

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

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, September 27, 2023 – 7:00 PM

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 review at City Hall in the Development Services Department or on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the Planning Commission at the same meeting.

Agenda-related documents provided to a majority of the Planning Commission after distribution of the Planning Commission agenda packet (GC §54957.5) will be made available for public inspection at the meeting. Such documents will also be available at the Development Services office, 3191 Katella Ave., Los Alamitos, CA 90720.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the Department Secretary. If you need special assistance to participate in this meeting, please contact the Department Secretary at (562) 431-3538, ext. 220. Notification at least 42 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling the Development Services Office least 42 hours in advance

If you are unable to attend this meeting in person, you may submit comments on any agenda item or on any item not on the agenda by email to gmartinez@cityoflosalamitos.org with the subject line "PLANNING COMMISSION PUBLIC COMMENT". Comments received by 3:00 p.m. the day of the meeting 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.

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 500, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Chair Loe
Vice Chair Cuilty
Commissioner Andrade
Commissioner DeBolt
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. Approve the Minutes of the Regular Meeting of August 23, 2023

6. PUBLIC HEARING

A. Site Development Permit (SDP) 23-01 - Continuance to a future meeting for a Three-Story, Four Unit, Multiple-Family Residential Project

Consideration to continue a Site Development Permit application to construct a 4,664 square foot, three-story, four unit, residential project on a vacant parcel at 10912 Walnut Street (Siraj Aboulhosn) to next month's Planning Commission meeting.

Recommendation:

1. Open the Public Hearing; and,
2. Receive Public comments; and,
3. Continue the item to the October 25, 2023 Planning Commission meeting.

7. DISCUSSION

A. Noise Standard Exemptions and Definitions of Maintenance and Construction

The Planning Commission is presented with proposed language intended to clarify and better define existing exemptions from the City's noise standards for noise from construction and property maintenance activities.

Recommendation:

City staff recommends that the Planning Commission discuss the proposed revisions to Los Alamitos Municipal Code (LAMC) noise standard exemptions relating to noise associated with construction and property maintenance activities. Then, if appropriate, direct Staff to draft a Resolution and draft an Ordinance incorporating language approved by the Planning Commission and set the item for a future public hearing.

B. Electric Vehicle Charging Stations (EVCS)

A discussion concerning development standards for Electric Vehicle Charging Stations (EVCS).

Recommendation:

A Planning Commission discussion concerning the question of whether to revise the Los Alamitos Municipal Code concerning development standards for Electric Vehicle Charging Stations.

C. Community Development Block Grant (CDBG) - Fiscal Year 2024-25

Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use for fiscal year 2024-25.

Recommendation:

Conduct a community meeting and take testimony as necessary.

8. STAFF REPORT

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

10. COMMISSIONER REPORTS

11. 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.



Gabriela Martinez
Department Secretary

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

REGULAR MEETING – August 23, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:02 p.m., Wednesday, August 23, 2023, in the Council Chamber located at 3191 Katella Avenue, Los Alamitos, CA 90720, Chair Loe presiding.

2. ROLL CALL

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

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

3. PLEDGE OF ALLEGIANCE

Vice Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Chair Loe opened oral communication.

Chair Loe closed oral communication.

5. CONSENT CALENDAR

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

Motion/Second:

Carried 5/0 (Grose/Cuiilty) Sofelkanik absent, Andrade abstained: The Planning Commission approved the Regular Meeting minutes of July 19, 2023.

6. Public Hearing

**A. Zoning Ordinance Amendment (ZOA) 23-02 – Continued Discussion of
the Permitting of Short-Term Rentals**

Commissioner Loe opened the public hearing.

Associate Planner Oliver shared the results of the Short-Term Rental (STR) Survey that was issued out to the community. Such results consisted of the following:

- Received a total of 451 responses from the survey that ran from May 24th – July 29th.
- Responses were spread throughout most neighborhoods.
- 80% of respondents were against STR's.
- The community left comments sharing their feelings and views of possible STR's and many of which were not in favor of STR's.
- Briefly described the availability of the survey via the City's social media platforms, weekly e-newsletter, City website, the delivery of door hangers, and a press release.

Commissioner Grose inquired about where the most responses were received from. Commissioner Cuijty stated Apartment Row.

