

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

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, November 30, 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 301, 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 Regular Meeting of August 24, 2022, Special Meeting of September 21, 2022, Regular Meeting of September 28, 2022, Regular Meeting of October 26, 2022, and Special Meeting of November 16, 2022

6. PUBLIC HEARING

A. Adoption of Vehicles Miles Travelled (VMT) Thresholds of Significance

Currently, the City of Los Alamitos utilizes Level of Service (LOS) as the metric to evaluate transportation impacts in CEQA documents such as an EIR. The State is mandating that municipalities utilize Vehicles Miles Traveled (VMT).

Recommendation:

1. Discuss Staff recommendations; and,
2. Recommend to the City Council approval of a resolution adopting a Vehicle Miles Traveled (VMT) threshold related to transportation analysis for California Environmental Quality Act (CEQA) compliance as well as adopting Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment in conformance with the guidelines provided by the Orange County Transportation Authority (OCTA).

7. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

8. COMMISSIONER REPORTS

9. 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: 11/22/2022

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: November 30, 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**

REGULAR MEETING – August 24, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, August 24, 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

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: Grose/Cuilty

Carried 7/0: 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. Conditional Use Permit (CUP) 22-03 – Continued Consideration of a Secondhand Store in the General Commercial (C-G) Zone 10582 Los Alamitos Boulevard

Development Services Director Noda quickly introduced the staff report.

Associate Planner Oliver provided an update from the business owner to extend another 30 days on this item.

Commissioner Sofelkanik asked staff about the removal of the ADA ramp. City Attorney Daudt and Associate Planner Oliver clarified that the Building Inspector mentioned that there is another ramp from the parking lot for access.

Commissioner Sofelkanik questioned the no fiscal impact based on the staff report. He shared that every time the applicant comes to the meetings, it costs the City money.

Commissioner Sofelkanik then shared he does not see extending another 30 days after this one time.

Commissioner Zellmer and Commissioner Sofelkanik discussed the fiscal impact on the applicant.

City Attorney Daudt clarified the Code Enforcement citations and should the Planning Commission want to approve the staff recommendation of extending another 30 days and staff find that there are no changes from the applicant, there is an option to deny the CUP.

Commissioner Sofelkanik commented on how the Planning Commission wanted the individual to do business in the City, but that they follow the ordinances and requirements.

Chair DeBolt agreed with the Commissioners but asked who would apply for the permit to remove the ADA. Associate Planner Oliver shared that it would be part of the CUP.

Chair DeBolt shared his concern regarding the business operating that is not permitted.

Development Services Director Noda shared what the City has done to get the business in compliance.

Commissioner Zellmer asked if there should be a temporary use for the outside sales/displays instead of it being a condition in the CUP. City Attorney Daudt clarified the options of having a TUP versus a CUP.

Commissioner Grose shared that discussing this item of what the applicant plans on doing until the Planning Commission gets it in writing.

Chair DeBolt requested to have a resolution of denial just in case.

Motion/Second: Grose/Andrade

Carried 7/0: The Planning Commission agreed to move staff's recommendation of continuing the Public Hearing to the September 28, 2022 Planning Commissioner Regular Meeting and have a resolution of denial included.

**B. Site Development Permit (SDP) 22-01
2,932 Sq. Ft. Expansion of Office Building**

Development Services Director Noda introduced the staff report.

Associate Planner Oliver further summarized the staff report.

Chair DeBolt opened and closed the public hearing.

Motion/Second: Zellmer/Grose

Carried 7/0: Adopted PC Resolution No. 2022-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT 22-01 TO PERMIT A 2,932 SQUARE FOOT SINGLE-STORY ADDITION OF AN EXISTING 4,994 SQUARE FOOT OFFICE BUILDING AT 3651 SAUSALITO STREET IN THE PLANNED LIGHT INDUSTRIAL ZONE (P-M), APN 242-242-04 (APPLICANT: RICHARD JIMENEZ FOR GRATING PACIFIC)."

7. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda shared the following:

- City Council approved the draft Housing Element
- Recreation and Community Services Department week of Los Al starts on September 16, 2022

8. COMMISSIONER REPORTS

Commissioner Zellmer asked about the dog park.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:21 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

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

SPECIAL MEETING – September 21, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Special Session at 6:01 p.m., Wednesday, September 21, 2022 in video conference, Chair DeBolt 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 attended telephonically.

2. ROLL CALL

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

Absent: Zellmer

Staff: Ron Noda, Development Services Director
Michael Daudt, City Attorney
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.

Department Secretary confirmed there were no Oral Communications received.

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: Cuijty/DeBolt

Carried 4/0 (Zellmer 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.

ROLL CALL

Chair DeBolt	Aye
Vice Chair Loe	(Absent)
Commissioner Andrade	Aye
Commissioner Cuijty	Aye
Commissioner Grose	Aye
Commissioner Sofelkanik	Aye
Commissioner Zellmer	(Absent)

Chair DeBolt and City Attorney Daudt discussed the possibility of ending the discussion for the findings required by AB 361.

6. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda shared the following:

- Launch of Los Al Bucks
- Race Los Al event and Street Fair occurring this week
- Reminder of Planning Commission regular meeting next week

7. COMMISSIONER REPORTS

8. ADJOURNMENT

The Planning Commission closed the meeting in honor and memory of Councilmember Bates the meeting at 6:08 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

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

REGULAR MEETING – September 28, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, September 28, 2022 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Chair DeBolt presiding.

2. ROLL CALL

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

Absent: Loe 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

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: Cuijly/Grose

Carried 5/0 (Loe and Andrade 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;
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

Development Services Director Noda introduced the staff report.

Associate Planner Oliver summarized the staff report.

Commissioner Grose shared the reasoning behind having the driveways.

Chair DeBolt opened oral communications.

Blake Shagena shared his plans to build a new housing on the property, but encountered problems regarding the parking requirements.

Commissioner Zellmer asked Associate Planner Oliver about grandfathering in variances.

Applicant, Michelle Shagena, discussed the pedestrian safety on the property.

Chair DeBolt closed oral communications.

Commissioner Zellmer asked what prompted the variance. Associate Planner Oliver shared that the applicant wanted to build new units on the property which prompted the compliance of the zoning code of needing to remove the driveway.

Chair DeBolt discussed his understanding of this staff report.

City Attorney Daudt explained why the variance was discussed before a site development plan.

Commissioner Zellmer asked and received clarification that the zoning code was implemented in 1969.

Commissioner Grose explained how the property was grandfathered in.

Associate Planner Oliver explained the process the applicant would have gone through and still resulted in them needing to move the driveway to the alley.

Chair DeBolt shared the understanding of the code and granting a variance.

Chair DeBolt reopened oral communications.

Blake Shagena explained how the code was written wrong.

Chair DeBolt and Commissioner Sofelkanik discussed the zoning code and the requirements.

Chair DeBolt mentioned that he cannot make the findings to allow for a variance.

Commissioner Zellmer shared that he'd like to see the plans of the project before determining approval or denial of the variance.

Commissioner Sofelkanik and Zellmer discussed the variance for the project and the uniqueness of the land.

Commissioner Grose shared the issue she sees which is that what is being discussed is the variance and not the project.

The Planning Commission discussed the understanding of the variance, parking requirements, and cost of drawing up architectural plans.

City Attorney Daudt explained the affirmative findings in order grant a variance.

Development Services Director Noda reiterated that the discussion is about the variance.

Chair DeBolt made a comment regarding the zoning code and what is required.

Development Services Director Noda mentioned that there is an opportunity to updating the zoning code.

Chair DeBolt and City Attorney Daudt discussed the state code regarding variance.

Chair DeBolt reopened the public hearing.

Michelle, applicant, explained the project that would take place and the restrictions in the parking regulations.

Chair DeBolt closed the public hearing.

Motion/Second: Grose/Sofelkanik

Carried 4/0 (Loe and Andrade absent, Zellmer abstain): Denied 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)."

City Attorney Daudt shared that since this item was denied, it is subject to an appeal within a 10-day period of this decision.

Chair DeBolt added that this item is subject to appeal with the City Council.

