

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Ave., Los Alamitos CA 90720

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, September 28, 2022 – 7:00 PM

SAFETY ALERT – NOTICE REGARDING COVID-19

If you wish to attend the Planning Commission meeting in person, the Council Chamber located at 3191 Katella Ave., Los Alamitos, California 90720, will have seating for this meeting and the public shall have the right to observe and offer public comment at this location. The City of Los Alamitos continues to follow the Centers for Disease Control and Prevention (CDC) guidelines and these provisions are subject change with short notice.

While you may attend this meeting in person, given the health risks associated with COVID-19, please be advised that you may submit comments on any agenda item or on any item not on the agenda by email to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT". Comments received by 4:00 p.m. will be compiled, 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.

Please consider carefully before attending this meeting in person and do not attend this meeting in person if you have had direct contact with someone who has tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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 DeBolt
Vice Chair Loe
Commissioner Andrade
Commissioner Culty
Commissioner Grose

Commissioner Sofelkanik
Commissioner Zellmer

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

At this time, any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. **Remarks are to be limited to not more than five minutes.**

5. CONSENT CALENDAR

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

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

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

Recommendation:

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

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

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

6. PUBLIC HEARING

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

Consideration of a Variance (VAR 22-01) request to allow public streetside driveway access to remain when a new residential addition project is constructed in a Zone where alley access is required at 4321 Howard Avenue in the Multiple Family Residential (R-3) Zoning District (Applicant: Michelle Shagena).

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt PC Resolution No. 2022-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A VARIANCE 22-01 TO ALLOW PUBLIC-STREET-SIDE DRIVEWAY ACCESS TO REMAIN AFTER THE CONSTRUCTION OF A RESIDENTIAL ADDITION PROJECT IN A ZONE WHERE SOLE ALLEY ACCESS IS REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE AT 4321 HOWARD AVENUE IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-131-29. (APPLICANT: MICHELLE SHAGENA)."

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

Continued consideration of a Conditional Use Permit (CUP 22-03) to deny or allow a Secondhand Store to be permitted at 10582 Los Alamitos Boulevard in the General Commercial (C-G) Zoning District. This is to permit a move of "Play It Again Sports" from a prior location in the City at 10582 Los Alamitos Boulevard.

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adoption of Resolution No. 2022-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 Los Alamitos Blvd., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS);" or alternatively,
4. Adoption of Resolution No. 2022-09, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 LOS ALAMITOS BLVD., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS)."

7. DISCUSSION

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

Orange County Community Resources Department requests that the City hold a

community meeting to discuss the use and priority of Community Development Block Grant (CDBG) funds with interested community members. The Planning Commission is acting as a conduit to provide an opportunity for interested parties to provide comments.

Recommendation:

Hold the community meeting and take testimony as necessary.

8. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

9. COMMISSIONER REPORTS

10. 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 \$1,101.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2022-11.

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
Date: 09/22/2022

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 28, 2022

ITEM NUMBER: 5A

To: Chair DeBolt & Members of the Planning Commission

Presented By: Michael Daudt, City Attorney

Subject: Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings

SUMMARY

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

RECOMMENDATION

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

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

BACKGROUND

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings. Those amendments authorize local agencies, like the City, to continue to conduct meetings by teleconference during a Governor-proclaimed state of emergency provided that certain findings are made by the legislative body, and provided that certain procedural requirements are met regarding public access to the meetings.

A new requirement in AB 361 requires specific findings be reaffirmed at least every thirty (30) days in order for the Planning Commission to continue to have the option for one (1) or more of its members to use teleconferencing.

A "teleconference" occurs for purposes of AB 361 whenever one or more members of the Planning Commission connect to a Planning Commission meeting via electronic means. Thus, even if four members of the Planning Commission meet in person, if the fifth joins the meeting

via Zoom, the meeting will be a teleconference meeting that must be conducted in accordance with the requirements of AB 361.

For purposes of AB 361 "...state of emergency' means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act..." Cal. Gov't Code Sec. 54953(e)(4). Section 8265 of CESA in turn refers to a state of emergency proclaimed by the Governor

Cal Gov't Code Sec. 54953(e)(3)

DISCUSSION

Required Findings

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, or while state or local officials have recommended measures to promote social distancing. When either of those is the case (both are true at this time), then in order to continue to teleconference using the new provisions of AB 361, the Planning Commission must make the following findings by majority vote every 30 days:

(A) The Planning Commission has reconsidered the circumstances of the state of emergency; and

(B) Either of the following circumstances exist:

- i. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- ii. State or local officials continue to impose or recommend measures to promote social distancing.

To comply with that requirement, the recommended action would have the Planning Commission find each of the following:

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

The "Every 30 Days Thereafter" Requirement

As noted above, AB 361 findings must be made "no later than 30 days after teleconferencing for the first time pursuant to , and every 30 days thereafter..."

In order to preserve the option for the Planning Commission or individual members of the Planning Commission to participate in meetings during the pandemic via teleconference in the future, the Planning Commission will have to adopt the required findings at least every 30 days.

Potential Consequence of Not Making the Findings Every 30 Days

AB 361 does not expressly state what happens if a legislative body fails to make the required findings “every 30 days.” However, it expressly requires the timely re-approval of the findings “in order to continue to teleconference” in the manner that AB 361 authorizes.

As a result, if the Planning Commission does not adopt the required findings every 30 days, then the Planning Commission could be precluded from continuing to teleconference thereafter, perhaps even if the Planning Commission was later willing to adopt the findings at a later date. For this reason, the City Attorney recommends that the Planning Commission adopt the required findings at this time and at least every 30 days thereafter, unless the Planning Commission decides as a permanent matter that it will no longer permit teleconferencing at all (e.g., regardless of whether the state of emergency worsens).

Procedural Requirements for The Conduct of Teleconference Meetings

AB 361 contains several new requirements for the conduct of teleconference meetings with which the City has prepared to comply. Specifically, each meeting must:

1. Allow members of the public to attend and comment at the meeting via call-in option or internet-based service option;
2. Protect the statutory and constitutional rights of the parties and the public appearing before the legislative body;
3. In the event of disruption which prevents broadcasting the meeting or which prevents members of the public from offering public comments via the call-in or internet-based option, the Planning Commission must take no further action until the disrupted public access is restored;
4. The City may not require public comments to be submitted in advance, and must offer the opportunity for the public to offer comments “in real time” during the meeting; and
5. The public must be allowed “a reasonable amount of time per agenda item to allow members of the public to provide public comment, including time for members of the public to register , or otherwise be recognized for the purpose of providing public comment.