Chair Loe asked if all the neighborhoods are of equal size in population. Associate Planner Oliver advised that they are not alike to one another. Additionally stating that smaller neighborhoods received the least responses, while the larger neighborhoods received the most.

Commissioner DeBolt complemented staff for being able to get the word out to the community.

Commissioner Cuijty stated that this survey was of great interest to the community.

Commissioner Loe and fellow Commissioners shared their praise and gratitude toward staff for their efforts in getting the survey out to the community and following it all the way through to presenting the information to them.

Commissioner Grose shared her thoughts on how unique the survey is and how it was able to reach everyone in the community at such a fast rate.

Chair Loe opened the public hearing.

Chair Loe closed the public hearing.

Commissioner Grose shared her findings from surveying residents on their thoughts of Airbnb's next door to their home, where all were against it due to the following:

- Hosted parties
- Concern over the type of people who would be renting.

- The probability of poor property maintenance with financial gain serving as the main interest.
- The unknown of how long each rental term will be.

Commissioner Grose stated she was surprised that the individual who brought the request for STR's forward to the Commission is not present at the meeting.

Commissioner Zellmer stated it was interesting that many individuals who responded to the survey are against having STR's.

City Attorney Daudt clarified the proposed staff recommendations to the Commission.

Motion/Second:

Carried 6/0 (Zellmer/DeBolt) Sofelkanik absent: The Planning Commission will discontinue consideration of Short-Term Rentals within city limits.

B. Site Development Permit (SDP) 23-01 – Continuance to a future meeting for a Three- Story, Four Unit, Multiple-Family Residential Project

Commissioner Grose recused herself due to conflict of living within 500 feet of the project.

Associate Planner Oliver summarized the staff report and asked the Commission to continue the discussion to the September 27th Planning Commission Meeting.

Chair Loe asked and received clarification from Associate Planner Oliver as to whether this project would still need to be noticed for the next meeting even if it were cancelled. Associate Planner Oliver advised that the project does not have to be noticed for a cancelled meeting but is to be noticed for the next held meeting.

Chair Loe opened the public hearing.

Chair Loe closed the public hearing.

Commissioner DeBolt inquired about whether this project will incorporate an Accessory Dwelling Unit (ADU). Associate Planner Oliver clarified that this project proposes a build in anticipation of an ADU. Additionally stating that consideration of this project will have to be based on the proposed four-units only.

Motion/Second:

Carried 5/0 (DeBolt/Andrade) Grose recused: Continue discussion to the September 27th Planning Commission meeting for a Three-Story, Four Unit, Multiple-Family Residential Project.

Commissioner Grose rejoined the dais.

7. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Manager Montenegro Jr. discussed the following:

- Discussion item pertaining to noise and construction will be brought back to the September meeting. Staff continues to work on compiling data to present the Planning Commission.
- Commissioner polos will likely be available for distribution at the September meeting.
- The Air Land Use Commission (ALUC) [City Council agenda item] was not passed at the August City Council Meeting.

Commissioner Zellmer asked for clarification on what ALUC is.

City Attorney Daudt stated that ALUC has not been agendized for a discussion therefore it could not be spoken on. He recommended reading the City Council staff report to get further familiarized with the topic.

Development Services Manager Montenegro Jr. further discussed the following:

- Celebrate Los Al and Pine strEAT's event will be held on September 16th and encouraged the Planning Commission to attend.
- The anticipated use of DocuSign is slated for implementation by the September meeting.
- Interior maintenance work occurring at the museum and the anticipated reopening date in October.

10. COMMISSIONER REPORTS

Commissioner Grose inquired about any potential plans of re-evaluation of the Transient Occupancy Tax (TOT) by City Council. Associate Planner Oliver stated that it would have to be part of the fee study and can be discussed by the City Council at that time.

Commissioner Grose inquired on the following concerning electric vehicle charging stations:

- The aesthetics of the charging station.
- The location at which the charging stations are placed throughout the City.
- Bringing back this topic for a future discussion.

Development Services Manager Montenegro Jr. stated the following regarding electric vehicle charging stations:

- They are becoming more prominent throughout other many communities.
- City staff can look further into the codes of other cities for cross reference.
- There may be some areas where the City can have decisions over.
- Private property makes the City limited to input and suggestions unless impeding on traffic laws or public walkways.

