

1. Agenda

Documents:

[PC-09-23-2020-AGENDA-PACKET.PDF](#)

2. Meeting Materials

Public Comments Received by 4 pm.

Documents:

[PUBLIC-COMMENT-ITEM-10A-THE-KENNEDY-COMMISSION.PDF](#)

[PUBLIC-HEARING-09-23-2020-MASSAGE-ESTABLISHMENT.PDF](#)

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION/SUBDIVISION COMMITTEE REGULAR MEETING

Wednesday, September 23, 2020 – 7:00 PM

SAFETY ALERT –NOTICE REGARDING COVID-19

Due to COVID-19, the City of Los Alamitos Planning Commission Meeting on September 23, 2020 will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to Executive Orders and given the current health concerns, members of the public can access meetings by using your phone to dial +1 (301) 715-8592 and enter the Meeting ID: 864-6764-6336. Your microphone will be disabled upon entry for the duration of the meeting. **Members of the public may not attend the meeting in person.**

The public can submit comments to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 4:00 p.m.** will be compiled and provided to the Planning Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to planningcommission@cityoflosalamitos.org **until the close of the public comment period.** The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three-minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the Planning Commission during the meeting shall become public record and subject to applicable disclosure laws.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted after distribution of the agenda packet are available for public inspection on the City's website at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Development Services Department at (562) 431-3538, extension 303, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

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

3. PLEDGE OF ALLEGIANCE

4. PRESENTATION A. Measure Y

5. ORAL COMMUNICATIONS

The public can submit comments to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 4:00 p.m.** will be compiled and provided to the Planning Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to planningcommission@cityoflosalamitos.org **until the close of the public comment period.** The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

6. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of August 26, 2020

ROLL CALL VOTE

Chair Andrade
Vice Chair Grose
Commissioner Culty
Commissioner DeBolt
Commissioner Loe
Commissioner Riley
Commissioner Sofelkanik

7. CONSENT CALENDAR

None.

8. PUBLIC HEARING

A. Conditional Use Permit (CUP) 20-03

Massage Establishment in the Town Center Mixed Use (TCMU) Zone

Consideration of a Conditional Use Permit for a massage establishment proposed for 10900 Los Alamitos Boulevard, Suite 129 in the Town Center Mixed Use (TCMU) Zoning District (Applicants: Wuttipat Charoenmit & Panisara Buttasu), APN 242-171-08.

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adoption Resolution No. 20-05, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-03 TO ALLOW A MASSAGE ESTABLISHMENT AT A 1,350 SQUARE FOOT UNIT IN THE TOWN CENTER MIXED-USE ZONE AT 10900 LOS ALAMITOS BLVD., STE. 129, APN 242-171-08 (APPLICANTS: WUTTIPAT CHAROENMIT & PANISARA BUTTASU)."

ROLL CALL VOTE

Chair Andrade
Vice Chair Grose
Commissioner Culty
Commissioner DeBolt
Commissioner Loe
Commissioner Riley
Commissioner Sofelkanik

9. STAFF REPORT

None.

10. DISCUSSION

A. Conditions of Approval – Los Alamitos Luxury Apartments, located at 3342 Cerritos Avenue

The Planning Commission adopted Resolution No. PC 18-28 on November 28, 2018, authorizing the construction of a 107-unit apartment project at 3342 Cerritos Avenue ("Los Alamitos Luxury Apartments"). At its regular meeting on August 26, 2020, the Planning Commission directed staff to agendaize for future discussion the conditions of approval appended to Resolution No. PC 18-28. This item provides an opportunity for the Planning Commission to discuss the conditions of approval of the Los Alamitos Luxury Apartments project.

Recommendation: This item is presented for discussion only. There is no recommended action.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

12. COMMISSIONER REPORTS

13. ADJOURNMENT

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within ten (10) business days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,038.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2019-15.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.



Maria Veronica Enciso
Department Secretary

9/17/2020

Date

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

REGULAR MEETING – August 26, 2020

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:04 p.m., Wednesday, August 26, 2020, in a video conference, Chair Andrade presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the Planning Commission/Subdivision Committee attended telephonically.

2. ROLL CALL

Present: Commissioners: Chair Andrade, Vice Chair Grose
Cuijty, DeBolt, Loe, Riley, and Sofelkanik

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Andrade.

4. ORAL COMMUNICATIONS

5. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of April 22, 2020 and July 22, 2020

Motion/Second: DeBolt/Grose

Carried 7/0: The Planning Commission approved the minutes of the Regular Meeting of April 22, 2020 with amendment.

ROLL CALL VOTE

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

Motion/Second: Grose/DeBolt

Carried 6/0 (Culity Abstained): The Planning Commission approved the minutes of the Regular Meeting of July 22, 2020.

ROLL CALL VOTE

Chair Andrade	Aye
Vice Chair Grose	Aye
Commissioner Culty	Abstained
Commissioner DeBolt	Aye
Commissioner Loe	Aye
Commissioner Riley	Aye
Commissioner Sofelkanik	Aye

6. CONSENT CALENDAR

None.

7. PUBLIC HEARING

None.

8. STAFF REPORT

A. National Pollutant Discharge Elimination System (NPDES) Training

A City's stormwater program, known as NPDES, is a local government's tool to help protect the water that enters a storm drain. Protecting water quality requires raising public awareness and fostering environmentally protective public behavior.

Associate Planner Oliver summarized the staff report and presentation.

Chair Andrade thanked Associate Planner Oliver.

9. DISCUSSION

None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Associate Planner Oliver quickly discussed the outdoor dining around the city.

Acting Development Services Director Noda discussed the following:

- Epson should be moved into the office after Labor Day, September 8, and 10% of the employees will be working in the office.
- The Recreation and Community Services Department will be having a special event called Zip Code Day on September 7, 2020.
- The City Council voted to place a 1.5% tax measure on the ballot, more information on the City website.

11. COMMISSIONER REPORTS

Vice Chair Grose discussed the following:

- City event called Serve Los Al that is on September 11 and 12.
- Concern of the abundance of banners in the City from the businesses due to COVID-19 and asked if these will be readdressed at a later time.

Acting Development Services Director Noda reiterated the Serve Los Al event and answered Vice Chair Grose concern about banners. City staff is in the process of creating a letter to distribute to the businesses about removing their banners or applying for a permit.

Commissioner DeBolt discussed a letter that was sent to the Planning Commission from City Attorney Daudt in regard to the apartment project [Los Alamitos Luxury Apartment] in the City. He made a request to have an agenda item at the next Planning Commission to discuss the Conditions of Approval (Item 82 and 74).

Commissioner Sofelkanik agreed with Commissioner DeBolt's concern and asked Associate Planner Oliver to also include Resolution 73 and 74 and the documentation of the vapor barrier [on the property] in the future agenda item. He shared that he will be attending the ATP Zoom meeting on August 28 and will report back to the Planning Commission.

12. **ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:38 p.m.

ATTEST:

Larry Andrade, Chair

Maria Veronica Enciso, Department Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: September 23, 2020 ITEM NUMBER: 8A

To: Chair Andrade and Members of the Planning Commission
Via: Ron Noda, Acting Development Services Director
From: Tom Oliver, Associate Planner
Subject: Conditional Use Permit (CUP) 20-03
Massage Establishment in the Town Center Mixed Use (TCMU) Zone

SUMMARY

Consideration of a Conditional Use Permit for a massage establishment proposed for 10900 Los Alamitos Boulevard, Suite 129 in the Town Center Mixed Use (TCMU) Zoning District (Applicants: Wuttipat Charoenmit & Panisara Buttasu), APN 242-171-08.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adoption Resolution No. 20-05, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-03 TO ALLOW A MASSAGE ESTABLISHMENT AT A 1,350 SQUARE FOOT UNIT IN THE TOWN CENTER MIXED-USE ZONE AT 10900 LOS ALAMITOS BLVD., STE. 129, APN 242-171-08 (APPLICANTS: WUTTIPAT CHAROENMIT & PANISARA BUTTASU)."

APPLICANT

Wuttipat Charoenmit & Panisara Buttasu

LOCATION

10900 Los Alamitos Boulevard, Suite 129 Los Alamitos, CA 90720

ENVIRONMENTAL

The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (CEQA)

applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

APPROVAL CRITERIA

Los Alamitos Municipal Code (LAMC), Section 17.12.020, Table 2-06 (Allowed Uses and Permit Requirements for the Town Center Mixed-Use zone) requires Planning Commission approval of a Conditional Use Permit to allow a Massage Establishment use (Personal Services, Restricted) in the TCMU zoning district.

NOTICING

The Public Hearing Notice for this meeting was mailed out on September 9, 2020, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the Event News Enterprise on September 9, 2020.

PRIOR ACTIONS

Any prior discretionary action for this particular unit on the parcel is shown below:

None

BACKGROUND

The Applicants, Wuttiapat Charoenmit and Panisara Buttasu, have submitted an application for a Conditional Use Permit (CUP 20-03) asking that the City allow a massage establishment, at the Town Center Plaza, at 10900 Los Alamitos Boulevard, Suite 129. The business is proposed to be called Ch'Chada Thai Massage. The subject tenant space, a unit in the Center Plaza shopping center, is proposed for the unit where Bella Hair Design used to be. The unit is approximately 1,350 square feet.