FISCAL IMPACT

None.

Attachment: None

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

SPECIAL MEETING – July 12, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Special Session at 7:00 p.m., Tuesday, July 12, 2022 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Vice Chair Loe 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, Commissioner Zellmer participated via teleconference.

2. ROLL CALL

Present: Commissioners: Vice Chair Loe
Culity, Grose, Sofelkanik, and Zellmer

Absent: Chair DeBolt and Andrade

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

3. PLEDGE OF ALLEGIANCE

Vice Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

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

There being no speakers, Vice Chair Loe closed the Oral Communications

5. CONSENT CALENDAR

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

Motion/Second: Culity/Zellmer

Carried 4/0 (DeBolt and Andrade Absent, Grose Abstained): The Planning Commission approved the following Consent Calendar Item:

**A. Approve the Minutes for the Special Meeting of May 25, 2022 and
Special Meeting of June 22, 2022**

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

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

Recommendation:

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

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

6. PUBLIC HEARING

A. Consideration of a Resolution of Recommendation to the City Council for Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act (CEQA) and Approval of a Draft Comprehensive Update of the City's Housing Element for the Reporting Period of 2021-2029 (GPA 21-01)

Development Services Director Noda asked to continue the item to the next regular Planning Commission meeting.

Commissioner Sofelkanik asked if he can comment on the item. City Attorney Daudt confirmed that he can provide comments and will open the public comment should anyone want to provide a testimony.

Commissioner Sofelkanik referred to page 121 of the Housing Element draft. He shared that he hoped there would not be a blanket density equation for the whole City. He also referred to the chart that referenced the Civic Center and questions why there would be housing in the area.

Vice Chair Loe opened the Public Comment.

Resident Mamie Wong expressed some interest in finding out property developments around the City. She asked the following:

- If the City is actively courting a large company that could act as another attractive partner to make the City even more revitalized

- The mixed-use retail residential outside of the area north of Katella Avenue, what other areas are being considered
- The issue of single-family areas potentially having additional units to their homes

Development Services Director Noda offered Mamie Wong to contact him regarding her questions.

Associate Planner Oliver shared that the Housing Element draft is available online.

Vice Chair Loe added that the Planning Commission does encourage the public to attend the meeting.

Motion/Second: Grose/Sofelkanik

Carried 5/0 (DeBolt and Andrade absent): The Planning Commission agreed to adjourn the item to the regular Planning Commission meeting on July 27, 2022.

7. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Associate Planner Oliver shared upcoming items that will be brought to the Planning Commission.

8. COMMISSIONER REPORTS

Vice Chair Loe mentioned the City's Dumpster Event on July 16.

Commissioner Grose mentioned the City's Concert Series on Pine Street.

Commissioner Culty shared that she will not be at the next Planning Commission meeting.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:18 p.m.

ATTEST:

Gary Loe, Vice Chair

Ron Noda, Development Services Director

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

REGULAR MEETING – July 27, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, July 27, 2022 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Chair DeBolt presiding.

2. ROLL CALL

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

Absent: Andrade and Cuiilty

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

3. PLEDGE OF ALLEGIANCE

Chair DeBolt led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

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

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

5. CONSENT CALENDAR

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

Motion/Second: Zellmer/Grose

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

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

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

Recommendation:

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

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

6. PUBLIC HEARING

A. Site Development Permit (SDP) 21-03

Development Services Director Noda summarized the staff report.

Associate Planner Oliver shared additional details of the staff report.

DeBolt opened the Public Comment.

Bill Phillips, board member of St. Hedwig, shared his support for the item.

Vice Chair Loe asked about the location of the modular building being on the baseball field or not. Associate Planner Oliver and Commissioner Zellmer confirmed that it wasn't on the baseball field.

Chair DeBolt added that based on the plans he did not see any encroachment into the fields.

Chair DeBolt asked about the lighting item (Condition 8) in the CUP. Associate Planner Oliver clarified that the item would be for the Fire Department to identify the buildings and in the future, there could be labeled (e.g. A, B, C...) buildings as there are multiple buildings.

Chair DeBolt asked about requiring a restroom near the new building. Staff clarified that it is not required.

Chair DeBolt asked about the dumpster and needing a trash enclosure. Associate Planner Oliver clarified that condition is added in all things that need construction just so that if the current dumpsters don't meet the current code that they would bring it up to code.

Commissioner Zellmer asked about the proposed fencing and it taking up a portion of a field. Applicant clarified that it would be a raised fence and would not take much space from the outfield.

Commissioner Zellmer shared his safety concern of having an iron fence and proposed a chain link fence.

Motion/Second: Grose/Zellmer

Carried 5/0 (Andrade and Cuijly absent): Adopt Resolution 2022-08, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A SITE DEVELOPMENT PERMIT (SDP) 21-03 FOR THE INSTALLATION OF TWO 960 SQUARE FOOT (EACH) MODULAR CLASSROOM STRUCTURES IN THE COMMUNITY FACILITIES (C-F) ZONE AT 3591 ORANGEWOOD AVENUE, APN 130-741-11 (APPLICANT: TUAN NGUYEN, JOSEPHS A+ BUILDERS)."

B. Conditional Use Permit (CUP) 22-03

Development Services Director Noda summarized the staff report.

Associate Planner Oliver shared additional details of the staff report.

Development Services Director Noda added that as of today the code violations have not been corrected so staff recommends to open public hearing but continue approval until next month on the condition that the applicant resolves his code violations.

Vice Chair Loe asked City Attorney Daudt how to reconcile the CUP and the code enforcement issue. City Attorney Daudt clarified that in the conditions of approval it states that the code enforcement issues be resolved in order to approve the resolution.

Chair DeBolt shared that he doesn't see approving the CUP if the code enforcement issues haven't been resolved.

Development Services Director Noda clarified that staff is asking the Planning Commission to continue the item to next month in order for the applicant to resolve the code enforcement issues he currently has.

Commissioner Sofelkanik shared for the Planning Commission to wait in order to proceed until code enforcement items are resolved.

