

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

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, January 24, 2024 – 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 by the Department Secretary. If you need special assistance to participate in this meeting, please contact the Department Secretary Gabriela Martinez at (562) 431-3538, ext. 110. 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 at 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 DeBolt
Commissioner Grose
Commissioner Zellmer
Commissioner Hastie
Commissioner Legere

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. PLANNING COMMISSION REORGANIZATION

A. Annual Planning Commission Reorganization

This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

Recommendation:

It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

6. 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 Special Meeting of December 5, 2024

Recommendation:

B. Acceptance of Street Dedication along Katella Avenue at 3131 Katella Avenue for Street Purposes as part of the Orange County Transportation Authority (OCTA) Interchange Improvement Project at Interstate 605 (I-605) (Development Services)

Consideration of a recommendation to the City Council to approve the recordation of a 4,011 S.F. Dedication to be transferred to the City of Los Alamitos which is needed for the widening of Katella Avenue for construction of a new sidewalk, from Fine US Long Beach LLC, a Delaware limited liability company's property that is identified as Caltrans Parcel No. 202111-1, -2, located at 3131 Katella Avenue, Los Alamitos, CA 90720. The sidewalk is located within the overall project area of the upcoming Orange County Transportation Authority (OCTA) interchange improvement project located at Interstate 605 (I-605) and Katella Avenue.

Recommendation:

Adopt Resolution No. 2024-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING

THAT THE CITY COUNCIL ACCEPT A PORTION OF PARCEL NO. 202111-1 COMPRISING OF 4,011 S.F. OF RIGHT OF WAY FOR STREET PURPOSES TO BE TRANSFERRED TO THE CITY OF LOS ALAMITOS NEEDED FOR WIDENING KATELLA AVENUE AND CONSTRUCTING A NEW SIDEWALK, FROM FINE US LONG BEACH LLC, A DELAWARE LIMITED LIABILITY COMPANY, PROPERTY LOCATED AT 3131 KATELLA AVENUE.

7. PUBLIC HEARING

A. Consideration of a Conditional Use Permit for a Tutoring and Education Center

Consideration of a Conditional Use Permit for the use of a tutoring and education center in four units in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd., Suites 145, 146, 148, & 150, APN 242-171-08 (Applicant: Christina Simonson, FirstSteps for Kids).

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 24-02, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, Approving CONDITIONAL USE PERMIT (CUP) 23-02 TO ALLOW A Tutoring and education center in four units in a structure in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd, Suites 145, 146, 148, & 150 (Applicant: Christina Simonson, FirstSteps for Kids), APN 242-171-08."

8. DISCUSSION

9. STAFF REPORT

10. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

11. COMMISSIONER REPORTS

12. 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.

A handwritten signature in black ink, appearing to read 'Gabriela Martinez', with a long horizontal flourish extending to the right.

Gabriela Martinez
Department Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 24, 2024

ITEM NUMBER: 5A

To: Chair Loe & Members of the Planning Commission

Presented By: Irving Montenegro Jr., Manager

Subject: Annual Planning Commission Reorganization

SUMMARY

This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

RECOMMENDATION

It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

BACKGROUND

The City's Municipal Code requires that the Planning Commission select a Chair and a Vice Chair at their regular meeting in January. The City's Municipal Code reads as follows.

"2.48.050 Officers—Election and vacancy.

A. The officers of the Planning Commission shall consist of a Chairman, a Vice Chairman and a Secretary. The Chairman and Vice Chairman shall be elected annually at the first regular meeting in the month of January, and shall hold office for a term of one year or until a successor is duly elected and qualified. Election shall be by a majority vote cast by those commissioners present and voting at the meeting at which the election is held. Officers shall assume office immediately."

DISCUSSION

After convening the item, the procedure calls for the Chair to temporarily relinquish the Chair to the Secretary in order that an election for the Office of Chair may be conducted. The newly-elected Chair would then conduct the election for the Office of Vice Chair. A second is not required for nominations and nominations will be considered in the order received if more than one Commissioner is nominated.

<u>Members</u>	<u>Appointment</u>	<u>Exp. Date</u>
Art DeBolt	January 2013	December 2024
Gary Loe	January 2010	December 2024

Mary Anne Cuiilty	December 2013	December 2024
Wendy Grose	January 2010	December 2024
Joseph Hastie	December 2023	December 2026
Jean Legere	December 2023	December 2026
Davis Zellmer	February 2022	December 2024

FISCAL IMPACT

None.