Commissioner Grose inquired about the possibility to agendize this item for a future Planning Commission discussion.

Associate Planner Oliver advised that state [regulations] provide the City with a limited amount of say in the installation of charging stations. Additionally, he stated that staff will conduct research and will present the information back to the Planning Commission.

Commissioner Grose expressed concern over not having the opportunity to review and provide feedback prior to the installation of stations.

Commissioner Cuijty asked and received clarification from Associate Planner Oliver about the charging stations at Chase Bank, and whether those were subject to review. Associate Planner Oliver clarified that they did not have to go through the Planning Division but did have to go through the Building and Safety Division to make sure they were safe to the public.

City Attorney Daudt expressed that he has not looked into this issue, as it has to do more with the state building standards codes, however, advised that he would look into it alongside staff, and would present the findings at a later meeting.

Commissioner DeBolt asked whether new construction has provisions which require charging stations. Associate Planner Oliver stated that he has not researched this item due to it being a Building and Safety concern. Additionally stating that Chase Bank volunteered to have charging stations due to staff having electric vehicles.

Commissioner Andrade briefly discussed charging capacities for electric vehicles.

Commissioner Zellmer briefly discussed building standards as they relate to electrical panels.

City Attorney Daudt stopped the discussion from going any further without agendizing the item.

Motion/Second:

Carried 6/0 (Grose/DeBolt) Sofelkanik absent: Agendize the discussion of electric vehicle charging stations on private and public properties.

Commissioner Grose touched on the Serve Los Al event stating that the sign-up for volunteering opportunities is available on the City website.

Commissioner Andrade shared that the grand opening for the gas station on Katella Avenue and Siboney Steet went well and had a great turn out.

Commissioner Grose thanked staff and the Planning Commission for their hard work with all that went into the remodel and plans for the gas station remodel.

Commissioner DeBolt shared that he has trouble accessing the agenda through the link that is sent by staff.

Commissioner Cuiilty and Chair Loe added that the agenda [webpage] format is challenging.

Commissioner DeBolt is requesting hard copies or a tablet to view the agenda packet.

Commissioner Andrade stated that there is an option for a hard copy to be delivered to each commissioner if wanted.

Development Services Manager Montenegro Jr. advised that staff is working on incorporating the use of tablets that will be used during Commission meetings. Until the technical difficulties are resolved, staff can deliver a hard copy of the agenda packet for each meeting.

Development Services Manager Montenegro Jr. stated that an email will be sent out following the publishing of the agenda and the commissioners can then state if they would like it delivered or picked up.

Commissioner Cuiilty asked and received clarification from City Attorney Daudt as to whether communication can only occur through City issued emails. City Attorney Daudt advised that this is a question for the City Clerk's Office and/or IT Department.

Development Services Manager Montenegro Jr. touched on the emails being sent to city emails which might contain some confidential information, which could be more secure to send via the city email.

Associate Planner Oliver shared that if using a personal email, it makes the email service open to a records request and possibly having personal conversations read at City Council meetings.

City Attorney Daudt provided clarification on discussing any type of City information or City business, even on personal emails or phones, it is subject to public record.

Chair Loe inquired about the start time for the Commission meetings starting at 7pm. The Planning Commission shared their thoughts as to why the 7pm start time works for them.

11. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:38 p.m. to August 23, 2023.

ATTEST:

Gary Loe, Chair

Gabriela Martinez, Department Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 27, 2023

ITEM NUMBER: 6A

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Site Development Permit (SDP) 23-01 - Continuance to a future meeting for a Three-Story, Four Unit, Multiple-Family Residential Project

SUMMARY

Consideration to continue a Site Development Permit application to construct a 4,664 square foot, three-story, four unit, residential project on a vacant parcel at 10912 Walnut Street (Siraj Aboulhosn) to next month's Planning Commission meeting.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Receive Public comments; and,
3. Continue the item to the October 25, 2023 Planning Commission meeting.

BACKGROUND

Applicant: Siraj Aboulhosn

Project Location: 10912 Walnut St., Los Alamitos, CA 90720

Notice: The Public Notice of this meeting was mailed out on September 13, 2023, to property owners and tenants within 500 feet. Additionally, the Public Notice was published in the Event News Enterprise on Wednesday, September 13, 2023.