City Attorney Daudt added that the item was noticed as a public hearing so if there is anyone wanting to speak, they should have an opportunity to do so.

Commissioner Sofelkanik noted that Planning Commission did receive letters of approval.

Chair DeBolt opened the public hearing.

Applicant, William Phillips, shared the background of the business Play it Again Sports. He also shared his personal background and being a part of the Los Alamitos community. He then asked if there is a need for a CUP based on the definition of a secondhand dealer.

Chair DeBolt mentioned to speak to the City staff regarding his question of the need for a CUP.

William Phillips explained that he's driven around the City and found other businesses that have done temporary signs and banners like he had/has. He also explained why the storage container is stored and having bikes taking up a parking space.

Chair DeBolt made a comment that the City staff has received compliments from many applicants over the years regarding how easy it is to work with the staff and how they helped them through the process.

Commissioner Zellmer asked about the outside sales being available at other locations. Development Services Director Noda clarified that there are locations with outside sales that are permitted and specifically clarified the location of Play it Again Sports and having outdoor sales.

Applicant, William Phillips, discussed other locations where items are being displayed on walkways.

Chair DeBolt clarified that there is a process in displays on the walkway.

Commissioner Zellmer asked if the item be pushed to 60 days instead of 30 days to give applicant time to resolve the items.

Vice Chair Loe shared that he doesn't believe that it doesn't matter if he's given 30 days or 60 days, and that the items get resolved sooner than later.

Joe Shade shared her support for William Phillips and the business.

Commissioner Sofelkanik shared that this item isn't about the applicant, but the property.

Vice Chair Loe commented that the City would like to encourage and foster.

Motion/Second: Grose/Sofelkanik

Carried 5/0 (Andrade and Cuiilty absent): The Planning Commission agreed to move this item to the next Planning Commission meeting on August 24th, 2022.

C. Consideration of a Resolution of Recommendation to the City Council for Adoption of a Negative Declaration Pursuant to the California Environmental Quality Act (CEQA) and Approval of a Draft Comprehensive Update of the City's Housing Element for the Reporting Period of 2021-2023 (GPA 21-01)

Development Services Director Noda summarized the staff report.

Associate Planner Oliver shared additional items from the staff report.

Development Services Director Noda shared that the draft is for the sixth cycle which is an eight-year span and wanted to note that a lot can change in that time frame.

Commissioner Sofelkanik shared that he understands the difficulty that the City is faced. He mentioned the use of Civic Center and changing the R4 designation. Development Services Director Noda shared the process the City went through to find properties. City Attorney Daudt added that the City could have future general plan amendments and zoning land use allocation to shift from residential to retail.

Chair DeBolt shared that the City property would need to go through City Council for approval to sell to a developer.

Chair DeBolt asked if the City had property owners who did not want to be included in the housing element. Development Services Director Noda shared that the Arrowhead property was the largest property that opted out.

City Attorney Daudt clarified that a property owner simply opposed to the zoning code change or general plan designation change isn't enough to [remove from Housing Element]. He added that the issue the City had with Arrowhead was they were bounded by a long-term ground lease for industrial uses on the property.

Chair DeBolt opened the public comment.

Mamie Wong shared her concerns with the requirement for density, number of units, and eminent domain.

Development Services Director Noda clarified eminent domain and the planning for the Housing Element.

Chair DeBolt mentioned for the resident to reach out to the City staff.

Commissioner Sofelkanik shared to the resident to encourage other residents in the community to help voice their opinions.

Chair DeBolt clarified the Planning Commission approval of the item will allow it to go to City Council for discussion. He also shared for the resident to reach out to the state elected officials to express their concerns.

Chair DeBolt and City Attorney Daudt discussed eminent domain and the likelihood of that kind of scenario happening.

Commissioner Zellmer added that in the Housing Element plan it is all commercial and no residential.

Motion/Second: Grose/Zellmer

Carried 5/0 (Andrade and Cuijly absent): Adopt Resolution No. 2022-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RESCINDING PLANNING COMMISSION RESOLUTION NO. 2022-04 AND RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION, AND APPROVE GENERAL PLAN AMENDMENT 21-01, UPDATING THE LOS ALAMITOS HOUSING ELEMENT (2021-2029)."

7. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Associate Planner Oliver shared an update on the Chevron project.

Development Services Director Noda updated on the following:

- Arterial Street Name Signs have been completed and the old signs will be available for sale
- National Night Out on August 2 at Little Cottonwood Park

8. COMMISSIONER REPORTS

Commissioner Sofelkanik asked about the project on Oak Street and shared his wants to have Civic Center be moved.

Commissioner Grose asked if there will be food trucks at National Night Out.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:30 p.m.

ATTEST:

Art DeBolt, Vice Chair

Ron Noda, Development Services Director

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 28, 2022

ITEM NUMBER: 6A

To: Chair DeBolt & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Variance (VAR) 22-01 Driveway Variance 4321 Howard Avenue

SUMMARY

Consideration of a Variance (VAR 22-01) request to allow public streetside driveway access to remain when a new residential addition project is constructed in a Zone where alley access is required at 4321 Howard Avenue in the Multiple Family Residential (R-3) Zoning District (Applicant: Michelle Shagena).

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt PC Resolution No. 2022-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A VARIANCE 22-01 TO ALLOW PUBLIC-STREET-SIDE DRIVEWAY ACCESS TO REMAIN AFTER THE CONSTRUCTION OF A RESIDENTIAL ADDITION PROJECT IN A ZONE WHERE SOLE ALLEY ACCESS IS REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE AT 4321 HOWARD AVENUE IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-131-29. (APPLICANT: MICHELLE SHAGENA)."

BACKGROUND

Applicant: Michelle Shagena

Location: 4321 Howard Avenue, Los Alamitos CA 90720

Environmental: The recommended action is exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

Approval Criteria: Chapter 17.48 *VARIANCES*, of the Los Alamitos Municipal Code (LAMC) notes that a public hearing before the Commission shall be required for all Variances.

Noticing: The Public Hearing Notice for this meeting was mailed out on September 14, 2022, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the News Enterprise on September 14, 2022.

Prior Actions: None for this unit.

