

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

SPECIAL MEETING – December 5, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Special Session at 7:06 p.m., Tuesday, December 5, 2023, in the Council Chamber located at 3191 Katella Avenue, Los Alamitos, CA 90720, Vice Chair Cuiilty presiding.

2. ROLL CALL

Present: Commissioners: Chair Loe (absent)
Andrade, DeBolt, Cuiilty, Grose, Sofelkanik,
Zellmer (absent)

Staff: Gabriela Martinez, Department Secretary
Irving Montenegro Jr., Development Services
Manager
Michael Daudt, City Attorney
Tom Oliver, Associate Planner

3. PLEDGE OF ALLEGIANCE

Vice Chair Cuiilty led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Vice Chair Cuiilty opened oral communication.

Vice Chair Cuiilty 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 of the Regular Meetings of October 25, 2023

Motion/Second:

Carried 5/0 (Grose/DeBolt) Cuiilty abstained, Loe/Zellmer absent: The Planning Commission approved the Regular Meeting minutes of October 25, 2023.

6. PUBLIC HEARING

A. Site Development Permit (SDP) 23-01 – Three Story, Four Unit Multiple Family Residential Project

Chair Grose recused herself due to living within 500 feet of the development.

Associate Planner Oliver summarized the staff report.

Commissioner DeBolt shared his concerns on the following:

- The 10-foot overhang is an encroachment into the rear setback.
- A discrepancy in the square footage identified in the plans, where three of the four measurements are correct. Specifically stating that unit number 3 is 783 square feet with the encroachment and not 800 square feet as represented in the plans. Additionally, stating that without the encroachment, the square footage is 723 square feet.
- Does not understand why the plans were presented to the Commission when they are incorrect.
- Inquired about whether the applicant is aware of these errors. Associate Planner Oliver advised that the applicant is aware.

Commissioner Sofelkanik expressed concern over the [Commission] review of these plans when the applicant knows they are incorrect. Further discussing various corrections that were asked to be corrected and yet they are still not fixed.

Commissioner Sofelkanik inquired about the status of the final landscape plans. Associate Planner Oliver advised that those plans are presented later, after the applicant works with the City's landscape consultant to develop a plan. Further stating that this is the reason for receiving a preliminary sample of the landscape design.

Commissioner Sofelkanik briefly discussed components of the proposed project conditions which should have been presented as part of this project review.

Commissioner Sofelkanik and Commissioner DeBolt shared confusion as to why these plans were presented knowing they were incorrect.

Commissioner DeBolt briefly discussed concern over some of the measurement errors that do not align with what is presented.

Commissioner DeBolt continued to share his concern with being asked to approve the plans presented when they are not adding up and are incorrect. Further stated that he would like to deny the project due to the developer submitting knowingly wrong plans, and requesting new plans for review.

Commissioner Sofelkanik shared concerns about the lack of trash can placement and the absence of a walkway from the sidewalk to the dwelling units.

Vice Chair Cuijty opened public hearing.

Developer Siraj Aboulhoshn presented new renderings for his development on Walnut Street. He touched on the questions that the Commissioners had stating the following:

- Briefly discussed elements of the project design
- Stands by the plans presented being accurate and adding up to a total of 800 square feet.
- Offered to allocate space for the trash can location in the front of the development.
- The absence of a walkway from the sidewalk to the dwelling units.
- Offered to submit new plans that show an extension to the overhang to meet the 800 square feet.
- Stated he has already submitted three different plans thus far and offered to submit another set of plans with the Commissioners' concerns addressed.

Commissioner DeBolt re-addressed the choice by the developer to resubmit the project plans that were known to have errors. Additionally, he shared his thoughts on the importance of accuracy, and due to the lack of it, he is inclined to deny the project.

Motion/Second: Deny approval of the project
Not Carried 1/0 (DeBolt/)

Vice Chair Cuijty shared that there does not seem to be access to the property from Walnut Street.

Developer Aboulhoshn addressed Commissioner DeBolt's concerns and assured him that he and the architect were not out to cheat the system on the requirements. Additionally adding that he can work on providing access on Walnut Street to the units, and altering the plans with different designs to meet the square footage requirements.

Commissioner Sofelkanik asked Associate Planner Oliver to clarify some site plan details and inquired if there was a motion pending. Tom Oliver provided brief clarification of the site plans, advising that it relates to the parking and [exit radius] for vehicles out of the garage.

City Attorney Daudt advised that the public hearing should closed before discussing the motion.

Vice Chair Cuijty closed the public hearing.

Commissioner DeBolt asked Associate Planner Oliver what the minimum is for the opening of a garage. Associate Planner Oliver briefly described the minimum requirements.

Commissioner Andrade briefly discussed the potential challenges with exiting the parking spaces and garage.

Commissioner DeBolt provided clarification on his motion to deny the project and what his primary concern is regarding the less than 800 square feet being presented.

Commissioner Andrade shared that he agrees that there is nothing to approve as presented briefly discussing the missing information. Additionally, asked and received clarification from Associate Planner Oliver about the minimum lighting per the codes briefly describing the plan check review process which includes setting requirements for lighting.