This application must be reviewed and approved by the Planning Commission in accordance with Los Alamitos Municipal Code Section Chapter 17.32 (Conditional Use Permits). In order to approve a CUP, the Planning Commission must hold a public hearing and make findings of support for the proposed project. Staff has reviewed the application for consistency with the City's Municipal Code, as well as assessed potential impacts, and believes the findings to approve the proposed CUP application can be made.

DISCUSSION

Below is the Google Earth view of the parcel.



Location

The proposed unit is noted by the arrow on the above picture in the Town Center Plaza shopping area located at the northeast corner of Los Alamitos Boulevard and Katella Avenue. The former use of this unit was as a hair salon. The properties to the north of this parcel, separated by Florista Street, are a veterinarian office and an office building

in the General Commercial (C-G) zone. Properties to the east are a bank, an office building, and parking lots within the Town Center Mixed Use (TCMU) zoning district. The properties to the south, across Katella Avenue, are a bank, an office building, and McDonalds within the TCMU zoning district. To the west, across Los Alamitos Boulevard, are a gas station and shops in the TCMU zone.

Staff Discussion

The hours of operation for the business are proposed to be Monday through Sunday 10:00 a.m. to 9:00 p.m. At first, one of the owners and one employee would be only employees and massage therapists. Later, if the business became busier, they would hire more therapists. They also plan to have one or two receptionists. Currently, they would be required to follow Centers for disease Control and Prevention guidelines for COVID-19, however, after these restrictions are lifted, they would expect to have a maximum of seven customers at one time in the proposed seven room. The floor plan is attached to this report. The Applicants tell Staff that they do not own, and have never owned, another massage establishment.

The types of services would include Swedish Massage, Deep Tissue Massage, Hot Stone Massage, Sports Massage, Prenatal Massage, Combination Massage, Cupping Massage, Scrubbing Massage and Herbal Therapy, Traditional Thai Massage.

To open a massage business, the applicant must obtain a Conditional Use Permit. The "massage establishment" use is included under the Zoning code definition of "Personal Services, Restricted." (LAMC section 17.74.160) The proposed location is in the Town Center Mixed Use (TCMU) Zoning District. Personal Services, Restricted (inclusive of massage establishments) are allowed in the TCMU Zoning District with the approval of a CUP by the Planning Commission. In addition to the CUP, the applicant will also be required to obtain a certificate of operation and massage establishment operator's permit and subject to the regulatory provisions of Chapter 5.32 of the Los Alamitos Municipal Code (LAMC), which are processed by the Police Department and Community Development Department. Among other things, Chapter 5.32 requires the massage establishment to utilize only state-licensed massage therapists. A certificate of operation and massage establishment operator's permit may be revoked or suspended if a permittee conducts operations in violation of LAMC.

The application being considered tonight is for the massage establishment CUP and whether it is appropriate use, compatible and harmonious with this proposed site at 10900 Los Alamitos Boulevard Suite 129. A CUP must be reviewed and approved by the Planning Commission in accordance with LAMC section 17.32.050 (*Review Procedures for Conditional Use Permits*). In order to approve a CUP, the Planning Commission must hold a public hearing and make findings of support for the proposed project. These findings include: consistency with the General Plan, consistency with the LAMC, compatibility with existing and future land uses in the vicinity, physical suitability of the proposed site, and impacts to the public convenience, interest, health, safety, and general welfare. Staff has reviewed the proposal for consistency with the General Plan and LAMC, as well as potential impacts, such as parking and compatibility with

surrounding land uses, and believes the findings to approve the proposed CUP can be made.

CAMTC

Each individual that performs a massage at a massage establishment must obtain a CAMTC Certificate. California Massage Therapy Council's mission is to protect the public by certifying massage professionals in California that meet the requirements in the law, and approving massage programs that meet the minimum standards for training and curriculum.

Of the two proposed owners, Panisara Buttasu does indeed have a CAMTC certificate. The other proposed owner, Wuttipat Charoenmit, does not have a CAMTC Certificate, but will undergo a background check with our Police Department. Although an owner, Wuttipat will not be able to perform massage therapy. All others who perform massages will be required to be certified.

Parking

A massage establishment, as a "Personal Service, Restricted" use requires the need of one parking space per 300-square feet of unit square footage, which is 5 (4.5 rounded) spaces. This need is covered by the center's parking lots that would normally see a use move into this unit that would require one space per 250 square feet. There is a peak demand in this center of 179 parking spaces that a 2014 parking study identified and can be supported. Therefore, no additional parking demand will be created by the uses being approved with the existing shared parking lots.

RECOMMENDATION

Staff recommends approving the CUP with the understanding that the operator permit, tenant improvements, and certificate of operation must be accomplished by the applicant and approved by the Police Department prior to start of business.

Attachment

1. Draft Resolution 20-05 with Exhibit A Plans

RESOLUTION 20-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-03 TO ALLOW A MESSAGE ESTABLISHMENT AT A 1,350 SQUARE FOOT UNIT IN THE TOWN CENTER MIXED-USE ZONE AT 10900 LOS ALAMITOS BLVD., STE. 129, APN 242-171-08 (APPLICANTS: WUTTIPAT CHAROENMIT & PANISARA BUTTASU).

WHEREAS, an application for a Conditional Use Permit (CUP 20-03) was submitted by Wuttipat Charoenmit & Panisara Buttasu to allow a Massage Establishment (Personal Services, Restricted) to be located at 10900 Los Alamitos Blvd., Ste. 129 in the Town Center Mixed-Use zone; and,

WHEREAS, a massage establishment is a use allowed through a Conditional Use Permit (CUP) in accordance with Section 17.12.020, Table 2-06 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on this matter on September 23, 2020, at which time it considered all evidence presented, whether written or oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Conditional Use Permit 20-03 for the operation of a 1,350-square foot massage establishment at 10900 Los Alamitos Blvd., Suite 129, is hereby approved based upon the following findings (LAMC 17.32.070) and subject to the conditions listed in SECTION 2 below:

A. The proposed use is consistent with the General Plan and any applicable specific plan;

The Los Alamitos General Plan designates this site as part of the "Town Center" which is consistent with the Town Center Mixed-Use Zone. This is an area that is intended to be walkable, human-scaled area where people shop, work, eat, have fun, and spend quality time with friends and family. A massage establishment is harmonious with the other uses in the building as well as in the general neighborhood. The massage establishment will be required to comply with the Los Alamitos Municipal Code as well as by conditions of approval in this resolution which are designed to foresee effects to the neighborhood surrounding it. Additionally, approving a massage establishment is consistent with the current General Plan, and while not specifically mentioned as a desired Land Use, it does not conflict with its policies.

B. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

Massage Establishments are a conditionally permitted use in the Town Center Mixed-Use (TCMU) zone.

C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity;

This establishment is scaled appropriately, and compatible with the other businesses in this vicinity.

D. The site is physically suitable in terms of:

1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

The building was constructed many years ago, and was built to the standards that were required when it was constructed. The Applicants will be required to obtain a permit from the City's Building Department for any new tenant improvements made in the unit.

2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

The streets have existed around this shopping center for many years and remain adequate for the public and emergency services.

3. Public protection services (e.g., fire protection, police protection, etc.); and,

Public protection services already exist for this shopping center and have proven to be sufficient through the years.

4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

This building has existed for many years and is connected to all utilities. The utilities are adequate for this business.

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public

convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. (Ord. 19-03 § 3, 2019; Ord. 688 § 1, 2006)

The massage establishment, if operated according to municipal code, will not endanger the public health or general welfare. The Los Alamitos Municipal Code Chapter 5.32 *Massage* was drafted to foresee any negative issues that can arise in a massage establishment.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 20-03 subject to the following conditions:

Planning

1. Approval of this application is to allow a massage establishment at 10900 Los Alamitos Boulevard, Ste. 129, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 20-03 noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. Failure to satisfy and/or comply with the conditions herein may result in revocation of this approval by the Planning Commission and/or City Council.
3. The applicant and the applicant's successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.
4. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.

Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees:	N/A
Dedications:	N/A
Reservations:	N/A
Other Exactions:	N/A

5. The applicant has ninety (90) days from the date of adoption of this Resolution to protest the impositions described above. The applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.
6. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
7. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department. The property owner/applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department prior to issuance of any permits.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. Any signs shall comply with the provisions under Chapter 17.26 of the Los Alamitos Municipal Code or the Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Development Services Director.

10. The Applicant shall be required to comply with all portions of the Los Alamitos Municipal Code ("LAMC") and in particular those specific code requirements of Chapter 5.32 *Massage*.
11. Hours of operation shall be limited to the hours outside of 10:00 p.m. to 6:00 a.m.
12. The Manager/Operator of this business shall be on site during all hours of operation.
13. This Massage Establishment shall at no time permit Escort Services.
14. Visibility through lobby windows from the exterior of the building shall not be blocked in accordance with LAMC 5.32.120.L.
15. No alcohol shall be permitted.
16. If three or more substantiated complaints within any one-year period are received by the Los Alamitos Police Department regarding disturbances caused by patrons of the business, whether inside or within close proximity, revocation proceedings may be initiated by the City.
17. All interior improvements shall meet current ADA requirements. For example, the ADA compliant massage room needs to have the bed two feet away from the wall while meeting the ADA requirements.
18. Individual massage room doors shall open inward.

Building Department

19. Applicant shall provide full tenant improvement plans that comply with the 2016 California Building Code to the Building and Safety Department before beginning any construction.