Attachment: None

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

SPECIAL MEETING – December 5, 2023

1. CALL TO ORDER

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

2. ROLL CALL

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

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

3. PLEDGE OF ALLEGIANCE

Vice Chair Culty led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Vice Chair Culty opened oral communication.

Vice Chair Culty closed oral communication.

5. CONSENT CALENDAR

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

A. Approve the Minutes of the Regular Meetings of October 25, 2023

Motion/Second:

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

6. PUBLIC HEARING

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

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

Associate Planner Oliver summarized the staff report.

Commissioner DeBolt shared his concerns on the following:

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

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

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

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

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

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

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

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

Vice Chair Cuijty opened public hearing.

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

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

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

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

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

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

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

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

Vice Chair Cuijty closed the public hearing.

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

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

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

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

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

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

Motion/Second:

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

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

Motion/Second:

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

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

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

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

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

Motion/Second:

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

Commissioner Andrade offered an alternative motion stating the following:

Motion/Second:

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

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

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

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

Alternate Motion/Second:

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

Motion/Second:

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

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

Commissioner Grose rejoined the dais.

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

Development Services Manager Montenegro Jr. briefly discussed the following:

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

9. COMMISSIONER REPORTS

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

11. ADJOURNMENT

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

ATTEST:

Gary Loe, Chair

Gabriela Martinez, Department Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 24, 2024

ITEM NUMBER: 6B

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Acceptance of Street Dedication along Katella Avenue at 3131 Katella Avenue for Street Purposes as part of the Orange County Transportation Authority (OCTA) Interchange Improvement Project at Interstate 605 (I-605)

SUMMARY

Consideration of a recommendation to the City Council to approve the recordation of a 4,011 S.F. Dedication to be transferred to the City of Los Alamitos which is needed for the widening of Katella Avenue for construction of a new sidewalk, from Fine US Long Beach LLC, a Delaware limited liability company's property that is identified as Caltrans Parcel No. 202111-1, -2, located at 3131 Katella Avenue, Los Alamitos, CA 90720. The sidewalk is located within the overall project area of the upcoming Orange County Transportation Authority (OCTA) interchange improvement project located at Interstate 605 (I-605) and Katella Avenue.

RECOMMENDATION

Adopt Resolution No. 2024-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT A PORTION OF PARCEL NO. 202111-1 COMPRISING OF 4,011 S.F. OF RIGHT OF WAY FOR STREET PURPOSES TO BE TRANSFERRED TO THE CITY OF LOS ALAMITOS NEEDED FOR WIDENING KATELLA AVENUE AND CONSTRUCTING A NEW SIDEWALK, FROM FINE US LONG BEACH LLC, A DELAWARE LIMITED LIABILITY COMPANY, PROPERTY LOCATED AT 3131 KATELLA AVENUE.

BACKGROUND

The Department of Transportation (Caltrans), in cooperation with Orange County Transportation Authority (OCTA), is proposing improvements to the existing interchange at Interstate 605 (I-605) and Katella Avenue between Coyote Creek Channel (PM R1.1) and Civic Center Drive (PM R1.6), in the city of Los Alamitos, Orange County, California. The dedication is needed for the proposed improvements on Westbound Katella Avenue from Civic Center Drive. Proposed improvements include widening of existing lanes and shoulders to standard widths, reconfiguring ramp termini of the Northbound I-605 entrance and loop exit ramps, transitioning No. 4 lane to a dedicated right-turn lane at the Northbound ramp intersection, and providing standard bike lanes.

DISCUSSION

Recording of the maps to dedicate 4,011 S.F along Katella Avenue for street purposes is a requirement for the facilitation of the interchange improvements proposed by OCTA in cooperation with Caltrans and the City of Los Alamitos. The project will improve circulation and pedestrian and bicycle safety. Caltrans has prepared the dedication maps for the proposed site and has submitted it to the City for approval and recording.

The following is a projected timeline for the project:

Start Construction: November 2024

Construction Complete: May 2026

The City Engineer and City Surveyor have reviewed the submitted street dedication maps and all associated documentation for the subject property.

FISCAL IMPACT

None.

- Attachment:
1. 202111 Grant Deed to City of Los Alamitos
 2. Exhibit A
 3. Exhibit B
 4. 2-24-24 -01 - Reso of Recommendation - 605

RECORDING REQUESTED BY
DEPARTMENT OF TRANSPORTATION

WHEN RECORDED MAIL TO:
STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
1750 E. 4TH STREET, SUITE 100
SANTA ANA, CALIFORNIA 92705
ATTN: EVANGELINA WASHINGTON
R/W TITLES & ESCROW

This office is exempt from filing fees under
Government Code 6103 & 27383. No tax due for
Revenue & Taxation Code 11922.