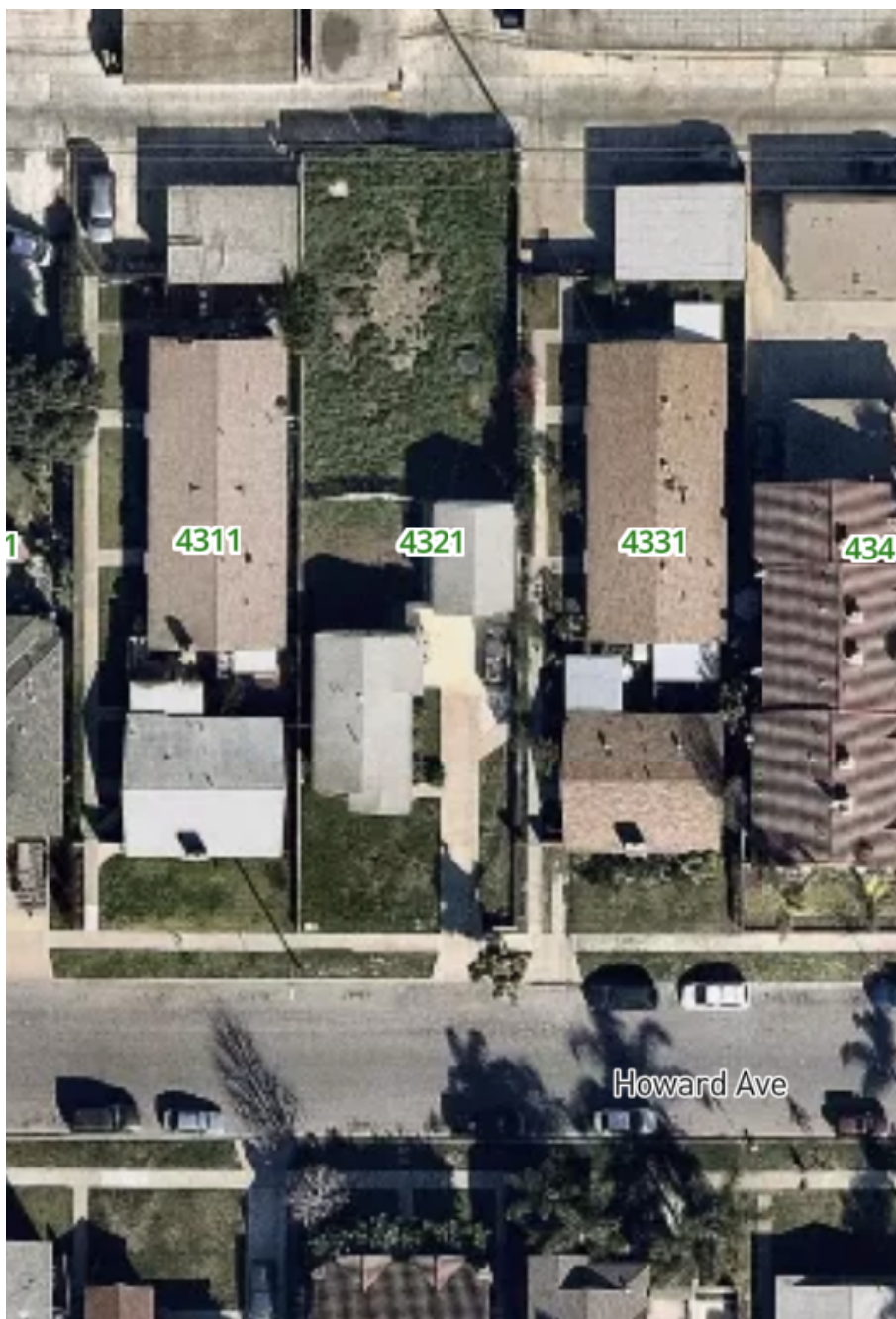
Background: Michelle Shagena has submitted an application for consideration of a Variance (VAR 22-01) request to allow public streetside driveway access to remain after the construction of a residential addition project in a Zone where alley access is required at 4321 Howard Avenue in the Multiple Family Residential (R-3) Zoning District. Ms. Shagena has not applied for a building permit for her desired project at this juncture because of this issue with the driveway that she would not like to lose as a part of building a new project.

Per Section 17.48.010 *Purpose and Intent* of the Los Alamitos Municipal Code (LAMC), a "Variance procedure is established to allow minor relaxation of certain standards by the Commission which, with the strict application of this Zoning Code, would otherwise prevent a property from being used in the same manner as other, similar property because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, where the intent of these regulations would not be compromised by such minor relaxation." Additionally, a "variance shall not be granted that would have the effect of granting a special privilege not shared by other property owners in the vicinity and under identical zone, or which is contrary to the public convenience, health, interest, safety, or welfare."

DISCUSSION

The subject property is zone Multiple Family Residential (R-3). Subsection B (Multiple-Family Residential Zones) of LAMC Section 17.16.120.B *Vehicular Access—Residential Zones* provides that where "a parcel, building site, or parcel abuts upon an alley, the primary vehicular ingress and egress to and from the garages, accessory structures, carports, or open parking spaces housing or intended to house or park motor vehicles, shall be *accessed* from the alley. The responsible review authority shall have the ability to allow an alternative ingress and egress arrangement based on site-specific circumstances."

Staff researched this code provision and found that this requirement has been in effect since at least 1969.



The adjacent properties are all developed and zoned as Multiple Family Residential properties.

Engineering Department

Staff consulted the City's Traffic Engineer about this request for a Variance. The Traffic Engineer suggested that changing the access to the alley and removing the street-facing driveway was the better option. The benefits of removing the driveway and placing a curb and gutter would include, more parking -- as you are adding a curb, and a safety benefit -- as you are eliminating cars from backing out of their driveway at this location. This would be safer for pedestrians and also other vehicles, as backing cars into busy traffic and sidewalks is more dangerous.

Findings

To approve a Variance, the Commission, or the Council on appeal, must make each of the following findings set forth in LAMC Section 17.48.040. Staff has investigated applicant's request and does not believe all of the affirmative findings can be made in support of VAR 22-01, as detailed below,

1. That there are special circumstances applying to the site, such as size, shape, or topography, so that the strict application of this title denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning;

Staff response: In the case of this Variance request, there are no special circumstances that apply to this parcel and this situation in this zone. This is an interior lot without any distinguishing factors that set it apart from other parcels on this block. It is rectangular, it has street and alley facing lot lines, with similar multiple family residential lots on both sides, is not on a hillside, or blocked by a natural feature.