Mr. Aboulhosn has submitted a Site Development Permit application proposing a project consisting of a three-story, four-unit residential unit on a property with no existing units. This possible four-unit project will be built with the expectation of building an Accessory Dwelling Unit (ADU), above a separate garage, concurrently. As a reminder, the ADU will be considered separately without Planning Commission consideration. The four units in the main building will consist of two bedrooms and two baths per unit. This agenda item was continued to this meeting from the August 23, 2023 meeting by the Planning Commission to provide the Applicant with time to redesign the project plans to better fit the Zoning Code.

DISCUSSION

This item will need to be continued once again by the Planning Commission to the October 25, 2023 meeting to provide the Applicant additional time to continue to make changes to the entitlement plans for the project.

FISCAL IMPACT

None.

Attachment: None

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 27, 2023

ITEM NUMBER: 7A

To: Chair Loe & Members of the Planning Commission

Presented By: Irving Montenegro Jr., Manager

Subject: Noise Standard Exemptions and Definitions of Maintenance and Construction

SUMMARY

The Planning Commission is presented with proposed language intended to clarify and better define existing exemptions from the City's noise standards for noise from construction and property maintenance activities.

RECOMMENDATION

City staff recommends that the Planning Commission discuss the proposed revisions to Los Alamitos Municipal Code (LAMC) noise standard exemptions relating to noise associated with construction and property maintenance activities. Then, if appropriate, direct Staff to draft a Resolution and draft an Ordinance incorporating language approved by the Planning Commission and set the item for a future public hearing.

BACKGROUND

On July 26, 2023, the Planning Commission reviewed and discussed the noise standard exemptions for noise associated with construction and property maintenance activities set forth in paragraphs (D) and (E) of LAMC section 17.20.020, which read:

17.20.020 Exemptions

The following activities shall be exempt from the provisions of this chapter:

D. Noise sources associated with construction, repair, remodeling, or grading of any real property, provided a permit has been obtained from the City, and further provided the activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and on Saturdays, or at any time on Sundays or Federal holidays;

E. Noise sources associated with the maintenance of real property, provided the activities take place between the hours of 8:00 a.m. and 8:00 p.m. on weekdays and on Saturdays, or between the hours of 9:00 a.m. and 6:00 p.m. on Sunday or a Federal holiday;

DISCUSSION

The Planning Commission determined that the distinction between “construction” in paragraph (D) and “maintenance” in paragraph (E) of LAMC section 17.20.020 is unclear. Resolving this ambiguity would help residents understand the noise standard exemptions and assist City Code Enforcement.

City staff researched the municipal codes of surrounding communities to determine if other cities have clearly differentiated between construction and maintenance activities in their respective noise ordinances. The noise standard exemptions codified by these cities resemble if not mirror the LAMC section 17.20.020 exemptions (e.g., Seal Beach, Cypress, Stanton, and La Palma among others). Except for La Palma, which includes “mechanical sweeping, mechanical grass cutting, mechanical blowing” in its list of maintenance activities, the surrounding communities do not expressly define construction or maintenance activities for purposes of exemption from noise standards.

Following its research of other municipal codes, City Staff prepared language intended to address the Planning Commission’s concerns. New paragraph (F) would add definitions to help differentiate between “construction” in paragraph (D) and “maintenance” in paragraph (E) of LAMC section 17.20.020. City staff also removed the reference to permits being obtained in paragraph (D) per the Planning Commission’s prior direction.

Additionally, City staff proposes to reword the hourly restriction periods for consistency between paragraph (D) and (E). Whereas existing paragraph (D) includes hours that activities may not take place between (i.e., nighttime hours prohibited), existing paragraph (E) includes hours that activities may take place between (i.e., daytime hours allowed). The proposed modifications would make the phrasing between these paragraphs consistent (i.e., refer to nighttime hours only).