Orange County Fire Authority

20. None.

SECTION 3. The approval of the Conditional Use Permit for the massage establishment is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities. The proposed use is an existing building with no proposed alterations or expansion of no more than 2,500 square feet and there are no unusual circumstances present.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as

to the adoption of this Resolution, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 23rd day of September 2020.

Larry Andrade, Chair

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Ron Noda, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 23rd day of September 2020, by the following vote, to wit:

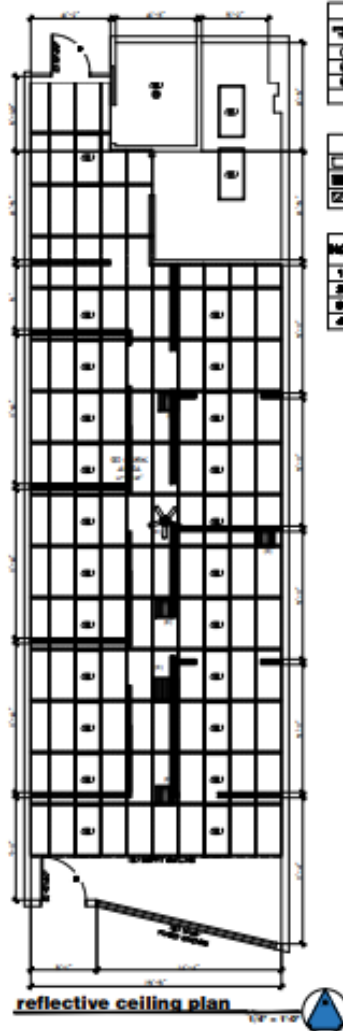
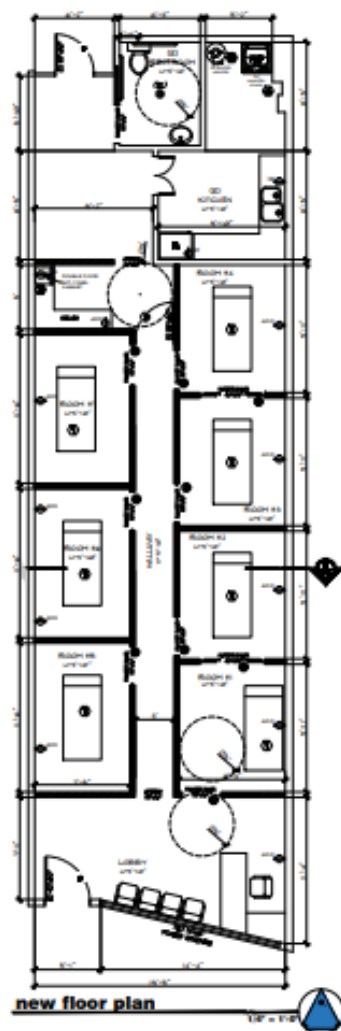
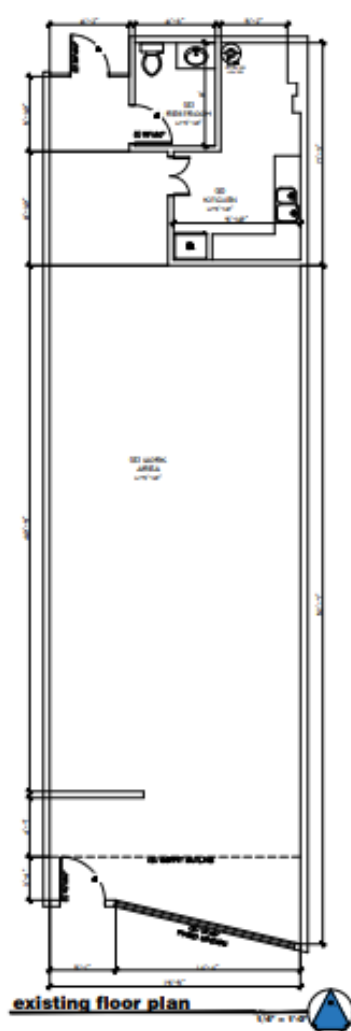
AYES:

NOES:

ABSENT:

ABSTAIN:

Ron Noda, Secretary

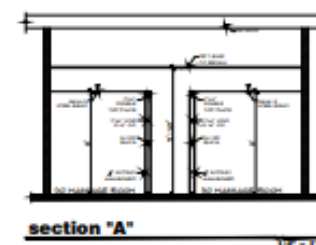


COLOR SAMPLE							
SAMPLE #	AGE			SEX	WEIGHT	LENGTH	DEPTH
	DATE	TIME	TIME				
1	1/1/11	10:00	10:00	MALE	100g	10cm	10cm
2	1/1/11	10:00	10:00	MALE	100g	10cm	10cm
3	1/1/11	10:00	10:00	MALE	100g	10cm	10cm

LEADS	
	CHIEF OF POLICE
	NEW YORK CITY POLICE DEPT. 100-123456789
	NEW YORK CITY POLICE DEPT. 100-123456789
	NEW YORK CITY POLICE DEPT. 100-123456789

NO.	DESCRIPTION	SUB BU			MAGN.	QTY
		PH	PH	PH		
1	MARRAGE TABLE	PH	PH	PH		1
3	HOT TUB, CABINET CABIN DOUBLE	PH	PH	PH		1
8	WATER HEATER	PH	PH	PH		1
4	SLIDING/STOCK	PH	PH	PH		1

Electrical Symbols	
	(E) FLUORESCENT LIGHT
	(E) CEILING DIFFUSER
	(E) RETURN AIR VENT
	(E) CEILING MOUNT LIGHT
	(E) LIGHT-SWITCH ACTIVATED EXHAUST FAN



section "A"

1

Wuttipat Charoenmit and Panisara Buttasu
(562) 506-4831
107184 WALNUT STREET,
CLIENT

100 PAGES (50%)

ASSISTANT ATTORNEY GENERAL



TITLE FLOOR PLANS

DATE	ISSUE

07:44.0

60.112

Ethan Castellano

20-0702

4/6

A2

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: September 23, 2020 ITEM NUMBER: 10A

To: Chair Andrade and Members of the Planning Commission

Via: Ron Noda, Acting Development Services Director

From: Michael Daudt, City Attorney

**Subject: Conditions of Approval – Los Alamitos Luxury Apartments, located at
3342 Cerritos Avenue**

SUMMARY

The Planning Commission adopted Resolution No. PC 18-28 on November 28, 2018, authorizing the construction of a 107-unit apartment project at 3342 Cerritos Avenue ("Los Alamitos Luxury Apartments"). At its regular meeting on August 26, 2020, the Planning Commission directed staff to agendaize for future discussion the conditions of approval appended to Resolution No. PC 18-28. This item provides an opportunity for the Planning Commission to discuss the conditions of approval of the Los Alamitos Luxury Apartments project.

BACKGROUND

Resolution PC 18-28 includes several conditions of approval imposed by the Planning Commission in connection with its November 28, 2018 approval of the Los Alamitos Luxury Apartments project. At its August meeting, the Planning Commission directed staff to place a discussion of the conditions of approval on its next meeting agenda. Conditions of Approval Nos. 73, 74, and 82 were specifically mentioned by the Planning Commission. These Conditions of Approval read as follows:

73. HAZ-4 The project applicant/developer shall be required to record a separate notice to provide notification of the presence of vapor barriers (where such building features are installed) to future project residents. The notice is in addition to any other provisions that may be included in the established apartment management rules and regulations. The project applicant/developer shall furnish the City of Los Alamitos Development Services Department with proof of the notice provided to future residents prior to the issuance of occupancy.

74. NOI-1 As required by the City of Los Alamitos Municipal Code Section 17.24, construction activities shall not take place weekdays between the hours of 8:00 PM and 7:00 AM on weekdays and Saturday, or at any time on Sundays or federal holidays. In addition, the following best management practices shall be observed:

- At least 90 days prior to the start of construction activities, all offsite residences within 300 feet of the project site shall be notified of the planned construction activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.
- The project sponsor and contractors shall prepare a Construction Noise Control Plan. The details of the Construction Noise Control Plan, including those listed herein, shall be included as part of the permit application drawing set and as part of the construction drawing set.
- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.
- During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- During the entire active construction period, noisy operations shall be combined so that they occur in the same time period as the total noise level produced would not be significantly greater than the level produced if the operations were performed separately (and the noise would be of shorter duration).
- Haul routes that avoid the greatest amount of sensitive use areas shall be selected.

- Signs shall be posted at the job site entrance(s), within the onsite construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

82. The applicant shall inform each prospective tenant of the environmental condition and groundwater monitoring activities associated with the project site and secure tenant acknowledgement of such prior to securing a lease. Applicant, or their representative, shall provide proof of tenant acknowledgements upon the City's request for such. This notification shall no longer be required upon SARWQCB's issuance of a no-further-action letter for groundwater.

Soil Remediation and Groundwater Protection

Soil remediation and groundwater protection activities at the Los Alamitos Luxury Apartments project site are governed by the Santa Ana Regional Water Quality Control Board ("Regional Board").

By letter dated January 9, 2020 (Completion of Remedial Excavation), attached, the Regional Board confirmed that soil excavation and backfill at the project site had been completed, clearing the way for grading operations. The Regional Board letter states ground water monitoring will occur for no less than three years and that the Regional Board will continue to regulate the site until it has reached compliance with its water quality objectives.

The Regional Board-approved Remedial Action Plan for Impacted Soil Removal (dated June 2017) for the Los Alamitos Luxury Apartment project is available online: at https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T10000010252.