2. That the Variance will not be in conflict with the purpose and intent of this Zoning Code, the General Plan, or any applicable specific plan;

Staff response: This request for Variance is in conflict with the Zoning Code. As the code states:

17.16.120.B In Multiple-Family Residential Zones states, "Where a parcel, building site, or parcel abuts upon an alley, the primary vehicular ingress and egress to and from the garages, accessory structures, carports, or open parking spaces housing or intended to house or park motor vehicles, shall be accessed from the alley. The responsible review authority shall have the ability to allow an alternative ingress and egress arrangement based on site-specific circumstances."

3. That the Variance will not constitute a grant of special privilege—an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning.

Staff response: Approval of this Variance would grant a special privilege if it were approved. This is an interior lot without any distinguishing factors that set it apart from other parcels on this block. It is in the Multiple Family Residential (R-3) Zone where there are numerous parcels that have removed the street-facing driveway, and created access solely from the alley, when new residential units are added to the property. Few street-facing driveways are left in existence in this area.

4. That the Variance will not adversely affect the health, safety, or general welfare of persons residing or working on the site or in the vicinity. (Ord. 19-03 § 3, 2019; Ord.

688 § 1, 2006)

Staff response: Removal of the street-facing driveway would be safer for pedestrians and other vehicles, as a backing cars into busy traffic and sidewalks is more dangerous.

Conclusion:

At the point that the Applicant requested this variance, City Staff exhausted all other possible remedies for the situation through a search for zoning code alternatives. Staff suggests that Commissioners open the public hearing for comments from the applicant and the public. A denial resolution has been attached to this report due to the findings responded to above.

FISCAL IMPACT

None.

Attachment: 1. PC Resolution 2022-12

PC RESOLUTION NO. 2022-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A VARIANCE 22-01 TO ALLOW PUBLIC-STREET-SIDE DRIVEWAY ACCESS TO REMAIN AFTER THE CONSTRUCTION OF A RESIDENTIAL ADDITION PROJECT IN A ZONE WHERE SOLE ALLEY ACCESS IS REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE AT 4321 HOWARD AVENUE IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-131-29. (APPLICANT: MICHELLE SHAGENA).

WHEREAS, Subsection B (Multiple-Family Residential Zones) of Los Alamitos Municipal Code (LAMC) Section 17.16.120.B *Vehicular Access—Residential Zones* provides that where "a parcel, building site, or parcel abuts upon an alley, the primary vehicular ingress and egress to and from the garages, accessory structures, carports, or open parking spaces housing or intended to house or park motor vehicles, shall be accessed from the alley"; and

WHEREAS, pursuant to LAMC Section 17.48.020, the Applicant has filed an application requesting a variance to allow public-street-side driveway access to remain at completion of a residential addition project at 4321 Howard Avenue in the Multiple Family Residential (R-3) Zoning District (the "Variance"); and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on September 28, 2022; and,

WHEREAS, at this Public Hearing, the Applicant, Applicant's representatives, and members of the public were provided the opportunity to present written and oral testimony.

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 Los Alamitos Municipal Code (LAMC) recognizes that the projects requiring Variances are not appropriate in all circumstances and gives the Planning Commission the discretion to approve or disapprove such variances. In order to approve a Variance, LAMC Section 17.48.040 requires the Planning Commission to make certain affirmative findings. The Planning Commission is unable to make all of the required findings in support of Variance 22-01 as specified below.

A. That there are special circumstances applying to the site, such as size, shape, or topography, so that the strict application of this title denies the property

owner privileges enjoyed by other property owners in the vicinity and under identical zoning.

In the case of this Variance request, there are no special circumstances that apply to this parcel and this situation in this zone. This is an interior lot without any distinguishing factors that set it apart from other parcels on this block. It is rectangular, it has street and alley facing lot lines, with similar multiple family residential lots on both sides, is not on a hillside, or blocked by a natural feature.

B. That the Variance will not be in conflict with the purpose and intent of this Zoning Code, the General Plan, or any applicable specific plan; This request for Variance is in conflict with the Zoning Code. As the code states:

17.16.120.B In Multiple-Family Residential Zones states, “Where a parcel, building site, or parcel abuts upon an alley, the primary vehicular ingress and egress to and from the garages, accessory structures, carports, or open parking spaces housing or intended to house or park motor vehicles, shall be accessed from the alley. The responsible review authority shall have the ability to allow an alternative ingress and egress arrangement based on site-specific circumstances.”

C. That the Variance will not constitute a grant of special privilege—an entitlement inconsistent with the limitations upon other properties in the vicinity with the same zoning.

Approval of this Variance would grant a special privilege if it were approved. This is an interior lot without any distinguishing factors that set it apart from other parcels on this block. It is in the Multiple Family Residential (R-3) Zone where there a numerous parcels that have removed the street-facing driveway, and created access solely from the alley, when new residential units are added to the property. Few street-facing driveways are left in existence in this area.

D. That the Variance will not adversely affect the health, safety, or general welfare of persons residing or working on the site or in the vicinity.

Removal of the street-facing driveway would be safer for pedestrians and other vehicles, as a backing cars into busy traffic and sidewalks is more dangerous.

SECTION 3. Based upon such findings and determinations, each and every one of which constitutes separate and independent grounds for denial, the Planning Commission hereby denies Variance 22-01.

SECTION 4. The decision of the Planning Commission is subject to a ten-day appeal period as specified in Chapter 17.60 of the Los Alamitos Municipal Code, after which such decision becomes final.

PASSED, APPROVED, AND ADOPTED this 28th day of September 2022, by the following vote:

Chair Art DeBolt

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael S. 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 the Planning Commission held on the 28th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ron Noda, Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 28, 2022

ITEM NUMBER: 6B

To: Chair DeBolt & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

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

SUMMARY

Continued consideration of a Conditional Use Permit (CUP 22-03) to deny or allow a Secondhand Store to be permitted at 10582 Los Alamitos Boulevard in the General Commercial (C-G) Zoning District. This is to permit a move of “Play It Again Sports” from a prior location in the City at 10582 Los Alamitos Boulevard.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adoption of Resolution No. 2022-11, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 Los Alamitos Blvd., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS);” or alternatively,
4. Adoption of Resolution No. 2022-09, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 LOS ALAMITOS BLVD., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS).”