The proposed language is provided below:

17.20.020 Exemptions

The following activities shall be exempt from the provisions of this chapter:

D. Noise sources associated with construction activities, provided the activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and on Saturdays, or at any time on Sundays or Federal holidays;

E. Noise sources associated with the maintenance of real property, provided the activities do not take place between the hours of 8:00 p.m. and 8:00 a.m. on weekdays and on Saturdays, or between the hours of 6:00 p.m. and 9:00 a.m. on Sundays or Federal holidays;

F. For the purposes of this section, the following definitions shall apply:

1. The term “construction activities” means the building or enlargement of any structure, demolition, excavation, modification, alteration, substantial repair, remodeling, or grading of any real property.

2. The term “maintenance of real property” means the routine, recurring, and usual work for the preservation or protection of real property and improvements, including lawn mowing, tree trimming, pruning, painting, power washing, gutter cleaning, or similar undertakings that do not constitute construction activities.

A track changes version showing deletions in ~~striketrough~~, and new text in underline is included as an attachment to this report.

FISCAL IMPACT

None.

Attachment: 1. Noise Standard Exemptions_Track Changes

LAMC Chapter 17.20 Noise

17.20.020 Exemptions

The following activities shall be exempt from the provisions of this chapter.

D. Noise sources associated with construction ~~activities, repair, remodeling, or grading of any real property, provided a permit has been obtained from the City, and further provided the activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and on Saturdays, or at any time on Sundays or Federal holidays;~~

E. Noise sources associated with the maintenance of real property, provided the activities do not take place between the hours of 8:00 ~~p~~a.m. and 8:00 ~~a~~p.m. on weekdays and on Saturdays, or between the hours of ~~6~~9:00 ~~p~~a.m. and ~~9~~6:00 ~~a~~p.m. on Sundays or a Federal holidays;

F. For the purposes of this section, the following definitions shall apply:

1. The term “construction activities” means the building or enlargement of any structure, demolition, excavation, modification, alteration, substantial repair, remodeling, or grading of any real property.

2. The term “maintenance of real property” means the routine, recurring, and usual work for the preservation or protection of real property and improvements including lawn mowing, tree trimming, pruning, painting, power washing, gutter cleaning, or similar undertakings that do not constitute construction activities.

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 27, 2023

ITEM NUMBER: 7B

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Electric Vehicle Charging Stations (EVCS)

SUMMARY

A discussion concerning development standards for Electric Vehicle Charging Stations (EVCS).

RECOMMENDATION

A Planning Commission discussion concerning the question of whether to revise the Los Alamitos Municipal Code concerning development standards for Electric Vehicle Charging Stations.

BACKGROUND

A charging station, commonly referred to as Electric Vehicle Charging Station (EVCS), is a power supply location that supplies electrical power for recharging plug-in electric vehicles, including battery electric vehicles, electric trucks, electric buses, neighborhood electric vehicles, and plug-in hybrid vehicles. The state of California is committed to establishing policies and programs that reduce greenhouse gases, protect air and water quality, promote energy diversity, and support low-carbon alternative fuel technologies. Electric vehicles play an important role in California's efforts to achieve its climate and air quality goals.

During the Commissioners' comments at the August 23, 2023 Planning Commission meeting, Commissioner Grose spoke about the possibility of instituting development standards for electric vehicle charging stations (EVCS). The Planning Commission directed staff to bring this item to a future meeting for discussion.

DISCUSSION

A Planning Commission discussion concerning development standards for Electric Vehicle Charging Stations.

Applicant

City Initiated

Location

Citywide

Environmental

No determination is required for the current discussion.

Approval Criteria

If changes to the code are recommended by the Planning Commission, they should direct the staff to draft a resolution. The resolution will indicate whether to forward a written recommendation to the Council of approval, or approve in modified form, an amendment based on the findings contained in Section 17.58.060 (Findings and Decision) of the Los Alamitos Municipal Code (LAMC). The recommendations of the Planning Commission on a proposed amendment shall be adopted by a majority of the total voting members of the Planning Commission (LAMC § 17.58.040).

California state law restricts the City's ability to regulate electrical vehicle charging stations ("EVCS"). In 2015, the California Legislature enacted AB 1236, codified in Government Code §65850.7 (the "EVCS Permit Streamlining Act" or "Act"). Consistent with the State's policy to promote and encourage the use of EVCS and limit obstacles to its use, the intent of the Act is to prohibit local agencies from adopting ordinances that create unreasonable barriers to the installation of zero-emission vehicle infrastructure. The state's EVCS Permit Streamlining Fact Sheet is attached for reference.