Section 4.1.2 (Evaluation of Potential Exposure Pathways) of the Remedial Action Plan reads, in significant part:

"The site will be developed with 109 luxury apartment homes. Approximately 75% of the site will be occupied by hardscape covering the building footprints, thereby eliminating potential exposure to soil. In addition, all excavation work will be completed under a Soil Management Plan (SMP) to be prepared for the site for all earthwork activity completed during and following construction activities. Residents will not be permitted to access shallow soil in landscaped areas in the development (e.g., gardening will not be permitted). In addition, near surface soil

will be remedied and removed. Therefore, exposure to impacted soil is not anticipated and this exposure pathway for residents is considered incomplete.

The apartments will be constructed on top of a ground level parking garage. The parking garage will have partially enclosed walls, and since the parking garage will not significantly impeded airflow, it is considered to be freely ventilated. As such, exposure to residents from soil gas migrating into the parking garage is anticipated to be very limited due to the high rate of dilution with outdoor air. For the few administration, leasing office and storage buildings that will be constructed on the ground floor, a vapor barrier will be installed to minimize any potential vapor intrusion. Therefore, the soil vapor exposure pathway for residents is considered incomplete.”

The project developer has advised staff that they have followed the requirements of the approved Remedial Action Plan and have installed vapor barriers at the first level of the development where the leasing office, gym, mail room, and other staff areas are located.

RECOMMENDATION

This item is presented for discussion only. There is no recommended action.

Attachments

- 1. Resolution No. 18-27 and No. 18-28 with Conditions of Approval*
- 2. Letter re Completion of Remedial Excavation (January 9, 2020)*

Recorded in C. lial Records, Orange County

Hugh Nguyen, Clerk-Recorder



* \$ R 0 0 1 0 6 7 2 1 4 2 \$ *

2019000065703 3:15 pm 03/01/19

48 401 A12 26

0.00 0.00 0.00 0.00 75.00 0.00 0.000.0075.00 3.00

When recorded mail to:
Development Services Department
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

7068-ACC

Space above this line for Recorder's use

**AGREEMENT ACCEPTING CONDITIONS
OF CITY OF LOS ALAMITOS PLANNING COMMISSION
APPROVAL FOR SITE PLAN REVIEW (SPR) 18-02**

For and in consideration of the grant of approval by the City of Los Alamitos of SPR 18-02, the undersigned Applicant, and the representative of the Property Owner, do hereby agree to perform and comply with all conditions set forth in Planning Commission Resolution No. 18-28 with respect to real property owned by the undersigned and described in said Resolution attached hereto and made a part hereof.

This Agreement shall be binding upon the undersigned, its successors and assigns, and any future owners, encumbrancers and their successors and assigns and shall continue in effect until otherwise released or modified by the authority of the appropriate agency of the City of Los Alamitos or until such time as the Municipal Code of the City of Los Alamitos unconditionally permits the release of this Agreement.

Dated this 28th day of February, 2019

Signature

Property Representative

Scott C Felix for Los Alamitos Luxury

Name (typed or printed)

by: Hutton
Los Alamitos,
Inc, Managing
Member

Signature

Applicant

Name (typed or printed)

THIS FORM MUST BE NOTARIZED PRIOR TO RECORDATION

Attach an All Purpose Acknowledgement

THIS DOCUMENT FILED FOR RECORD
BY ORANGE COAST TITLE COMPANY
AS AN ACCOMMODATION ONLY. IT
HAS NOT BEEN EXAMINED AS TO ITS
EXECUTION OR AS TO ITS EFFECT
UPON THE TITLE.

When recorded mail to:
Development Services Department
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

7068-ACC

Space above this line for Recorder's use

**AGREEMENT ACCEPTING CONDITIONS
OF CITY OF LOS ALAMITOS PLANNING COMMISSION
APPROVAL FOR SITE PLAN REVIEW (SPR) 18-02**

For and in consideration of the grant of approval by the City of Los Alamitos of SPR 18-02, the undersigned Applicant, and the representative of the Property Owner, do hereby agree to perform and comply with all conditions set forth in Planning Commission Resolution No 18-28 with respect to real property owned by the undersigned and described in said Resolution attached hereto and made a part hereof.

This Agreement shall be binding upon the undersigned, its successors and assigns, and any future owners, encumbrancers and their successors and assigns and shall continue in effect until otherwise released or modified by the authority of the appropriate agency of the City of Los Alamitos or until such time as the Municipal Code of the City of Los Alamitos unconditionally permits the release of this Agreement.

Dated this 28th day of February, 2019

Signature [Signature]
Property Representative

Scott C Felix for Los Alamitos Luxury
Name (typed or printed) Apartment, LLC
by: Hutton
Los Alamitos,
Inc, Managing
member

Signature _____
Applicant

Name (typed or printed)

THIS FORM MUST BE NOTARIZED PRIOR TO RECORDATION
Attach an All Purpose Acknowledgement

THIS DOCUMENT FILED FOR RECORD
BY ORANGE COAST TITLE COMPANY
AS AN ACCOMMODATION ONLY. IT
HAS NOT BEEN EXAMINED AS TO ITS
EXECUTION OR AS TO ITS EFFECT
UPON THE TITLE.

[Signature]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

On February 28, 2019 before me, Beverly A. Hardy, Notary Public
(insert name and title of the officer)

personally appeared Scott C. Felix
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

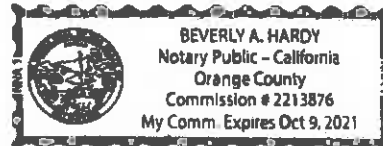
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Beverly A. Hardy

(Seal)



RESOLUTION NO. 18-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM TO ALLOW THE CONSTRUCTION OF 107 RESIDENTIAL APARTMENTS IN TWO STRUCTURES, ASSOCIATED PARKING AND AMENITIES FOR A PROJECT LOCATED AT 3342 CERRITOS AVENUE, APN 242-222-11 (APPLICANT: CHRISTOPHER FELIX, HUTTON DEVELOPMENT COMPANY, REPRESENTING THE LOS ALAMITOS LUXURY APARTMENTS, LLC).

WHEREAS, the City of Los Alamitos has prepared an Initial Study and Mitigated Negative Declaration for the construction of 107 residential apartments in two structures on a 3.65-acre parcel located at 3342 Cerritos Avenue in the Multiple Family (R-3) Zoning District (APN 242-222-11); and,

WHEREAS, an Initial Study and Mitigated Negative Declaration, attached hereto as Exhibit "A", have been completed in compliance with the California Environmental Quality Act (CEQA), the guidelines promulgated by the State Secretary of Resources, and the procedures for review as set forth in the 2007 City of Los Alamitos Guidelines for Implementation of the CEQA (Local CEQA Guidelines); and,

WHEREAS, it has been determined that the proposed project may potentially have significant effects on the environment, but revisions in the project proposal would mitigate the effects to a point where clearly no significant effect would occur; and,

WHEREAS, notice regarding the Mitigated Negative Declaration for the 107 residential apartments was sent to neighboring property owners pursuant to the City's CEQA Guidelines, concerning the review period commencing October 17, 2018; and,

WHEREAS, copies of the Initial Study and Mitigated Negative Declaration have been made available for a 20-day review period to pertinent agencies and interested members of the public, commencing on October 17, 2018; and,

WHEREAS, all written comment letters received within the 20-day public review period have been noted in the record, responded to by Staff, and none of the comments alter the conclusions in the Initial Study and Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission considered the adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto and incorporated herein as Section 4 of Exhibit "A," at a duly noticed public hearing on November 28, 2018 at which hearing it considered all of the evidence presented, both written and oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

SECTION 2. The Planning Commission has reviewed and considered the environmental documentation as well as the conditions cited in Exhibit "A," for the project prior to taking action. Based on the analysis contained in the Initial Study and Mitigated Negative Declaration and the accompanying environmental information, in compliance with the California Environmental Quality Act (Public resources Code Section 21000, et seq. ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, et seq.), and the City's Local CEQA Guidelines, the Planning Commission hereby adopts the Mitigated Negative Declaration ("MND") and Mitigation Monitoring and Reporting Program ("MMRP") (Exhibit "A"). In adopting the MND and MMRP, the Planning Commission finds as follows:

- A. The Mitigated Negative Declaration and MMRP were prepared in accordance with all legal requirements, including all public notice and comment period requirements.
- B. There is no substantial evidence of potentially significant environmental impacts and the Mitigated Negative Declaration has been prepared. The proposed subdivision will not cause any environmental damage as this is an infill project on property that already has been designated as an area for residential units and there are no fish or wildlife habitat on site. The site was previously graded and used for many years for industrial businesses.
- C. The project is consistent with the General Plan objectives, policies and programs. The project proposes the development of 107 apartment units at a density of 30 dwelling units an acre, which is within the General Plan multi-family residential land use designation of 20-30 units per acre. The proposed design and improvements of the 107-unit residential apartment project are consistent with the applicable General Plan goals, policies, and implementation measures as shown below:

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
Land Use Element	
Goal 4: Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity.	These will be new, well-designed buildings in the neighborhood which may encourage neighbors to make improvements their own homes.
Policy 4.1 Pride and identity. Enhance the sense of identity and increase the feeling of pride among Los Alamitos residents, business owners, employees, and visitors through excellent physical design and continual property maintenance and improvements.	This will be a new, well-designed building in the neighborhood which may encourage neighbors to make improvements to their own homes.
Policy 4.4 Scale and Character. Ensure that all new development in	This project will be in the multi-family

residential neighborhoods is compatible with the scale and character of the surrounding neighborhood.	residential neighborhood and meets all development standards. The design of the project will add to the character of the neighborhood.
Action 4.5 Development standards. Review development standards in residential zoning districts to provide specific guidance on maximum development intensity, minimum open space, and minimum setback standards to ensure that all new development in residential neighborhoods is compatible with the surrounding scale and character.	This project has been compared to the development standards of the multi-family residential zone and has been found to be compliant. Additionally, the density meets the requirements of the General Plan.
Open Space, Recreation, and Conservation Element	
Goal 4: Air, water, and energy resources that are protected from pollution and overuse.	This residential infill project will take the place of sprawl that would be built on the fringes of this metropolitan area.
Action 4.2 Construction activities. Encourage the use of best management practices during construction activities to reduce emissions of criteria pollutants as outlined by the SCAQMD.	BMP's are required for the construction of this project in the conditions of approval.
Public Facilities and Safety Element	
Policy 1.4 New development. New development shall pay its fair share of public facility and infrastructure improvements.	The proposed project will be required to pay traffic and school fees.
Action 4.5 Construction activity. Require that construction vehicles and equipment (fixed or mobile) be equipped with properly operating and maintained mufflers. Place stock piling and/or vehicle-staging areas as far as practical from residential homes. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.	These are BMP requirements that are a part of the conditions of approval for the project.
Growth Management Element	
Policy 1.1 New development. New development shall pay its share of the costs of public facilities and services needed to serve the new residents.	Traffic fees will be required to be paid, utilities undergrounded, sidewalks and streets adjacent will be repaired or replaced as needed.
Policy 2.2 New development. New development shall pay its share of the costs associated with local and regional traffic mitigation.	Traffic fees will be required of this project.
Housing Element	
Housing Strategy Area 4: Adequate Housing Supply. The City strives to ensure an adequate supply of housing is available to meet future and existing housing needs of all economic segments of the community.	This project moves the City's housing toward this goal.

- D. The project will not adversely affect the public health, safety and welfare. The proposed subdivision design and improvements will not adversely affect the public health of the citizens of the City of Los Alamitos as the project is the type of use which is planned for in this area; the residential apartment project will be compatible with the single-family and multi-family residential uses in the area. The mitigations required by the CEQA document will ensure the safety of the inhabitants of the project, and will contribute to the health of the community as a whole.
- E. The project will not adversely affect the environment. The Mitigated Negative Declaration associated with this Resolution sets forth measures to mitigate any hazards foreseen for the project.

07

F. The City has complied with the California Environmental Quality Act (CEQA). Pursuant to the provisions of the California Environmental Quality Act (CEQA) an Initial Study was prepared which led to the conclusion that a Mitigated Negative Declaration (MND) be prepared for this project. The purpose of a MND is to identify potential effects on the environment of the project and to indicate the manner in which those potential significant effects can be avoided or mitigated. A primary function of the MND is to disclose and evaluate project impacts and inform decision makers for the project. In order to meet the 20-day circulation requirements, a notice regarding the Mitigated Negative Declaration was circulated from October 17, 2018 to November 5, 2018.

SECTION 3. Based on the entire record before the Planning Commission, including the written and oral record and the findings set forth in the Resolution, the Planning Commission hereby adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Exhibit "A," for the construction of 107 residential apartments in two structures, plus associated parking and amenities at 3342 Cerritos Avenue, APN 242-222-11, subject to the Mitigation Measures described in Exhibit "A."

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution. Staff shall file a Notice of Determination with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 28th day of November 2018, by the following vote:


Art DeBolt, Chair

ATTEST:


Les Johnson, Secretary

APPROVED AS TO FORM:


David A. DeBerry, Deputy City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

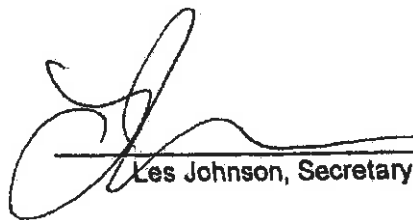
I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 28th day of November 2018, by the following vote, to wit:

AYES: Cully, Grose, Loe, Sofelkanik

NOES: DeBolt

ABSENT: Andrade, Riley

ABSTAIN: None



Les Johnson, Secretary

21

RESOLUTION NO. PC 18-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 18-02 TO PERMIT THE CONSTRUCTION OF 107 APARTMENT UNITS IN TWO BUILDINGS ON A 3.65-ACRE PARCEL AT 3342 CERRITOS AVENUE IN THE MULTIPLE FAMILY RESIDENTIAL ZONE (R-3), APN 242-222-11 (APPLICANT: CHRISTOPHER FELIX, HUTTON DEVELOPMENT COMPANY, REPRESENTING THE LOS ALAMITOS LUXURY APARTMENTS, LLC).

WHEREAS, a completed application for a Site Plan Review was submitted by Christopher Felix, Hutton Development Company representing the Los Alamitos Luxury Apartments, LLC on March 6, 2018, requesting approval for a development of 107-units of residential apartments at 3342 Cerritos Avenue on a 3.65-acre parcel in the Multiple Family (R-3) Zoning District (APN 242-222-11); and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) and Section 17.08.020 Table 2-02 (Allowed Uses and Permit Requirements for Residential Zoning Districts) of the Los Alamitos Municipal Code; and,

WHEREAS, an Initial Study and Mitigated Negative Declaration have been completed in compliance with the California Environmental Quality Act (CEQA), the guidelines promulgated by the State Secretary of Resources, and the procedures for review as set forth in the 2007 City of Los Alamitos Guidelines for Implementation of the CEQA (Local CEQA Guidelines); and,

WHEREAS, a 20-day circulation period for the draft initial study/mitigated Negative Declaration of October 17, 2018 to November 5, 2018 had been duly noticed, and had elapsed, in accordance with the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review at a duly noticed public hearing on November 28, 2018, at which time it considered all of the evidence presented, both written and oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby makes the following findings which is based on all of the evidence presented, both written and oral; the Staff report is incorporated by reference:

- A. The design and layout of the proposed development are consistent with the development and design standards/guidelines of the applicable zoning district. As presented in the plans dated October 11, 2018, the development meets, or will be conditioned to meet, all requirements. This project is consistent with the standards of the Multiple Family (R-3) Zoning District.
- B. The design and layout of the proposed development would not interfere with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards. The design and layout of the residential apartments at 3342 Cerritos Avenue would not interfere with the use and enjoyment of neighboring residential developments, as the immediately surrounding uses are multi-family residential, or detached condos. The approved location is appropriate for 107 units in two buildings and would be constructed in an architectural style that complements nearby homes. The three stories is in harmony with the condominiums being built next door. The development's owner will have regulations concerning maintenance and parking as required by the Los Alamitos Municipal Code. The property is zoned for this type of development and the design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this chapter.
- C. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this chapter. The design of the 107 residential apartments would enhance the attractive, harmonious, and orderly development. The design is in harmony with surrounding development and improves upon the City's architecture with a timeless residential building design, extensive landscaping, and maintenance requirements under the Los Alamitos Municipal Code.
- D. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance. The architecture and aesthetics of the proposed project are in keeping with the two recent projects to the west of the property and will blend well with the existing built environment. The elevations proposed for the project are appealing and would provide a desirable environment for residents and visitors.
- E. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity. The 107 residential apartments provide for public health, safety, and welfare of the residential and business communities by



providing more living options to the City rather than causing sprawl at the fringes of this metropolitan area. The building will meet all building code requirements. The mitigation measures identified in the Mitigated Negative Declaration would ensure the safety of the inhabitants of the project as well as other residents of Los Alamitos.

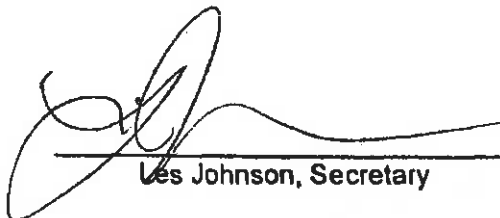
- F. The proposed development would not substantially depreciate property values in the vicinity. The 107 residential apartment units would not depreciate property values in the vicinity, as the area is zoned for this type of use and it will improve the aesthetics of this residential neighborhood.
- G. Pursuant to the provisions of the California Environmental Quality Act (CEQA) an Initial Study was prepared which led to the conclusion that a Mitigated Negative Declaration (MND) be prepared for this project. The purpose of a MND is to identify potential effects on the environment of the project and to indicate the manner in which those potential significant effects can be avoided or mitigated. A primary function of the MND is to disclose and evaluate project impacts and inform decision makers for the project. In order to meet the 20-day circulation requirements, a notice regarding the Mitigated Negative Declaration was circulated from October 17, 2018 to November 5, 2018.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review SPR18-02, as represented by the plans and elevations in "Exhibit B" and subject to the conditions located in "Exhibit A."