BACKGROUND

Applicant: William Phillips – Play It Again Sports

Location: 10582 Los Alamitos Blvd., Los Alamitos CA 90720

Environmental: A Class 1 Categorical Exemption, pursuant to Section 15301(a) –

Existing Facilities, will be prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building and will include only interior alterations involving such things as interior partitions, plumbing, and electrical conveyances, and no exterior modifications;

Approval Criteria: Section 17.10.020 (Land Uses and Permit Requirements), Table 2-04 (Allowed Uses and Permit Requirements) of the Los Alamitos Municipal Code (LAMC) allows Personal Services - Restricted in the General Commercial (C-G) Zoning District with the approval of a Conditional Use Permit.

Noticing: The Public Hearing Notice for this meeting was mailed out on July 13, 2022, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the News Enterprise on July 13, 2022.

Prior Actions: None for this unit.

An application has been filed, by William Phillips, for a Conditional Use Permit (CUP 22-03) to operate a secondhand sporting goods shop located at 10582 Los Alamitos Blvd., between Sausalito and Cerritos Avenues. This is a move of the Play It Again Sports franchise store that used to be located at 4141 Katella Avenue. The Applicant has already moved into the space and had not applied for a new CUP for quite a long period. Secondhand stores require a Conditional Use Permit to locate in the General Commercial Zone.

The City's municipal code, in LAMC 17.74.180, defines secondhand store as "Defined and regulated as "Personal Services, Restricted" and further, a business involved in the retail sale of used goods and merchandise such as a thrift store or consignment, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops and swap meets." That said, secondhand stores are also called out in the prohibited uses of LAMC 17.10.020. This prohibition was intended to restrict "Pawn Shops," therefore the less restrictive "Personal Services, restricted" land use is what this business will be considered.

The Applicant has maintained ongoing violations of the Municipal Code onsite by having outdoor displays of retail merchandise, as well as the use of a shipping container in the parking lot as outdoor storage (See LAMC sections 17.28.210 and 17.28.220).

The Planning Commission first discussed this proposed project on July 27, 2022, where Commissioners suggested that Mr. Phillips meet with Staff and discuss solutions to Mr. Phillip's Code Enforcement issues, and then recommended that the Applicant return to the August 24, 2022 meeting. During the August 24, 2022 meeting, the Commissioners were informed that the Applicant needed more time to make progress on clearing up Code Enforcement issues. The Commissioners continued the item to the September 28, 2022 meeting and directed Staff to prepare a denial resolution for the possibility that the Applicant does not take care of these issues by the September 29, 2022 meeting.

DISCUSSION

Staff has remained supportive of the requested CUP provided that the Applicant first corrects

the outstanding code violations. On two prior occasions, Staff presented a draft Resolution of approval to the Planning Commission and the Applicant has been provided ample time to remedy the outstanding code violations. As of this writing, however, the Applicant has continued to display merchandise outdoors and failed to remove the outdoor storage container from the parking lot. If these municipal code violations have not been corrected at the time of the continued public hearing, Staff recommends that the Planning Commission adopt the attached Resolution denying the requested CUP.

FISCAL IMPACT

None.

Attachment: 1. PC Resolution 2022-11
 2. PC Resolution 2022-09

PC RESOLUTION NO. 2022-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 LOS ALAMITOS BLVD., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS).

WHEREAS, an application for a Conditional Use Permit was submitted by the Applicant to allow a Secondhand shop at 10582 Los Alamitos Blvd.; and,

WHEREAS, said verified application constitutes a request as required by Section 17.10.020, Table 2-04 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on July 27, 2022; and,

WHEREAS, at this Public Hearing, the applicant, applicant's representatives and members of the public were provided the opportunity to present written and oral testimony; and,

WHEREAS, during this meeting the Planning Commission continued said application to a Public Hearing on August 24, 2022; and,

WHEREAS, in its August 24, 2022 meeting the Planning Commission continued said application to a Public Hearing on September 28, 2022.

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 Los Alamitos Municipal Code (LAMC) recognizes that the projects requiring Conditional Use Permits are not appropriate in all circumstances and gives the Planning Commission the discretion to approve or disapprove such proposed uses. In order to approve a Conditional Use Permit, LAMC Section 17.32.070 requires the Planning Commission to make certain affirmative findings. The Planning Commission is unable to make the following findings in support of Conditional Use Permit 22-03.

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

In violation of LAMC sections 17.28.210 and 17.28.220, the Applicant has displayed retail products outdoors and placed a large shipping container in the parking lot for storage ("Code Violations"). Unless and until the Code Violations are remedied, it cannot be found that the proposed use complies with all applicable provisions of the Zoning Code and the Municipal Code.

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

The proposed use is entangled with the Code Violations. These violations contravene the Zoning Code, which is intended to promote orderly development and compatibility through the uniform application of development standards and land use regulations. The proposed use and its operating characteristics cannot be found to be compatible with the existing and future land uses in the vicinity when it is accompanied by the Code Violations.

SECTION 3. Based upon such findings and determinations, each and every one of which constitutes separate and independent grounds for denial, the Planning Commission hereby denies Conditional Use Permit 22-03.

SECTION 4. The decision of the Planning Commission is subject to a ten-day appeal period as specified in Chapter 17.60 of the Los Alamitos Municipal Code, after which such decision becomes final.

PASSED, APPROVED, AND ADOPTED this 28th day of September 2022, by the following vote:

Chair Art DeBolt

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael S. 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 the Planning Commission held on the 28th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ron Noda, Secretary

PC RESOLUTION NO. 2022-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 22-03 TO OPERATE A 3,000 SQUARE FOOT SECONDHAND SHOP IN A COMMERCIAL BUILDING AT 10582 LOS ALAMITOS BLVD., IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-242-01. (APPLICANT: WILLIAM A. PHILLIPS).