EVCS Permitting

The Act requires a local agency to administratively approve an application to install an EVCS through the issuance of a building permit or similar *nondiscretionary* permit and requires the review of an application to install an EVCS to be limited to the Building Official's review of whether it meets all health and safety requirements of local, state, and federal law. Local permitting requirements must be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact on public health or safety.

Parking Standards

Existing uses are not required to install EVCS. However, if an EVCS and any associated equipment are installed and interfere with, reduce, eliminate, or in any way impact the required parking spaces for the existing uses, the City must reduce the number of required parking spaces by the amount necessary to accommodate the EVCS. (Gov't Code §65850.71).

As shown in the table below, the California Green Building Standards Code requires new non-residential developments to provide a certain percentage of EVCS capable parking

spaces and EVCS capable parking spaces with electric vehicle supply equipment (“EVSE”). A parking space served by EVSE or a parking space designated as an EVCS capable parking space shall count as at least one standard automobile parking space for the purpose of complying with the minimum parking space requirements established by the City. (Cal. Vehicle Code §22511.2(a)).

TABLE 5.106.5.3.1

TOTAL NUMBER OF ACTUAL PARKING SPACES	NUMBER OF REQUIRED EV CAPABLE SPACES	NUMBER OF EVCS (EV CAPABLE SPACES PROVIDED WITH EVSE)²
0–9	0	0
10–25	4	0
26–50	8	2
51–75	13	3
76–100	17	4
101–150	25	6
151–200	35	9
201 and over	20 percent of total ¹	25 percent of EV capable spaces ¹

In addition, the California Green Building Standards Code requires multifamily dwellings, hotels, or motels, to provide 10% of the total amount of required parking spaces for EVCS, and 25% of the total amount of those spaces must be equipped with low power Level 2 EV charging receptacles. (§4.106.4.2). Further, multifamily dwellings, hotels, or motels with more than 20 units, must have 5% of the total amount of required parking spaces equipped with Level 2 EV supply equipment. (§4.106.4.2.2(3)).

Local Ordinance

The Act requires local agencies to adopt an ordinance, consistent with the goals and intent of the Act, that creates an expedited, streamlined permitting process for EVCS. The City’s EVCS ordinance is codified in Chapter 15.14 (Permit Process for Electric Vehicle Charging Stations) of Title 15 (Buildings and Construction) of the Los Alamitos Municipal Code. The City’s ordinance meets the requirements of the Act and is consistent with similar ordinances enacted by surrounding communities.

Planning and Land Use

The Act limits the City’s oversight of EVCS. Approval of an EVCS permit must be

nondiscretionary and only public health or safety concerns may be evaluated by the Building Official. Subjective concerns like aesthetics, location and compatibility with surrounding uses may not be taken into consideration. Any attempt to do so could be challenged as an unreasonable barrier to the installation of EVCS prohibited by the Act. For this reason, staff does not recommend amending the Los Alamitos Municipal Code to introduce subjective or discretionary EVCS development standards.

FISCAL IMPACT

None.

Attachment: 1. EV-Charger-Permit-Streamlining-AB-1236-Fact-Sheet-Version-1

Electric Vehicle Charging Station Permit Streamlining Fact Sheet



AB 1236 (Chiu, 2015) and AB 970 (McCarty, 2021) Requirements for Cities and Counties

EVCS Permit Streamlining Overview

AB 1236 (Chiu, 2015), codified in Government Code [Section 65850.7](#), requires all California cities and counties to develop an expedited, streamlined permitting process for electric vehicle charging stations (EVCS). The law was developed to further the availability of charging infrastructure to help drive the deployment of zero emission vehicles—the faster charging stations are deployed, the sooner California's air quality improves, greenhouse gas emissions are reduced, and local economic benefits are captured.

Pursuant to AB 1236, cities and counties must adopt a streamlining ordinance and checklist. Current city and county streamlining status is reflected on the [EVCS Streamlining Map](#) and jurisdictions are graded based on the [Permitting Electric Vehicle Charging Stations Scorecard](#), which includes the streamlining requirements of AB 1236 and reiterated below.