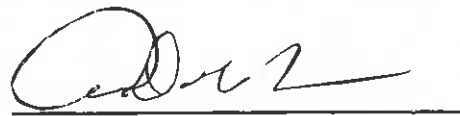
SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file a Notice of Determination with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 28th day of November, 2018, by the following vote:

ATTEST:

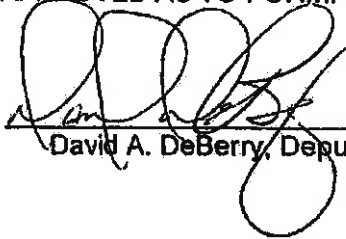


Les Johnson, Secretary



Art DeBolt, Chair

APPROVED AS TO FORM:



David A. DeBerry, Deputy City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

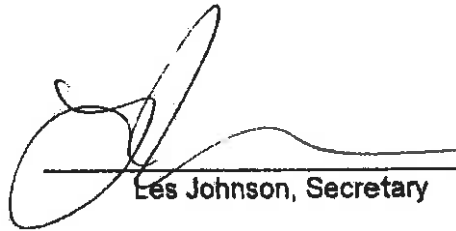
I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 28th day of November, 2018, by the following vote, to wit:

AYES: Culty, Grose, Loe, Sofelkanik, DeBolt

NOES: None

ABSENT: Andrade, Riley

ABSTAIN: None



Les Johnson, Secretary

EXHIBIT "A"

107 UNIT APARTMENT PROJECT 3342 CERRITOS AVENUE CONDITIONS OF APPROVAL SPR 18-02

GENERAL CONDITIONS

1. Approval of this application is to build a 107-unit, residential apartment project in two structures at 3342 Cerritos Avenue (APN 242-222-11) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated October 11, 2018 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. The Applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. The property Applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department.

4. In case of violation of any of the conditions of approval or applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all Staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
5. Project plans for the multifamily development shall be subject to a complete code compliance review with the Development Services Department when the building plans are submitted for plan check and shall comply with all applicable City of Los Alamitos ordinances, regulations, and policies prior to building permit issuance, including, but not limited to, the requirements established or authorized by Title 15, 16, and 17 of the City of Los Alamitos Municipal Code.
6. Approval of Site Plan Review 18-02 shall be valid for a period of twelve (12) months from the date the site plan was approved. If construction is commenced within this twelve (12) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect. The director may, upon receipt in writing from the applicant before the expiration date, grant an extension of time up to twelve (12) months maximum. If an extension of time is not granted, the site plan review approval shall expire and a new application shall be made.
7. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of this approval.
8. The applicant shall be required to comply with the Seismic Hazards Mapping Act of 1990, including the Guidelines for Evaluating and Mitigating Seismic Hazards in California 1997.
9. The applicant shall comply with applicable City, County, and/or State regulations.

FEES

10. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees.

California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including planning processing fees, building permit fees are not included under this noticing requirement.

Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees: n/a
Dedications: n/a
Reservations: n/a
Other Exactions: n/a

The applicant may appeal the imposition or amount of the fees described above within ninety (90) days following the adoption of this resolution and pursuant to the procedures set forth in the Government Code.

LANDSCAPE

11. A Landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Development Services Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.
12. Landscaping shall comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.
13. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.

LIGHTING

14. Prior to permit issuance, Applicant shall submit a lighting and photometric plan to the Development Services Department to the satisfaction of the Development Services Director.
15. The Applicant shall provide adequate exterior lighting for each residential unit that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.

16. The Applicant shall provide an illuminated uniform address number near the entryway of each unit, or other location acceptable to the Development Services Director.

UTILITIES

17. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Development Services Department for review and approval prior to the Building and Safety Division Plan check.
18. All utility service lines shall be placed underground.
19. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each unit shall be separately metered.

CONSTRUCTION

20. All applicable conditions herein must appear on and be noted on the final working drawing prior to the issuance of a building permit.
21. The applicant shall hand deliver a construction schedule to the adjacent tenants in the area to properly inform them of future construction including the name and 24-hour contact information for a project manager for noise, dust, and other complaints.
22. During construction, the Applicant will display signs visible to the public from Sausalito Street and Cerritos Avenue with a contact number of the construction superintendant to address any questions or concerns about demolition, grading, and construction activities.
23. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Development Services Director.
24. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of an existing dwelling shall be equipped with properly operating and maintained mufflers.
25. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.

4

26. Stockpiling and/or vehicle-staging areas shall be placed as far as practical from residential homes.
27. The Applicant shall have rodent and pest controls on site during demolition and grading activities to mitigate impacts to the surrounding properties and neighborhood.
28. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.
29. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.

TRASH

30. The applicant shall provide, as a minimum, trash enclosures to hold a minimum twelve (12) standard dumpsters for solid waste and recycling, with five (5) foot by eight (8) foot clear interior dimension for each dumpster. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to the satisfaction of the trash company, Republic Services.

OTHER

31. The units shall be constructed with a minimum of 200 cubic feet of storage space for each unit (LAMC 17.08.030, Table 2-03).
32. All air conditioner units shall be installed in accordance with LAMC 17.16.100.D.
33. A Water Quality Management Plan (WQMP) is required to be processed for this project.
34. The common open space area improvements shall be reviewed and approved by the Development Services Department prior to issuance of building permits.

ENGINEERING

35. The Applicant shall submit Improvement Plans prepared by a Registered Civil Engineer for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance.
36. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil



Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.

37. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
38. Driveway slope shall be a minimum slope of one (1) percent for asphalt and .5% for concrete.
39. If utility cuts in the street are excessive, the street must have a grid and overlay placed on it per the satisfaction of the City Engineer.
40. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.
41. A City Public Works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of Certificate of Occupancy.
42. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.
43. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.
44. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a *Final* Water Quality Management Plan (WQMP) that:
 - Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - Incorporates Treatment Control BMPs as defined in the DAMP.

5/

- Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
45. Remove existing 36 foot drive and 27 feet of red curb on Chestnut St and replace with full height curb and sidewalk.
46. Provide a right turn deceleration lane for eastbound Cerritos Ave traffic entering the project site per the satisfaction of the Traffic Engineer. This may require the relocation of the large Edison pole west of said entrance.
47. Provide new sidewalk on Sausalito St for the entire length of the project parcel and add 30 feet of red curb on both side of driveway entrance.
48. The Applicant shall add a deceleration lane prior to the Cerritos Avenue entrance.

PUBLIC WORKS

49. The Applicant shall install a sidewalk along Cerritos Avenue to the satisfaction of the City Engineer.
50. The Applicant shall remove the existing drive approach (curb cut) to the property on Chestnut Street and replace with a new curb and gutter per City standards.
51. If a utility cut is made in the streets surrounding the parcel, the Applicant shall replace the asphalt entirely to the satisfaction of the City Engineer.
52. The Applicant shall provide sidewalks and gutters with the latest handicap accessibility features required by state and federal law.

ROSSMOOR/LOS ALAMITOS SEWER DISTRICT

53. OCSD Trunk Sewer – Orange County Sanitation District (OCSD) owns and operates an existing 27-inch diameter trunk sewer in Chestnut Street between Cerritos Avenue and Sausalito Street and in Sausalito Street between Chestnut Street and Oak Street (not shown on the attached schematic); however, OCSD does not allow direct connections into its trunk system. The Developer can verify this with OCSD staff.

54. **RLAASD Easement Requirements** – If the Developer wishes to have RLAASD operate and maintain all 8-inch diameter mainline sewers located within private streets, an easement for those purposes must be granted to the District. The easement language shall read as follows: "A Sewer Easement in favor of the ROSSMOOR-LOS ALAMITOS AREA SEWER DISTRICT, a county water district, organized under the laws of the State of California, with the perpetual right to construct and maintain underground sanitary sewers, including the right of ingress and egress, and underground appurtenances thereto, over, across, and under said easement." The easement must be granted either by separate instrument or, in the case of a Public Utility Easement, it must be granted on the Tract Map prior to the District's approval of the sewer improvement plans. If the easement is granted on the Tract Map, the Los Alamitos City Engineer or another appropriate City staff member, must provide written notification to the RLAASD when that action has been taken. Such written notification shall include a digital PDF copy of the recorded Tract Map.
55. **Sewer Operation and Maintenance Responsibilities if No Easement is Granted** – If the Developer does not wish to dedicate an easement to the District, only those portions of the system, which fall within public right-of-way (i.e., in Chestnut Street or Sausalito Street) will be operated, maintained, repaired and/or replaced (when necessary) by the District. All other off-site portions of the system will be part of a private system, which the Developer or future property owners will be fully responsible for operating, maintaining, repairing and replacing (when needed).
56. **Responsibility for Operation, Maintenance and Replacement of Sewer Laterals** – RLAASD will only be responsible for operating, maintaining, repairing and replacing (when necessary) the portions of the mainline sewer dedicated to the District (i.e., the mainline sewers in public right-of-way or in easements dedicated to the RLAASD). The Developer (or future property owners) will be fully responsible for operating, maintaining, repairing and replacing all sewer laterals (from the point of connection to the main line) serving the 107 apartments.
57. **Connection Subject to Verification of Hydraulic Capacity** – As previously noted, connection to any RLAASD sewer is subject to first verifying the sewer has sufficient hydraulic capacity to handle increased flows from the 107 new residential units. To initiate that process, the Developer must first deposit Preliminary Engineering fees with the District (see next item). Additionally, the Developer's Engineer must submit the following items for review by the District Engineer:
- a. Preliminary engineering plans depicting the proposed location of all sewers to be dedicated to the District;
 - b. A Preliminary opinion of probable construction costs for all portions of the sewer system to be dedicated to the District; and
 - c. Calculations estimating the flows, which will be generated from the 107 new apartments.