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

Development Services Director Noda summarized the staff report.

Chair DeBolt confirmed if the business still has open code violations and City staff stated the code violations have been addressed.

Commissioner Grose received clarification from Associate Planner Oliver regarding the citations for the code enforcement violations.

Chair DeBolt opened the public hearing.

Applicant, William Philips, explained the definition of a secondhand store. Also, he shared a report of the business's sales tax revenue. He asked [for staff to] explain whether he needs a CUP or not.

Chair DeBolt closed the public hearing.

Chair DeBolt asked and received confirmation on the following questions:

- The requirement of less than or more than 25% and if that would eliminate the need of a CUP
- If the applicant submitted documentation on the business's revenue

The Planning Commission and staff discussed the finances of the business.

Commissioner Zellmer explained how this item has been overly discussed and that the point is for the applicant to clear up the code violations then he could receive the CUP.

Chair DeBolt mentioned that is what the message has been for the last three months.

Chair DeBolt, Commissioner Zellmer and Associate Planner Oliver discussed the business as secondhand dealer and the need for a CUP or a business license.

Commissioner Grose asked about the handicap area. She mentioned that the business is in a good fit and location in the area, but that code violations be handled.

Commissioner Zellmer made a motion to grant the CUP.

Commissioner Cuijty second the motion.

Commissioner Sofelkanik mentioned why the Planning Commission should grant the CUP if the applicant thinks he doesn't need one. He would prefer to deny it and the applicant can run as a non-secondhand store.

Commissioner Zellmer reiterated that the applicant is granted the CUP.

The Planning Commission discussed the use of the CUP and the business as a secondhand dealer.

Commissioner Grose asked what the limitations and restrictions on a CUP. Associate Planner Oliver confirmed that if the business is a secondhand dealer, the limitations and restrictions would still be the same.

Commissioner Cuijty asked and received clarification from Associate Planner Oliver when the business moved into the location and if they were in the location before.

Commissioner Grose shared how the business is in a great location and for the violations be resolved.

Chair DeBolt shared that he is not inclined to approve the CUP.

Commissioner Zellmer and Commissioner Cuijty asked and received clarification from City Attorney Daudt and Associate Planner Oliver about outdoor sales and needing a CUP.

Commissioner Zellmer asked if there is a section in the code that defines what outdoor sales is. City Attorney read the definition.

Commissioner Sofelkanik asked and received clarification from City Attorney Daudt asked if there can be a combined CUP for the secondhand sales and the outdoor sales.

Chair DeBolt opened the public hearing.

Applicant, William Philips, explained that he used to have a CUP at the old location and how the previous business had a CUP. He also shared he's confused with the use of a CUP.

Commissioner Grose asked staff to clarify what a CUP is.

Chair DeBolt closed the public hearing.

City Attorney Daudt quickly explained what a CUP is.

Commissioner Grose shared that she was trying to show that just because the prior business had a CUP it does not mean it would fit the use for the next business.

Chair DeBolt added that the CUP is also for the type of use.

Development Services Director Noda shared an example of how a CUP works.

Commissioner Grose reiterated the benefit of the business being in their location.

Commissioner Sofelkanik agreed with Commissioner Grose statement regarding the benefits of the business being in their location.

Chair DeBolt shared that the business should've taken care of the code issues.

Commissioner Zellmer discussed the pros and cons of the business.

Chair DeBolt asked and received clarification from Associate Planner Oliver that the business currently has one code violation.

Commissioner Sofelkanik brought up the other option that Chair DeBolt mentioned for the Planning Commission to give the business one more chance to fix their violations.

City Attorney Daudt reminded the Planning Commission that there is still a motion and second that was not resolved.

Commissioner Grose mentioned that if the business violates the CUP, that would affect the business.

Chair DeBolt asked and received clarification from City Attorney Daudt regarding ramifications to the CUP. Commissioner Grose commented on the Planning Commission's ability to bring this item back.

The Planning Commission and staff discussed the voting on the motion that was made by Commissioner Zellmer, the timing of a ramification, and the possibility of a substitute motion.