Scoring Criteria:

1. Streamlining Ordinance for Expedited EVCS Permit Process
2. Permitting Checklists Online for L2 & DCFC
3. Administrative Approval of EVCS
4. Approval Limited to Health & Safety Review
5. Electronic Signatures Accepted
6. EVCS Not Subject to Association Approval
7. One Complete Deficiency Notice if Application is Incomplete

AB 970 (McCarty, 2021), codified in Government Code [Section 65850.71](#), builds on California's existing permit streamlining law, AB 1236. Jurisdictions are required by AB 1236 to **limit EVCS project review to health and safety requirements**. AB 970 adds specific binding timelines to that review period based on the size of the project and clarifies parking requirements (see below).

To meet the AB 970 timelines and requirements of AB 1236, the city or county should provide one complete set of comments detailing all application deficiencies, which the applicant should address in a streamlined and complete manner through modifications to the existing application.

To avoid the need for corrections, project applicants should communicate with local permitting jurisdictions to ensure application compliance with building, electrical, accessibility, and any health and safety requirements.

Permit Streamlining Law Applicability

AB 1236 and AB 970 apply to all charging station installations, including: Level 1, Level 2, and DC Fast Charging; public and private charging stations; light-, medium-, and heavy-duty electric vehicle charging stations; and stations that are installed as the accessory or primary use of a site. AB 1236 and AB 970 likewise apply to essential components and infrastructure necessary for charging station function.

All cities and counties, including charter cities, in California are required to comply with AB 1236 and AB 970. AB 970 shall become operative on January 1, 2022 for every city, county, or city and county with a population of more than 200,000 residents. This section shall apply beginning on January 1, 2023 for every city, county, or city and county with fewer than 200,000 residents.

EVCS Permit Application Timelines

1-25 station project at a single site: An EVCS application will be deemed complete if after **5 business days** the city or county has not either (1) found the application to be complete or (2) issued a written deficiency notice (a) detailing all changes needed to make the application consistent with the city or county EVCS permitting checklist or (b) identifying specific information necessary for the Building Official to conduct a limited review of whether the project meets all health and safety requirements. If the city or county has not yet created its checklist, the deficiency notice will be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law per AB 1236.

If not already approved or denied pursuant to the requirements of AB 1236 (Section 65850.7(b) or (c), respectively), the application will be deemed approved **20 business days** after it was deemed complete if (1) the city or county has not made a finding, based on substantial evidence, that the EVCS could have a specific adverse impact upon the public health or safety; (2) the city or county has not required the applicant to apply for a use permit as specified in Section 65850.7(b); and (3) an appeal has not been made to the planning commission pursuant to Section 65850.7(d).

26 or more stations at a single site: The process described above is the same for applications including 26 or more EVCS at a site, except: an EVCS application will be deemed complete after **10 business days** and will be deemed approved **40 business days** after deemed complete.

Electric Vehicle Charging Station Permit Streamlining Fact Sheet



Parking Requirements

AB 970 clarifies that cities and counties shall reduce the number of required parking spaces by the amount necessary to accommodate the EVCS if the EVCS and associated equipment interferes with, reduces, eliminates, or in any way impacts the required parking spaces for existing uses.

Connecting to the Grid & Operation

Utility approval to begin the grid connection process is a separate and distinct approval process from the city and county EVCS permitting process. Project applicants should involve their local utility early in the planning process to understand the timeline for interconnection and delineation of responsibilities, which vary by utility territory.

Before a station can be used, it must pass final inspection(s) by the local permitting jurisdiction and utility. The local jurisdiction and utility processes should be coordinated to mitigate delays, reduce inspections, and expedite site energization and commissioning.

EVCS Permitting Resources

For resources on how to become a streamlined jurisdiction, refer to [Permitting Electric Vehicle Charging Stations: Best Practices](#). The [Electric Vehicle Charging Station Permitting Guidebook](#) covers planning and site selection, permitting, accessibility, grid interconnection, and construction, commissioning and operation procedures, and best practices. The Guidebook will be updated to include the provisions of AB 970 in 2022.