58. Preliminary Engineering Fees – Per Section 1.3.2 of the RLAASD Standard Specifications, Preliminary Engineering fees will be calculated as follows: 4% of the estimated construction costs of all sewer improvements to be dedicated to the District. In calculating this fee, the District Engineer will review the Developer's Engineer's opinion of probable construction costs for reasonableness and make appropriate adjustments to that cost, if necessary, prior to calculating the Preliminary Engineering fee. Preliminary Engineering fees will be used to determine hydraulic sufficiency of the existing sewers in Chestnut Street and/or Cerritos Avenue and will also be used to initiate the plan check process.
59. Final Engineering and Inspection Fee – Per Section 1.3.4 of the District's Standard Specifications, Final Engineering and Inspection fees will be assessed as follows: 6% of the estimated construction costs of all sewer improvements to be dedicated to the District (the original 4% Preliminary Engineering fee will be credited against the 6% Final Engineering and Inspection fee). Minimum fees, per District Ordinance No. 38 dated December 9, 1991, adjusted to current year per the Consumer Price Index (CPI), shall apply. Ordinance No. 38 specifies 1991 plan checking and inspection rates of \$105/hour and \$840/day, respectively (according to the U.S. Bureau of Labor Statistics, the CPI has increased by 82% since 1991, thus resulting in current applicable plan check and inspection rates of \$191/hour and \$1,529/day, respectively). Final Engineering and Inspection fees will be used to complete the plan checking process, review any proposed easements and provide field inspection of the sewers to be dedicated to the District. Additional fees may be collected if and when District costs to perform the required engineering and inspection services exceed the original amounts deposited by the Developer.
60. Connection Charges and Permit Fees – Prior to approval of the above-noted plans, the Developer must also pay all connections charges (\$250/unit; (107 units) x (\$250/unit) = \$26,750) and the District permit fee (a flat \$10 fee).
61. Construction Must Conform with Approved Plans or be Subject to Removal and Replacement – All improvements will be subject to inspection by the District and must be constructed in strict conformance with the District approved sewer improvement plans. Any sewer construction work not conforming with District standards may be subject to removal and replacement at the Developer's expense.

BUILDING AND SAFETY DIVISION

62. The Applicant must comply with all current California Building Codes in effect at the time that the plans are submitted.
63. The Applicant shall submit three (3) sets of complete building plans and two (2) sets of structural calculations to the Building and Safety Department for review.

64. Prior to obtaining grading permits, the Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.

65. For demo and construction, project must recycle 65% of material and submit a waste management plan.

66. The Applicant shall provide a soils report from a geotechnical engineer at the time of building plan submittal.

POLICE DEPARTMENT

67. In any area that is restricted by gates or similar construction, the Property Owner shall provide keys/codes/or other necessary means to access the parking lot(s) and community areas, as well as provide access to front doors of the structures (but not individual units).

ORANGE COUNTY FIRE AUTHORITY (OCFA)

68. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a grading permit, or a building permit if a grading permit is not required:

- fire master plan (service code PR145)

Prior to issuance of a building permit:

- architectural (service codes PR200-PR285), when required by the OCFA "Plan Submittal Criteria Form"
- underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)
- fire sprinkler system (service codes PR400-PR465)

Prior to concealing interior construction:

- sprinkler monitoring system (service code PR500)
- fire alarm system (service code PR500-PR520)

MITIGATION MONITORING AND REPORTING PROGRAM

69. AQ-1 All diesel-powered construction equipment shall be equipped with tier four engines and level three diesel particulate filters or better. Prior to the issuance of grading permits, the project applicant/developer or construction contractor shall provide evidence to the City of Los Alamitos Development Services Department that all diesel-powered construction equipment meets these standards.



70. HAZ-1 The project applicant/developer shall comply with all requirements set forth in the Revised Remedial Action Plan prepared by Rambol Environ and dated June 2017 (incorporated herein by this reference), and the Addendum to the Revised Remedial Action Plan prepared by Rambol Environ and dated July 31, 2017 (incorporated herein by this reference). The City of Los Alamitos Development Services Department staff shall ensure that all requirements of the plans have been implemented accordingly. This does not include any monitoring by the Santa Ana Regional Water Quality Control Board that may be required under the plans.
71. HAZ-2 No grading permit or other building permits shall be issued until the City of Los Alamitos receives clearance from the appropriate agency that the necessary remediation work has been completed in accordance with the Revised Remedial Action Plan prepared by Rambol Environ and dated June 2017 (incorporated herein by this reference) and the Addendum to the Revised Remedial Action Plan prepared by Rambol Environ and dated July 31, 2017 (incorporated herein by this reference). This shall not prevent the City from issuing any permits that may be required for purposes of soil remediation work.
72. HAZ-3 The apartment regulations established for the new apartment development shall include a provision that requires the project applicant/developer and/or established apartment management company to continue monitoring the wells installed onsite and taking any other/further remedial action that may be required by the Santa Ana Regional Water Quality Control Board (SARWQCB) or other regulatory agency until such time as SARWQCB issues a regulatory closure letter. Upon issuance of the closure letter by SARWQCB, the project applicant/developer and/or established apartment management company shall furnish the City of Los Alamitos Development Services Department with a copy of the letter.
73. HAZ-4 The project applicant/developer shall be required to record a separate notice to provide notification of the presence of vapor barriers (where such building features are installed) to future project residents. The notice is in addition to any other provisions that may be included in the established apartment management rules and regulations. The project applicant/developer shall furnish the City of Los Alamitos Development Services Department with proof of the notice provided to future residents prior to the issuance of occupancy.
74. NOI-1 As required by the City of Los Alamitos Municipal Code Section 17.24, construction activities shall not take place weekdays between the hours of 8:00 PM and 7:00 AM on weekdays and Saturday, or at any time on Sundays or federal holidays. In addition, the following best management practices shall be observed:
- At least 90 days prior to the start of construction activities, all offsite residences within 300 feet of the project site shall be notified of the planned construction



activities. The notification shall include a brief description of the project, the activities that would occur, the hours when construction would occur, and the construction period's overall duration. The notification shall include the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint.

- The project sponsor and contractors shall prepare a Construction Noise Control Plan. The details of the Construction Noise Control Plan, including those listed herein, shall be included as part of the permit application drawing set and as part of the construction drawing set.
- At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, which includes permitted construction days and hours, as well as the telephone numbers of the City's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, he/she shall investigate, take appropriate corrective action, and report the action to the City.
- During the entire active construction period, equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved ducts, engine enclosures, and acoustically attenuating shields or shrouds), wherever feasible.
- During the entire active construction period, stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.
- During the entire active construction period, noisy operations shall be combined so that they occur in the same time period as the total noise level produced would not be significantly greater than the level produced if the operations were performed separately (and the noise would be of shorter duration).
- Haul routes that avoid the greatest amount of sensitive use areas shall be selected.
- Signs shall be posted at the job site entrance(s), within the onsite construction zones, and along queueing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
- During the entire active construction period and to the extent feasible, the use of noise producing signals, including horns, whistles, alarms, and bells shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.

75. TRAF-1 At least three months prior to issuance of occupancy permits, the project applicant/developer shall coordinate with the City of Los Alamitos Development

Services Department to have signage installed at the Chestnut Street/Cerritos Avenue intersection, prohibiting northbound left turns and through movements from Chestnut Street to Cerritos Avenue during weekday peak hours. Peak hours are considered to be from 7:00 to 9:00 a.m. and 4:00 to 6:00 p.m., Monday through Friday. The project applicant/developer shall be responsible for the cost of installing the sign.

76. TRAF-2 No on-street parking shall be allowed on the north side of Sausalito Street, east and west of the street's intersection with the proposed project's access driveway. Specific parking restrictions shall be as follows: no parking 30 feet to the west and 50 feet to the east to allow for adequate sight distance. The restricted parking area shall be marked and/or signed accordingly.
77. Per OCFA, project approval would require a secured fire protection agreement (SFPA) between the project applicant/developer and OCFA. SFPAs ensure that development projects provide for and contribute their pro rata fair share costs of emergency response, fire protection services, equipment, and facilities for the benefit of residents residing within the project area (OCFA 2016). An SFPA must be agreed to before the City of Los Alamitos issues the first grading permit for the Proposed Project; such an agreement would be added as a condition of approval as required by OCFA (Rivers 2018). Project applicant/developer compliance with the condition of approval would be ensured through the City's development review and building plan check process.
78. Additionally, even when CEQA review is not required, the City requires preparation of geotechnical reports for construction projects prior to issuing development permits and imposes the recommended design parameters of the report as conditions of approval. In this case, the Geotechnical Due-Diligence Investigation prepared for the Proposed Project (see Appendix B) includes seismic design parameters pursuant to the CBC, as well as other site-specific design parameters. Incorporation of the design parameters would reduce hazards from strong seismic ground shaking. The City would impose the recommended design parameters as a condition of approval, and project compliance would be ensured through the City's development review and building plan check process.

CONDITIONS ADDED BY THE PLANNING COMMISSION

79. The owners, residents, and guests of these apartments shall not apply for or receive Residential Permit Parking passes for the Old Town west neighborhood.
80. To the reasonable satisfaction of the Development Services Director, the Applicant shall modify the project to address aesthetic concerns noted in the staff report, to improve the street frontage and curb appeal, the interior pedestrian circulation, and pedestrian connectivity/access from the street.

