being made due to monetary concerns. She urged Council to vote ethically and felt the safety was more important to development. She stated support for maintaining quality of life in Los Alamitos.

Mayor Doby closed Public Hearing for public comments.

Motion/Second: Hasselbrink/Nefulda
Carried 4/1: The City Council:

1. Conducted the Public Hearing; and,
2. By a two-thirds affirmative vote, adopted Resolution No. 2023-20, entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MAKING FINDINGS THAT THE GENERAL PLAN 2021-2029 HOUSING ELEMENT UPDATE IS CONSISTENT WITH THE PURPOSES OF THE STATE AERONAUTICS ACT AND OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE HOUSING ELEMENT IS INCONSISTENT WITH THE 2017 JOINT FORCES TRAINING BASE LOS ALAMITOS AIRPORT ENVIRONS LAND USE PLAN" and,
3. Authorized the City Manager to submit Resolution No. 2023-20 to the Orange County Airport Land Use Commission and the State Division of Aeronautics.

Roll Call

Mayor Doby	Aye
Mayor Pro Tem Nefulda	Aye
Council Member Hasselbrink	Aye
Council Member Hibard	No
Council Member Murphy	Aye

Council Member Murphy requested her comments be included verbatim.

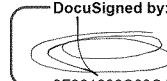
"I would like to have my comments transcribed and entered into the minutes as a matter of public record. My voting decisions have been consistent with rational reasoning, based on relevant facts with factual premises and not through false, bias, misleading statements or presenting materials that omitted or were completely fabricated. My concerns have been and continue to be about health, safety and noise concerns that could impact the quality of life for the community and that should be addressed before proceeding with any potential developments in the City of Los Alamitos. I have a duty and responsibility as a Council member for the City of Los Alamitos, and not the City of Cypress to establish policies and take measures to protect the City's health, safety and welfare. As such, I believe it prudent to review not only the provided staff reports but research, meet and talk with community members, have discussions with representatives from various outside agencies such as the ALUC and HCD while analyzing written materials relevant to the issue. I make my own decisions and always have...

My vote tonight is not to make findings that the general plan 2021-2029 Housing Element update is consistent with the purposes of the State Aeronautics Act.

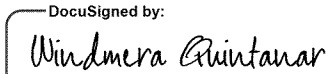
My decision is not without reason or consideration for the facts and circumstances. I approve to overrule ALUC as my concerns have been addressed. I am confident in the experience and reputation of the ALUC as they are the appropriate public agency that have made unbiased safety decisions as it pertains to concentrations on people in areas susceptible to aircraft accidents, specifically in military airport bases such as the Joint Forces Training Base."

4. ADJOURNMENT

The City Council adjourned at 6:25 p.m.

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Tanya Doby, Mayor

Attest:

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Windmera Quintanar, MMC, City Clerk