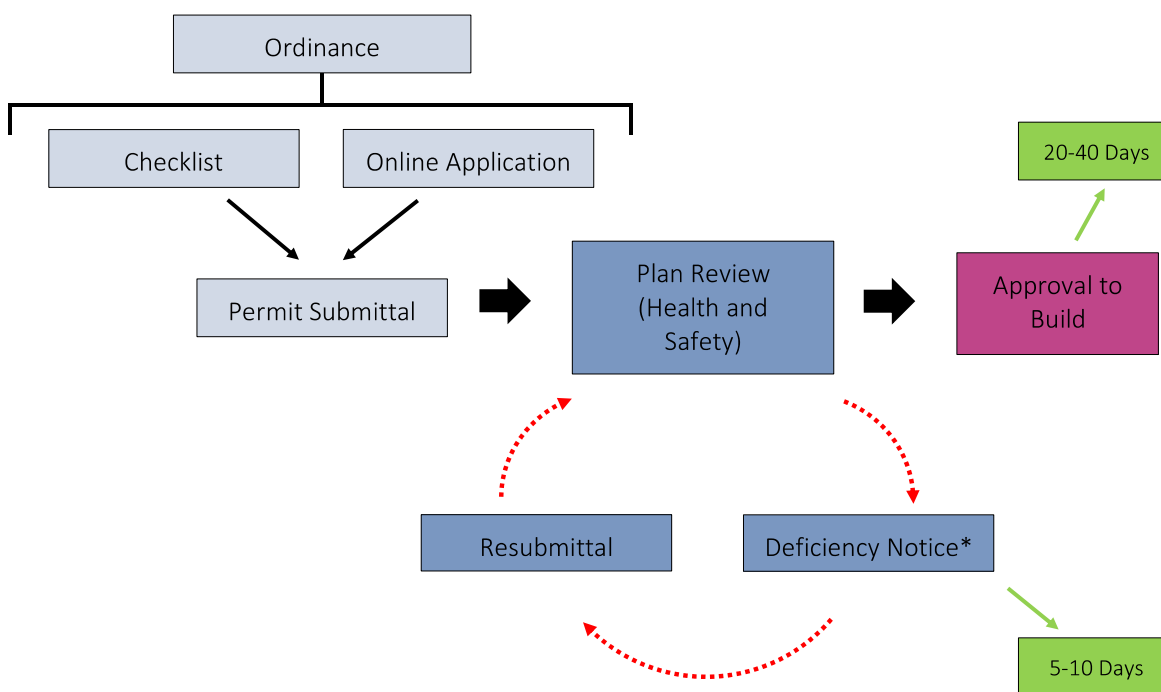
Related Relevant Laws

AB 1100 (Kamlager-Dove, 2019), codified in Vehicle Code [Section 22511.2](#): charging spaces count as at least one standard parking space for complying with minimum parking requirements. Accessible charging spaces with an access aisle count as at least two standard parking spaces.

Civil Code [Section 4745](#): limits a homeowner association's ability to prohibit or restrict the installation of an EVCS by a member.

Civil Code [Section 1947.6](#) (residential) and Civil Code [Section 1952.7](#) (commercial): tenants have the right to install EVCS and landlords must grant permission under specified circumstances.

EVCS Permit Process and Timeline



* The deficiency notice should include one complete set of comments.

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: September 27, 2023

ITEM NUMBER: 7C

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Community Development Block Grant (CDBG) - Fiscal Year 2024-25

SUMMARY

Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use for fiscal year 2024-25.

RECOMMENDATION

Conduct a community meeting and take testimony as necessary.

BACKGROUND

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 the United States Department of Housing and Urban Development (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 to have 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 Development Services Department seeks input from a wide variety of 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. The meeting is also held to obtain comments from citizens on the use of funds prior to submitting an application. Also, 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. This meeting 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 low income areas, such as Apartment Row or Old Town West.

During the current Fiscal Year 2023-2024, CDBG funds will be used for the renovation to create an all-inclusive ADA compliant Labourdette Park. In 2022-2023, CDBG funds will be used for the renovation to create an all-inclusive ADA compliant Sterns Park. Below is a list of project ideas from City staff that could be applied to this year, or in the future:

Project	Approximate Cost
<u>Street Repair:</u>	Street Repair - \$350,000
- Maple Street from Green Avenue to Farquhar Avenue	
- Howard Avenue from Maple Street to Reagan Street	
- Howard Avenue from Maple Street to Bloomfield Street.	To include a 10% City match

FISCAL IMPACT

None.

Attachment: None