81. Following the twenty (20) day project approval appeal period, a statement shall be recorded by the applicant with the Orange County Recorder against the subject property representing that as a result of certain chemicals impacting soils within the subject property, a Soils Remedial Action Plan has been established and is in the process of being implemented. A copy of said recorded covenant shall be provided to the City of Los Alamitos within 10 days of recording with Orange County. The Santa Ana Regional Water Quality Control Board (SARWQCB) is the agency with regulatory authority over administering the soils remediation work. Issuance of development building permits and allowance of building occupancy are dependent upon completion of the soils remediation work to the satisfaction of the SARWQCB. The statement required to be recorded pursuant to this condition shall have no further force and effect and be superseded by and upon applicant's recordation of any Covenant to Restrict Use of Property—Environmental Restriction, in the form and substance required by SARWQCB pursuant to California Water Code section 13307.1 or other applicable statutory authority. In the event the SARWQCB does not require any recorded covenant pursuant to SARWQCB's issuance of a no-further-action letter for the subject property, then the statement required by this condition shall have no further force and effect.
82. The applicant shall inform each prospective tenant of the environmental condition and groundwater monitoring activities associated with the project site and secure tenant acknowledgement of such prior to securing a lease. Applicant, or their representative, shall provide proof of tenant acknowledgements upon the City's request for such. This notification shall no longer be required upon SARWQCB's issuance of a no-further-action letter for groundwater.



Santa Ana Regional Water Quality Control Board

January 9, 2020

City of Los Alamitos
Attn: Les Johnson
Interim City Manager
3191 Katella Avenue
Los Alamitos, CA 90720
(LJohnson@cityoflosalamitos.org)

**SUBJECT: COMPLETION OF REMEDIAL EXCAVATION
MONTE COLLINS/LOS ALAMITOS LUXURY APARTMENT SITE
3342 CERRITOS AVENUE
LOS ALAMITOS, CA 90720
GLOBAL ID#: T10000010252**

Dear Mr. Johnson:

This letter confirms the completion of soil excavation and excavation backfill at the Monte Collins/Los Alamitos Luxury Apartments Site located at 3342 Cerritos Avenue in Los Alamitos (Site). The Santa Ana Regional Water Quality Control Board (Regional Board) approves Site development to proceed to the grading operations. Based on laboratory analytical data provided to us, excavations for the remediation of total petroleum hydrocarbon (TPH), volatile organic compound (VOC), and lead-impacted soils have been completed. The Regional Board received and reviewed analytical data throughout the remedial excavation process, and the agreed upon cleanup goals have been met for this remedial phase. Therefore, the Regional Board is satisfied with the extent of the remedial excavation and backfill, and grading operations may commence at the Site.

In accordance with the "Summary Memo of Field Investigations and Final Scope of Work for Soil Excavation and Remediation" dated July 24, 2019, and approved by the Regional Board, GSI Environmental (GSI) excavated approximately 8,500 cubic yards of shallow lead-impacted soils and approximately 17,000 cubic yards of petroleum hydrocarbon-impacted soils from the Site. The petroleum hydrocarbon excavations were advanced to 10 feet below ground surface (bgs), near groundwater. GSI mixed and applied in-situ Oxygen Release Compound Advanced® Pellets (ORC) and RegenOx® Part A chemical oxidant/oxidant activator with clean imported sand and placed it along the bottom one-foot of the petroleum hydrocarbon excavations. The purpose of the ORC and RegenOx Part A is to bioremediate, or breakdown the remaining petroleum hydrocarbons to constituents that do not pose a threat to human health, the underlying groundwater, or the environment. Lead-impacted soil was treated on-Site by mixing with cement using a pug mill mixer. The cement stabilized lead leachability in the lead-impacted soils, and these treated soils were used as part of the backfill material in the excavations above the chemical oxidant layer. The Regional

WILLIAM RUH, CHAIR | HOPKINSON, EXECUTIVE OFFICER

3737 Main St., Suite 500, Riverside, CA 92501 | www.waterboards.ca.gov/santaana

Mr. Les Johnson
Los Alamitos, CA

January 9, 2020

- 2 -

Board also reviewed analytical data provided by GSI for the importation of soil, and these soils were used to complete backfill of the excavations to the surface.

ORC and chemical oxidant effectiveness will be evaluated through groundwater monitoring for at least three years, in accordance with the *Discharge Authorization and Monitoring & Reporting Program for In-Situ Chemical Oxidation and Enhanced Bioremediation* letter, dated December 5, 2019, and issued and approved by the Regional Board. Once grading and redevelopment of the Site are complete, GSI will install a network of permanent groundwater monitoring wells, two of which have already been installed off-Site on Sausalito Street (MW-8R and MW-9R). The Regional Board will continue to regulate the Site until it has reached compliance with the water quality objectives established in the Regional Board Basin Plan.

It is our understanding that once the City of Los Alamitos issues the grading permit, GSI will complete grading and redevelopment of the Site. The Regional Board must be kept informed as to the project progresses in order to witness grading, redevelopment, and groundwater monitoring of the Site.

If you have any questions or concerns regarding this matter, please contact me via phone or email at 951.782.3238, miguel.oviedo@waterboards.ca.gov, or Kenneth Williams at 951.782.4496, kenneth.williams@waterboards.ca.gov.

Sincerely,



Miguel Oviedo
Engineering Geologist
Underground Storage Tank Unit

cc: Chris Felix, Los Alamitos Luxury Apartments (cfelix@huttoncompanies.com)
Scott Felix, Los Alamitos Luxury Apartments (sfelix@huttoncompanies.com)
Jeff Raumin, GSI (jtraumin@gsi-net.com)
Farshad Razmdjoo, GSI (frazmdjoo@gsi-net.com)
Monte Collins, Property Owner (mkcollins@montecollins.com)
Mathew Hunt, LOR Geotechnical Group, Inc. (mhunt@lorgeo.com)

September 23, 2020



www.kennedycommission.org
17701 Cowan Ave., Suite 200
Irvine, CA 92614
949 250 0909

Planning Commission
Council Chamber
3191 Katella Avenue
Los Alamitos, CA 90720

RE: 10. DISCUSSION A. Conditions of Approval – Los Alamitos Luxury Apartments, located at 3342 Cerritos Avenue

Dear Planning Commission Members:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that has led to the new construction of homes affordable to lower income working families.

The Commission has reviewed the proposed project of Los Alamitos Luxury Apartments located at 3342 Cerritos Avenue (APN 242-222-11) bounded by Cerritos Avenue to the north; Sausalito Street to the south; Chestnut Street to the east; and Coyote Creek Channel to the west. The project will accommodate 107 luxury apartment units at a density of approximately 29.7 dwelling units per acre. The project will provide two three-story buildings, with two levels of apartment units over one level of enclosed parking garage.

The City's 2018 Annual Housing Element Progress Report for the 2014-2021 planning period, demonstrates that the City has produced housing in an unbalanced way that does not address the housing needs of all residents. For the 2014-2021 Housing Element planning period, the City has a Regional Housing Needs Assessment (RHNA) of 14 very low- and 10 low-income units. Based on the latest Annual Progress Report, the City not met either of these numbers.¹ However, for the above moderate-income units, the City exceeded its above moderate RHNA requirement constructing 78 units or 300% of the 26 of its above moderate RHNA requirement. The upcoming planning period will require the City of Los Alamitos to produce a total of 767 units of which 310 should be low and very low income.² As mentioned in the 2018 Initial Study, the proposed project would help accomplish the Housing Element's objective of accommodating for city growth and meeting RHNA need.³ **It is important the City prioritize the development of new affordable homes for very low- and low-income families with this project and future development.**

The Commission looks forward to partnering with the City to increase housing opportunities for lower income residents in the City. Please keep us informed of any updates and meetings regarding strategies to increase affordable homes for lower income households in the City. If you have any questions, please free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

¹ City of Los Alamitos 2018 Annual Progress Report.

² SCAG Estimate of RHNA Allocation Based on Regional Council-Approved Final RHNA Methodology, March 2020.

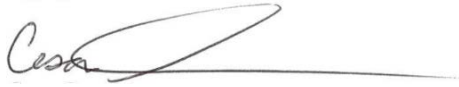
³ Los Alamitos Luxury Apartments Initial Study, October 2018.

Planning Commission Members

September 23 ,2020

Page 2 of 2

Sincerely,

A handwritten signature in black ink, appearing to read 'Cesar', followed by a long horizontal line extending to the right.

Cesar Covarrubias

Executive Director

From: ddavis@teac.com
To: [PlanningCommission](#)
Subject: Public Hearing 09-23-2020- Massage Establishment
Date: Sunday, September 13, 2020 10:49:54 PM

Dear Planning Commission:

My wife and I have been property owners since 2002. We invested in the City because of its "its small town ambience, the City offers excellent recreational and park facilities, a stellar police department, and an enthusiastic Chamber of Commerce. With its outstanding schools, friendly neighborhoods and strategic location as the crossroads of two major freeways, Los Alamitos keeps its roots in history and its future vested in the those who cherish this special community." (taken from the Los Alamitos website).

We don't think adding a massage parlor fits with this image. Let Hawaiian Gardens have massage parlors. Los Alamitos should focus on professional businesses; for example, health care.

Please do not let this business into our community.

Thank you,

Derek and Susan Davis

NOTICE: This electronic mail message and its contents, including any attachments hereto (collectively, "this e-mail"), is hereby designated as "confidential and proprietary." This e-mail may be viewed and used only by the person to whom it has been sent and his/her employer solely for the express purpose for which it has been disclosed and only in accordance with any confidentiality or non-disclosure (or similar) agreement between TEAC Corporation or its affiliates and said employer, and may not be disclosed to any other person or entity.