Written by: KM Checked by: TA, YS EA: 0K870
R/W Map No.: E120162-05, 06 APN: 242-212-09

Space above this line for Recorder's Use

GRANT DEED

District	County	Route	Postmile	Number
12	ORA	605	1.40	202111-1

Fine US Long Beach LLC, a Delaware limited liability company,

hereinafter called GRANTOR, hereby grants to the [City of Los Alamitos](#), hereinafter called [CITY](#), all that real property in the [City of Los Alamitos](#), County of Orange, State of California, described as follows:

See Exhibits "A" and "B", attached.

Number
202111-1

The GRANTOR further understands that the present intention of the [City of Los Alamitos](#) is to construct and maintain a public [street](#) on the lands hereby conveyed and the GRANTOR, for itself and its successors and assigns, hereby waive any and all claims for damages to GRANTOR's remaining property contiguous to the property hereby conveyed by reason of the location, construction, landscaping or maintenance of the [public street](#).

Dated: _____

SeungJoon Lee, Manager

This is to certify that the [City of Los Alamitos](#) accepts for public purposes the real property described in this deed and consents to its recordation.

Dated _____

By _____
[Director of Public Works](#)

By _____
Attorney in Fact

EXHIBIT "A"

LEGAL DESCRIPTION FEE PARCEL

That certain parcel of land situated in the City of Los Alamitos, County of Orange, State of California, being that portion of Lot 6 of Tract No. 945, files in Book 31, Pages 11 and 12 of Miscellaneous Maps in the Office of the County Recorder of said Orange County described as follows:

PARCEL 202111-1

COMMENCING at the centerline intersection of Katella Avenue with Oak Street as shown on said Tract No. 945; thence along said centerline of Katella Avenue North 88°46'43" West 1025.16 feet to the southerly prolongation of that certain line described as having a bearing and distance of "North 01°13'41" East 30.00 feet" in that certain Grant Deed to the State of California, recorded September 6, 1962 in Book 6239, Page 583 of Official Records in the Office of the County Recorder of said Orange County; thence along said southerly prolongation North 01°13'19" East 51.00 feet to a point on the northerly Right-of-Way of Katella Avenue per Grant Deed to City of Los Alamitos recorded January 31, 1969 in Book 8861 Page 997 of Official Records in the Office of the County Recorder of said Orange County and the **TRUE POINT OF BEGINNING**; thence along said northerly Right-of-Way South 88°46'43" East 490.16 feet to the West corner of that land described in a Quitclaim Deed to the City of Los Alamitos recorded November 15, 2002 as Instrument No. 2002001029010 of Official Records in the Office of the County Recorder of said Orange County; thence along the northwesterly line of said Quitclaim Deed to the City of Los Alamitos North 46°14'01" East 25.46 feet to the northerly line of said Quitclaim Deed to the City of Los Alamitos; thence North 01°13'17" East 7.69 feet; thence North 89°20'24" West 10.95 feet; thence South 40°30'56" West 25.89 feet; thence North 88°46'48" West 294.84 feet; thence North 01°13'12" East 0.50 feet; thence North 88°46'48" West 16.70 feet; thence North 82°31'45" West 42.17 feet; thence North 87°20'52" West 17.90 feet; thence South 02°39'08" West 0.50 feet; thence North 87°20'52" West 98.46 feet; thence North 88°46'48" West 37.16 feet to that certain northerly line described as having a bearing and distance of "North 80°00'00" West 152.03 feet" in said Grant Deed to the State of California, thence along said northerly line South 80°00'22" East 26.45 feet to the easterly line of said Grant Deed to the State of California; thence along said easterly line South 01°13'19" West 9.00 to the **TRUE POINT OF BEGINNING**.

Unless otherwise noted, all bearings and distances are in terms of the California Coordinate System of 1983, Zone 6, based on the North American Datum of 1983 Epoch 1991.35 as locally adjusted by the Orange County Surveyor. All distances are grid, divide grid distances by 0.99999204 to obtain ground distances.