Commissioner Zellmer commented on approving the CUP and that there are remedies to the violations of the CUP. He also denied making a substitute motion.

Chair DeBolt received clarification on ramifications to the CUP by City Attorney Daudt.

Commissioner Sofelkanik shared he cannot vote for something that is already flawed.

Motion/Second: Zellmer/Grose

Not Carried 2/2 (Loe and Andrade absent, Cuijly abstain): Adopt Resolution 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)."

Commissioner Grose made a substitute motion to bring the item back at the next Planning Commission with the business in compliance with the codes.

Associate Planner Oliver asked and received clarification from the Planning Commission about having the outdoor sales a part of the CUP [if the motion passes].

Motion/Second: Grose/Cuijly

Carried 5/0 (Loe and Andrade absent): The Planning Commission agreed to continue this item to the next Planning Commission meeting on October 26, 2022 for an opportunity for the business to be in compliance with the codes.

RECESS

The Planning Commission took a recess at 8:39 p.m.

RECONVENE

The Planning Commission reconvened at 8:44 p.m.

7. Discussion

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

Development Services Director Noda summarized the staff report.

Commissioner Zellmer asked and received information about the priority list from Development Services Director Noda.

8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Associate Planner Oliver shared the following:

- Wendy's commercial will be filmed at the local Wendy's business
- Loan Tran duplex project on Cherry Street is almost completed

Development Services Director Noda shared the following:

- With the passing of Councilmember Bates, the City Council voted to appoint a member in District 2
- Good Morning, Los Alamitos! Event will be on October 19th
- Recreation and Community Services Trunk or Treat event at Little Cottonwood Park on October 22nd
- Los Al Bucks round 2 have been mailed out

8. COMMISSIONER REPORTS

Grose thanked the City for the Serve Los Al and to ask to extend the time of the Bikes and Bites event. The Street Fair was lots of fun. Close tonight's meeting in honor of Ron Bates.

8. ADJOURNMENT

The Planning Commission closed the meeting at 8:59 p.m. in honor and memory of former councilmember Ron Bates.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

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

REGULAR MEETING – October 26, 2022

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:0 p.m., Wednesday, October 26, 2022 in the Council Chamber located at 3191 Katella Ave., Los Alamitos, CA 90720, Chair DeBolt presiding.

2. ROLL CALL

Present: Commissioners: Chair DeBolt
Andrade, Grose, and Sofelkanik

Absent: Loe, Cuijty, and Zellmer

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: Grose/DeBolt

Carried 4/0 (Loe, Cuijty, Zellmer 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;
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. Conditional Use Permit (CUP) 22-03 – Continued Consideration of a Secondhand Store in the General Commercial (C-G) Zone at 10582 Los Alamitos Boulevard

Chair DeBolt asked if all code violations have been resolved and staff confirmed it has.

Chair DeBolt opened and closed the public hearing, there being no speakers.

Motion/Second: Grose/Andrade

Carried 4/0 (Loe, Cuijly, and Zellmer absent): Adopt Resolution 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. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Associate Planner Oliver shared the following:

- Scoping meeting was done for the 4665 Lampson Project
- Developer of the 4665 Lampson Project will have a community meeting at the Ayres Hotel on November 16th

Development Services Director Noda shared the following:

- City Council appointed Trisha Murphy as a councilmember for District 2 at the October 24, 2022 City Council special meeting
- There will be no commissioner dinner this year
- Arterial street name signs will be on sale soon
- The November Planning Commission meeting will be on November 16,

2022 at 6:30 p.m. through Zoom and November 30, 2022 at 7:00 p.m. in person

8. COMMISSIONER REPORTS

Commissioner Grose thanked staff for the Trunk or Treat event. She also shared about the PD Pink Patch program and Casino night that is coming up.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:11 p.m. to November 16, 2022 at 6:30 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

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

SPECIAL MEETING – November 16, 2022

1. **CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Special Session at 6:30 p.m., Wednesday, October 26, 2022 in video conference, Chair DeBolt 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 attended telephonically.