Associate Planner Oliver briefly described the process for establishing the minimum amount of trash cans by the trash company, along with how those minimums are considered during the plan check review process.

Commissioner Sofelkanik re-addressed concern over the applicant presenting incorrect plans.

Motion/Second:

Not Carried 4/0 (DeBolt/Sofelkanik) Grose recused, Loe, Zellmer absent: Motion to deny the applicant plans due to inconsistent and incorrect numbers of total square feet.

City Attorney Daudt briefly discussed the process of a denial by the Commission stating that the motion must specifically state the reasons for denial, as the applicant would have enough information to understand the grounds for denial. Additionally advising that there is an alternative option to continue the item for further evaluation, and an opportunity for the applicant to correct the issues discussed.

Motion/Second:

Not Carried 1/0 (DeBolt/): Deny approval of the project for the reasons that (1) one of the units does not meet the minimum 800 square foot requirement, (2) there is an approximate 2.5 – 3-foot encroachment into the rear setback, (3) multiple discrepancies between the total length of the main structure and the second structure, and the sum of the individual measurements that comprise those structures, and (4) the overall inaccuracies of the measurements.

Commissioner Sofelkanik asked for clarification from Commissioner DeBolt on his motion and whether it includes the encroachments of the second-story balconies. Commissioner DeBolt briefly discussed that he believes those measurements are okay based on the code.

Commissioner Andrade asked for clarification from Commissioner DeBolt about his motion and whether it was a motion for denial or continuance.

Commissioner Andrade briefly discussed possible consideration for a continuance, to provide the opportunity to review a complete project.

Vice Chair Cuiilty asked City Attorney Daudt for clarification advising that there should be discussion about the proposed motion and whether it has a second before an alternative motion is offered.

Motion/Second:

Not Carried 2/0(DeBolt/Sofelkanik): Deny approval of the project for the reasons that (1) one of the units does not meet the minimum 800 square foot requirement, (2) there is an approximate 2.5 – 3-foot encroachment into the rear setback, (3) multiple discrepancies between the total length of the main structure and the second structure, and the sum of the individual measurements that comprise those structures, and (4) the overall inaccuracies of the measurements.

Commissioner Andrade offered an alternative motion stating the following:

Motion/Second:

Not Carried 2/0(Andrade/Cuiilty): Continue the item to the next meeting with revised drawings to address the concerns including square footage, setbacks, and trash. If not met, then have a motion prepared for denial.

Commissioner DeBolt re-addressed his concerns with the numbers and asked for clarification on who checks plans once submitted by the developer. Associate Planner Oliver advised that the City would review the plans [when resubmitted].

Associate Planner Oliver briefly discussed the corrections he provided to the developer along with measurement adjustments.

Vice Chair Cuiilty shared that she cannot approve the plans as proposed, due to there being too many questions [on the proposed].

Alternate Motion/Second:

Not Carried 2/2 (Andrade/Cuiilty) DeBolt/Sofelkanik opposed, Grose recused, Loe/ Zellmer absent: Motion to continue the public hearing to the next meeting with revised drawings to address the concerns including square footage, setbacks, and trash. If not met, then have a motion prepared for denial.

Motion/Second:

Carried 2/2 (DeBolt/Sofelkanik) Cuiilty/Andrade opposed, Grose recused, Loe/Zellmer absent: Motion to deny approval of the project for the reasons that (1) one of the units does not meet the minimum 800 square foot requirement, (2) there is an approximate 2.5 – 3-foot encroachment into the rear setback, (3) multiple discrepancies between the total length of the main structure and the second structure, and the sum of the individual measurements that comprise those structures, and (4) the overall inaccuracies of the measurements.

City Attorney Daudt advised that based on staff recommendation and the absence of a vote to approve, there is an action that effectively is a denial of the project. Further advising that the applicant does have the right to appeal the decision, pursuant to the Los Alamitos Municipal Code section 17.60.020, which must be filed within ten (10) calendar days of the rendering of the decision.

Commissioner Grose rejoined the dais.

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

Development Services Manager Montenegro Jr. briefly discussed the following:

- City gifted water bottles with gift cards as a thank-you gift.
- City Hall will be closed Thursday, December 21st through Monday, January 1st and will re-open on Tuesday, January 2nd. Further advising that the Police Department will still be present along with certain City staff.
- City Hall will be tented for termite treatment from December 26th through the 28th.
- Revive Los Al Grant Program will launch in February 2024. More information will be available in the coming weeks.
- The permit parking and street sweeping survey is still open and the next workshop will be held on December 12th at the Community Center.
- The City was nominated for a red carpet award for the Los Al Bucks Program.
- Commencing next month, signatures for minutes will be routed through DocuSign.
- Tentatively planning a Commission Dinner in February.

9. COMMISSIONER REPORTS

Commissioner Grose wished everyone a fun and safe Christmas and New Year.

11. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:16 p.m. to January 24, 2024.

ATTEST:

DocuSigned by:

Gabriela Martinez

Gabriela Martinez, Department Secretary

DocuSigned by:

Gary Loe

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Gary Loe, Chair