WHEREAS, an application for a Conditional Use Permit was submitted by the Applicant to allow a Secondhand shop at 10582 Los Alamitos Blvd.; and,

WHEREAS, said verified application constitutes a request as required by Section 17.10.020, Table 2-04 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on July 27, 2022; and,

WHEREAS, during this meeting the Planning Commission continued said application to a Public Hearing on August 24, 2022; and,

WHEREAS, at this public hearing, the Applicant, Applicant's representatives and members of the public were provided the opportunity to present written and oral testimony.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS DOES HEREBY 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. Conditional Use Permit is hereby approved to allow a 3,000 square foot secondhand shop on the subject property based upon the following findings:

A. The proposed use is consistent with the General Plan and any applicable specific plan; The proposed use location is within the Retail Business General Plan designation. While not mentioned as a goal of the General Plan, this is a use that can operate in this area when permitted through a Conditional Use Permit, and it does not conflict with other uses in this area.

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; Los Alamitos Municipal Code (LAMC), Section 17.10.020, Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) requires Planning Commission approval of a Conditional Use Permit to allow "Personal Services, Restricted" in the C-G Zoning District. LAMC 17.74.180, defines secondhand store as:

“Defined and regulated as ‘Personal Services, Restricted’” and further, “a business involved in the retail sale of used goods and merchandise such as a thrift store or consignment, whereby the sale of such used goods and merchandise comprise 25 percent or more of total monthly sales volume. This definition does not include pawn shops and swap meets.”

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 proposed location is in the General Commercial (C-G) zone, in a building has had retail type businesses without incident in the past, and is a good fit for the location.

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 on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the development standards that were current at the time for a commercial retail type of building. The proposed secondhand sales of sporting goods will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use. Any Interior tenant improvements are required to be reviewed by the City’s Building Department and the Orange County Fire Authority for compliance with building and safety standards for the structure.

2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access; The unit proposed for this business in this commercial area was originally built to meet the codes of the time. All access, as well as emergency access were designed to meet that year’s current access standards for an commercial building, and have been upgraded from time to time through the years, therefore, the streets are adequate for public and emergency vehicle access.

3. Public protection services (e.g., fire protection, police protection, etc.); This unit in the General Commercial Zone has historically been served by public protection services without interruption.

4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.). This unit has historically been served by adequate utility services without interruption.

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. This property is the type of location where this use and the other uses on the same property are typically found throughout the local region. The Applicant will be required, as with any other business owner in the City, to ensure that the business complies with the noise ordinances of the City of Los Alamitos.

1. The use, as a secondhand shop as conditioned, will not endanger the public health or general welfare if the use is located at 10582 Los Alamitos Blvd. The use will not foster circumstances that tend to generate nuisance condition because the site is located two hundred and thirty-five (289) feet away from the nearest residential parcel. The residential area to the southeast is buffered by Los Alamitos Blvd., and the property is 1,163' from the nearest park.
2. The proposed use as a secondhand dealer will be located in a general commercial area and is a conditionally permitted use within the General Commercial (C-G) Zoning District. The (C-G) Zoning District permits secondhand uses provided that the use is found to be compatible and harmonious with surrounding uses with the approval of a Conditional Use Permit.
3. The proposed secondhand use is compatible with similar uses located in the General Commercial (C-G) Zoning District and is surrounded by retail, service, and restaurant uses, and is in harmony with those uses. The proposed use will fulfill a need of families with children who participate in sports in the area and have few businesses where they can purchase needed equipment.
4. The decision to approve the Conditional Use Permit is based on review by the Planning Commission of the plans and specifications submitted for the proposed project and on testimony given at the public hearing before the Planning Commission.

SECTION 3. Pursuant to CEQA Guidelines Section 15301, the proposed project is exempt from CEQA under the Class 1 (*Existing Facilities*) categorical exemption since the proposed expansion will occupy an existing tenant space within a developed commercial area that will not increase the existing building footprint beyond the existing area. Existing access and parking will not be modified with the proposed application. Therefore, approval of the project will not result in significant adverse effects relating to traffic, noise, air quality, or water quality.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves the application described above to the following conditions:

Planning Division

1. Approval of this application is to allow a 3,000 square foot secondhand store at 10582 Los Alamitos Blvd., with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 22-03 noted thereon, and on file in the Development Services Department (Exhibit A). 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. Any proposal to expand the use beyond that which is shown in the relevant drawings and all documents that are a part of this application that are included in this approval shall require a modification to be approved by the Planning Commission.
3. 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.
4. Approval of the Conditional Use Permit shall be valid for a period of eighteen (18) months from the date of determination. If the use approved by this action is not established within such time period, such approval shall be terminated and shall thereafter be null and void.
5. 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.

6. Prior to permit issuance, the Applicant, and Applicant's successors in interest, shall be responsible for payment of all applicable fees.
7. Prior to permit issuance, the property owner and Applicant shall file an Agreement Accepting Conditions of Approval with the Development Services Department. The property owner and Applicant shall be required to record the agreement with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department.
8. The Applicant shall apply for a new background check with the Police Department and receive an updated City Secondhand Dealers License prior to receiving a business license for this business.
9. The Applicant shall abide by the codes for secondhand dealers instituted in Los Alamitos Municipal Code 5.36 (Pawnbrokers and Secondhand Dealers).
10. This Conditional Use Permit cannot convert at some later date into a pawn shop. This permit allows for the resale of sporting goods only. No gun sales shall be permitted.
11. Business operation shall be conducted only between the hours of 8:00 a.m. and 9:00 p.m. daily.
12. All landscaping in the site, including, without limitation, trees, shrubs and other vegetation, drainage and irrigation systems, shall be permanently maintained in good, first class condition, healthy, without deterioration, free of waste and debris, through all phases of construction, and after by the Owner of the property. Dead or diseased plants shall be promptly replaced with landscaping similar in type, size and quality. Automatic irrigation systems shall be properly maintained and other reasonable and adequate landscape maintenance facilities and procedures shall be provided to fulfill the foregoing requirements.
13. The Applicant agrees to maintain the site per Section 17.24.070 of the Los Alamitos Municipal Code.
14. Any signs shall comply with the provisions under Chapter 17.26 of the Los Alamitos Municipal Code and/or any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Director.
15. Applicant shall comply with applicable City, County, and/or State regulations.
16. There shall be no outdoor sales of merchandise.