2. **ROLL CALL**

Present: Commissioners: Chair DeBolt
Loe, Andrade (6:33 p.m.), Culty, and
Sofelkanik

Absent: Grose and Zellmer

Staff: Ron Noda, Development Services Director
Michael Daudt, City Attorney
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: Culty/DeBolt

Carried 5/0 (Grose and Zellmer 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;
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.

ROLL CALL

Chair DeBolt	Aye
Vice Chair Loe	Aye
Commissioner Andrade	Aye
Commissioner Cuijty	Aye
Commissioner Grose	(absent)
Commissioner Sofelkanik	Aye
Commissioner Zellmer	(absent)

6. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda shared the following:

- Special Planning Commission Meeting on November 30, 2022 at 7:00 p.m. and December 14, 2022 at 7:00 p.m.

7. COMMISSIONER REPORTS

None.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 6:34 p.m. to November 30, 2022 at 7:00 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: November 30, 2022

ITEM NUMBER: 6A

To: Chair DeBolt & Members of the Planning Commission

Presented By: Ron Noda, Development Services Director

Subject: Adoption of Vehicles Miles Travelled (VMT) Thresholds of Significance

SUMMARY

Currently, the City of Los Alamitos utilizes Level of Service (LOS) as the metric to evaluate transportation impacts in CEQA documents such as an EIR. The State is mandating that municipalities utilize Vehicles Miles Traveled (VMT).

RECOMMENDATION

1. Discuss Staff recommendations; and,
2. Recommend to the City Council approval of a resolution adopting a Vehicle Miles Traveled (VMT) threshold related to transportation analysis for California Environmental Quality Act (CEQA) compliance as well as adopting Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment in conformance with the guidelines provided by the Orange County Transportation Authority (OCTA).

BACKGROUND

Changes in State law require the City to adopt new California Environmental Quality Act (CEQA) thresholds of significance (TOS) for transportation impacts. For the purposes of CEQA, these changes will modify how the City evaluates projects for transportation impacts. Specifically, the City is required to use Vehicle Miles Travelled (VMT) instead of Level of Service (LOS) as the metric to evaluate transportation impacts in CEQA documents such as Environmental Impact Reports. Outside of the CEQA process, the City can choose to continue to evaluate projects using the LOS metric.

A request for the Planning Commission to recommend City Council approval of a resolution adopting a Vehicle Miles Traveled (VMT) threshold of significance to comply with the California Environmental Quality Act (CEQA).

DISCUSSION

On September 27, 2013, Senate Bill 743 (SB 743) was signed into State law. SB 743 requires that public agencies modify their methodology for analyzing transportation impacts of land use projects subject to CEQA. SB 743 moves away from using delay- based LOS as the metric for determining a proposed project's potentially significant impacts to instead using Vehicle Miles

Traveled (VMT).

As an implementing action of SB 743, in December 2018, the California Office of Planning and Research (OPR) provided guidance to assist local jurisdictions in establishing new criteria for determining the significance of transportation impacts. As noted in CEQA Guidelines Section 15064.7(b), lead agencies are encouraged to formally adopt their thresholds of significance by resolution.

We recommend the City of Los Alamitos adopt the methodology and thresholds of significance included in the Orange County Transportation Authority (OCTA) "Transportation Analysis guidelines" to evaluate the transportation impacts of new developments.

FISCAL IMPACT

No fiscal impact.

Attachment: 1. Vehicle Miles Travelled City Council Resolution No. 2022-XX

RESOLUTION NO. 22-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING “VEHICLE MILES TRAVELLED” (VMT) THRESHOLDS OF SIGNIFICANCE FOR PURPOSES OF ANALYZING TRANSPORTATION IMPACTS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California Environmental Quality Act Guidelines (“CEQA Guidelines”) encourage public agencies to develop and publish generally applicable “thresholds of significance” (TOS) to be used in determining the significance of a project’s environmental effects; and,

WHEREAS, CEQA Guidelines section 15064.7(a) defines a threshold of significance as “an identifiable quantitative, qualitative or performance level of a particular environmental effect, noncompliance with which means the effect will normally be determined to be significant by the agency and compliance with which means the effect normally will be determined to be less than significant”; and,