17. There shall be no outdoor storage of items or storage containers on the property.

Building Division

18. The Applicant/operator shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements.

Code Enforcement

19. The tenant shall contact the City if they intend to erect any signs, banners, flags, or other similar items in conjunction with the operation of this business to obtain a permit for those uses.
20. No outdoor sales or displays will be permitted.

Orange County Fire Authority

21. The tenant use and tenant improvements shall be in compliance with Orange County Fire Authority regulations and will obtain all required permits.
22. The Applicant shall not store anything above six feet in rack/shelf/or floor storage in the store or storeroom.

Los Alamitos Police Department

23. In accordance with Chapter 5.36 PAWNBROKERS AND SECONDHAND DEALERS, Applicant will be required to annually obtain a Secondhand Dealers Permit from the City.
24. The agrees to comply with all the requirements described in Municipal Code Chapter 5.36 concerning "Secondhand Dealers."
25. Applicant shall be required to keep business inventory and transaction records subject to inspection by the Chief of Police or his designee. All consignment item records shall contain the following: name, address, and phone number of the person placing the item on consignment, as well as record of a valid government issued identification.
26. The Applicant shall install a video surveillance system for security purposes.

SECTION 5. 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.

PASSED, APPROVED, AND ADOPTED this 28th day of September, 2022.

Art DeBolt, Chairman

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 28th day of September 2022, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ron Noda, Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 28, 2022

ITEM NUMBER: 7A

To: Chair DeBolt & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use

SUMMARY

Orange County Community Resources Department requests that the City hold a community meeting to discuss the use and priority of Community Development Block Grant (CDBG) funds with interested community members. The Planning Commission is acting as a conduit to provide an opportunity for interested parties to provide comments.

RECOMMENDATION

Hold the community meeting and take testimony as necessary.

BACKGROUND

Applicant City of Los Alamitos

Location Citywide

Noticing The public was notified of this community meeting by an advertisement in the Event News Enterprise on September 14, 2021. Recommendation

The Orange County Community Resources filters Federal Community Development Block Grant (CDBG) monies down to smaller cities such as Los Alamitos. The Program provides federal funds to cities with populations under 50,000 for programs that are targeted towards community development. The funds are commonly used for neighborhoods that have a substantial number of low, very low, and extremely low-income residents, and can be used for Senior or ADA (Americans with Disabilities Act) projects as well. CDBG shows preference for projects that meet the criteria in the table below. Preferably, the project would be high priority, since it is easier to be selected for the grant.

Community Need Type	Priority Needs Level
Community Development Need	
01 Acquisition of Real Property 570.201(a)	High
02 Disposition 570.201(b)	Medium*
Public Facilities and Improvements Needs 570.201(c)	
03 Public Facilities and Improvements (General)	Medium
03A Senior Centers	High
03B Handicapped Center	Medium
03C Homeless Facilities	High
03D Youth Centers	Medium
03E Neighborhood Facilities/Libraries	High
03F Parks and/or Recreational Facilities	Medium
03G Parking Facilities	Medium
03H Solid Waste Disposal Improvements	Medium
03I Flood Drain Improvements	High
03J Water/Sewer Improvements	High
03K Street Improvements	High
03L Sidewalks	High
03M Child Care Centers	Medium
03N Tree Planting	Medium
03O Fire Stations/Equipment	Medium
03P Health Facilities	Medium
03Q Abused and Neglected Children Facilities	Medium
03R Asbestos Removal	Low*
03S Facilities for AIDS Patients (not operating costs)	Medium

The Grant funds are transferred from HUD to the County annually for use by participating agencies. These funds may be pursued through competitive grant applications sent to the County. The group of participating cities is small, so the potential for funding is fairly high. Participating cities help to form the annual plan for spending CDBG funds, allowing the City a voice in establishing the criteria on which grant applications will be judged. Once grants are awarded, the County assists cities in managing the projects and preparing required reports to HUD. Whether or not the City seeks funding, the County oversees the program.

To assure citizen participation in the design and implementation of the City's allocation of CDBG funds, the City of Los Alamitos seeks input from community members. Priorities, goals, and objectives are established from citizen input used in applying for future CDBG grants. Citizen participation is an important aspect in this process as it establishes the needs of the community from the grassroots level. This information is provided to the County of Orange to incorporate into its report to the Federal Government (HUD).

A public meeting is held to collect information regarding community needs prior to the City deciding where CDBG funds will best be distributed and to obtain comments from citizens on the use of funds prior to submitting an application. This hearing is also held to give the community an opportunity to review and comment on the proposed use of funding and on the performance of the CDBG programs in administration, distribution, and implementation of federal funds. The public hearing is held in a centrally located, handicapped accessible building with reasonable accommodation provided for persons with disabilities.

DISCUSSION

The City regularly submits applications to Orange County Community Resources for CDBG funds through the program. Larger cities apply directly to the Federal Government for such funds. As a smaller city, Los Alamitos seeks the oversight of the County when using such funds.

The City of Los Alamitos has used such grants for years, often being awarded CDBG funds to improve Public Facilities within the City's Low Income Census Tracts. If not an ADA project, or a project for seniors, the CDBG activities should serve residents within the City's lower income areas, such as Apartment Row or Old Town West.

The City has utilized CDBG Funds for the following:

- 2018/2019 - Alley and sidewalk repair in the Apartment Row neighborhood
- 2019/2020 - Repair of Noel Street from Katella Avenue to Farquhar Avenue
- 2020/2021 - Repair of Howard Avenue from Reagan Street to Maple Avenue
- 2021/2022 - Repair of Howard Avenue from Noel Street to Lexington Drive and repair of Bloomfield Avenue from Katella Avenue to Farquhar Avenue

During the current Fiscal Year 2022-2023, CDBG funds will be used for the renovation of Sterns Park, located at 3871 Farquhar Avenue, to create an all-inclusive ADA-compliant park. Below is a list of project ideas from Staff that could be applied for this year, or in the future:

Project	Approximate Cost
<u>Park renovation</u> – Removal and replacement of play equipment at Labourdette Park (4401 Howard Street) with an all-inclusive play structure. ADA repairs will also be done to the remainder of the park to meet ADA requirements. By renovating Labourdette Park, the City will have a second all-inclusive playground for disabled youth citywide and in the surrounding community.	Park renovation - \$350,000 Includes 10% City match

FISCAL IMPACT

None.

Attachment: None