WHEREAS, CEQA Guidelines section 15064.7(b) requires that thresholds of significance must be adopted by ordinance, resolution, rule, or regulations, developed through a public review process, and be supported by substantial evidence; and,

WHEREAS, pursuant to CEQA Guidelines section 15064.7(c), when adopting thresholds of significance, a public agency may consider thresholds of significance adopted or recommended by other public agencies provided that the decision of the agency is supported by substantial evidence; and,

WHEREAS, Senate Bill 743, enacted in 2013 and codified in Public Resources Code section 21099, required changes to the CEQA Guidelines regarding the criteria for determining the significance of transportation impacts of projects; and,

WHEREAS, in 2018, the Governor’s Office of Planning and Research (“OPR”) proposed, and the California Natural Resources Agency certified and adopted, new CEQA Guidelines section 15064.3 that identifies vehicle miles traveled (“VMT”) – meaning the amount and distance of automobile travel attributable to a project – as the most appropriate metric to evaluate a project’s transportation impacts; and,

WHEREAS, as a result, automobile delay, as measured by “level of service” (LOS) and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA; and,

WHEREAS, the City of Los Alamitos, following a public review process consisting of staff presentation before the Planning Commission, wishes to adopt the VMT thresholds of significance for determining the significance of transportation impacts; and,

WHEREAS, the City of Los Alamitos, following a public review process consisting of staff presentation before the Planning Commission, wishes to adopt the methodology and threshold of significance included in the Orange County Transportation Authority (OCTA) "Transportation Analysis guidelines" to evaluate transportation impact of new developments; and

WHEREAS, On November 30, 2022, the Los Alamitos Planning Commission recommended the City Council adopt this Resolution; and

WHEREAS, on _____, the City Council held a duly noticed public hearing to consider this Resolution, at which all persons interested were given an opportunity to be heard.

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

Section 1. The City Council finds that the adoption of new local CEQA thresholds of significance for transportation impacts and the adoption of new Local Transportation Assessment Guidelines will not have a significant environmental impact and are exempt from the CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations because the two actions are undertaken by the City for the protection of the environment. The revised CEQA thresholds will be compliant with a State mandate (SB 743) and will be used in a regulatory process (CEQA process) that involves procedures for the protection of the environment. Accordingly, the City Council finds the adoption of VMT baselines and Thresholds of Significance are exempt from the environmental review requirements of CEQA pursuant to Section 15308 of Title 14 of the California Code of Regulations.

Section 2. The City Council hereby adopts the VMT baselines and thresholds of significance, attached as Exhibit A.

PASSED, APPROVED and ADOPTED this day of ____ ____, 2022.

Shelley Hasselbrink, Mayor

ATTEST:

Windmera Quintanar, City Clerk, MMC

EXHIBIT A

City of Los Alamitos

VMT Baselines and Thresholds of Significance

Consistent with State CEQA Guidelines section 15064.3, the City of Los Alamitos has adopted the project baselines and thresholds of significance set forth in Table 1 to guide in determining when a project will have a significant transportation impact.

Table 1

Project Type	Thresholds
Land Use Plan	1) Project Impact: A significant impact would occur if the VMT rate for the plan would exceed the applicable baseline VMT rate. 2) Cumulative Project Effect: A significant impact would occur if the project increased total regional VMT compared to cumulative no project conditions.
Land Use Project	1) Project Impact: A significant impact would occur if the VMT rate for the project would exceed 15% below the applicable baseline VMT rate. 2) Cumulative Project Effect: A significant impact would occur if the project increased total regional VMT compared to cumulative no project conditions.
Retail Project (over 50,000 square feet)	1) Project Impact: A significant impact would occur if the VMT rate for the project would exceed 15% below the applicable baseline VMT. 2) Cumulative Project Effect: A significant impact would occur if the project increased total VMT in the study area compared to baseline conditions.
Transportation Project	A significant impact would occur if the project caused a net increase in total regional VMT compared to baseline conditions, opening year no project conditions, or cumulative no project conditions.
All land use and transportation projects	A significant impact would occur if the project were inconsistent with the RTP/SCS.