CONTAINING: 4,011 S.F. more or less

Exhibit "A"

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

Kevin D. MacDonald

12/6/2023

Kevin D. MacDonald, L.S. 8431

Date

Michael Baker International
5 Hutton Centre Drive, Suite 500
Santa Ana, California 92707



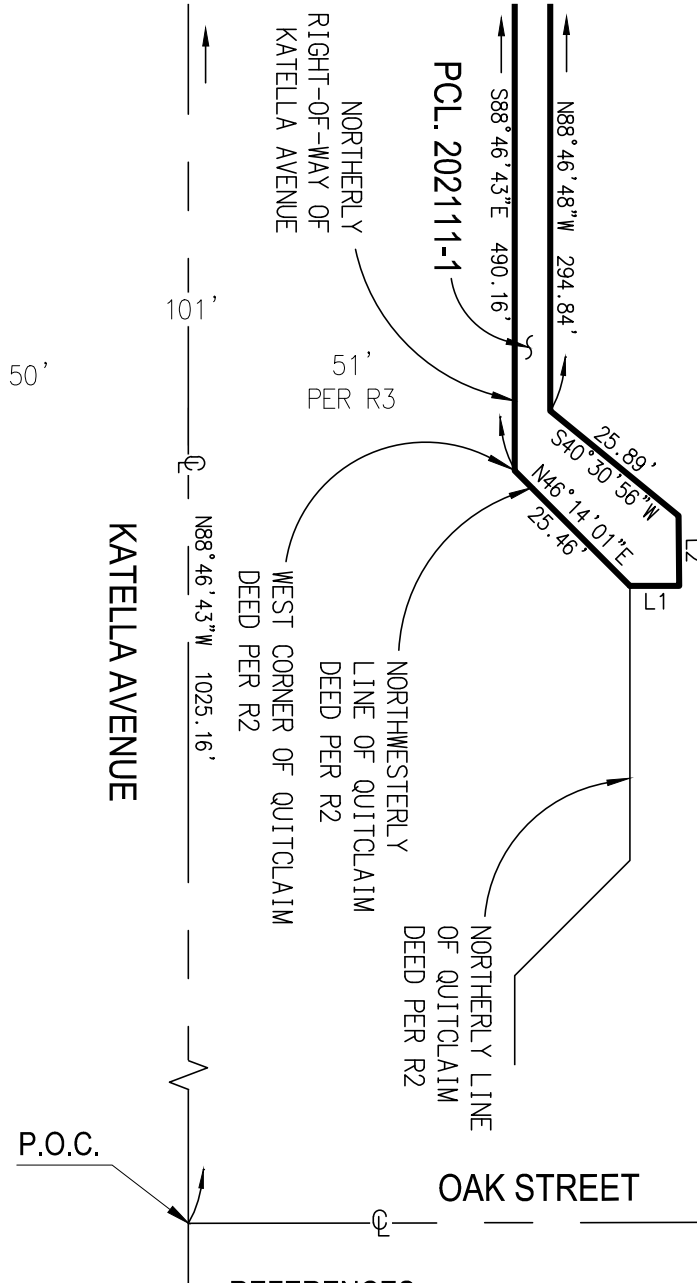
- SEE SHEET 2 -



PORTION OF LOT
6

TRACT NO. 945

M.M. 31/11-12



REFERENCES

- R1 BOOK 6239, PAGE 583, O.R.,
REC. 9/6/1962
- R2 INSTRUMENT NO.
2002001029010, O.R.,
REC. 11/15/2002
- R3 BOOK 8861, PAGE 997, O.R.,
REC. 1/31/1969

LEGEND

ACCESS PROHIBITED

CONTAINING:
PCL. 202111-1: 4,011 S.F.

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

COUNTY OF ORANGE
KATELLA AVENUE
FEE PARCEL 202111-1

LINE TABLE

NO.	BEARING	LENGTH
L1	N01°13'17"E	7.69'
L2	N89°20'24"W	10.95'

SHEET 1 OF 3 SHEETS

Michael Baker

INTERNATIONAL

5 Hutton Centre Drive, Suite 500

Santa Ana, CA 92707

(949) 472-3505 · MBAKERINTL.COM

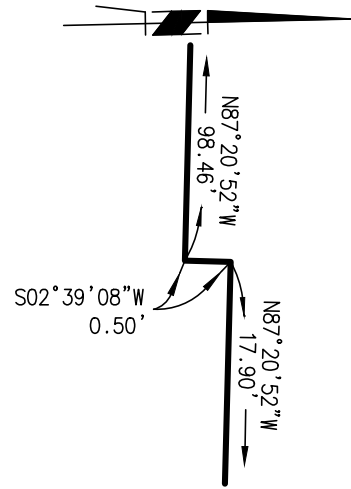
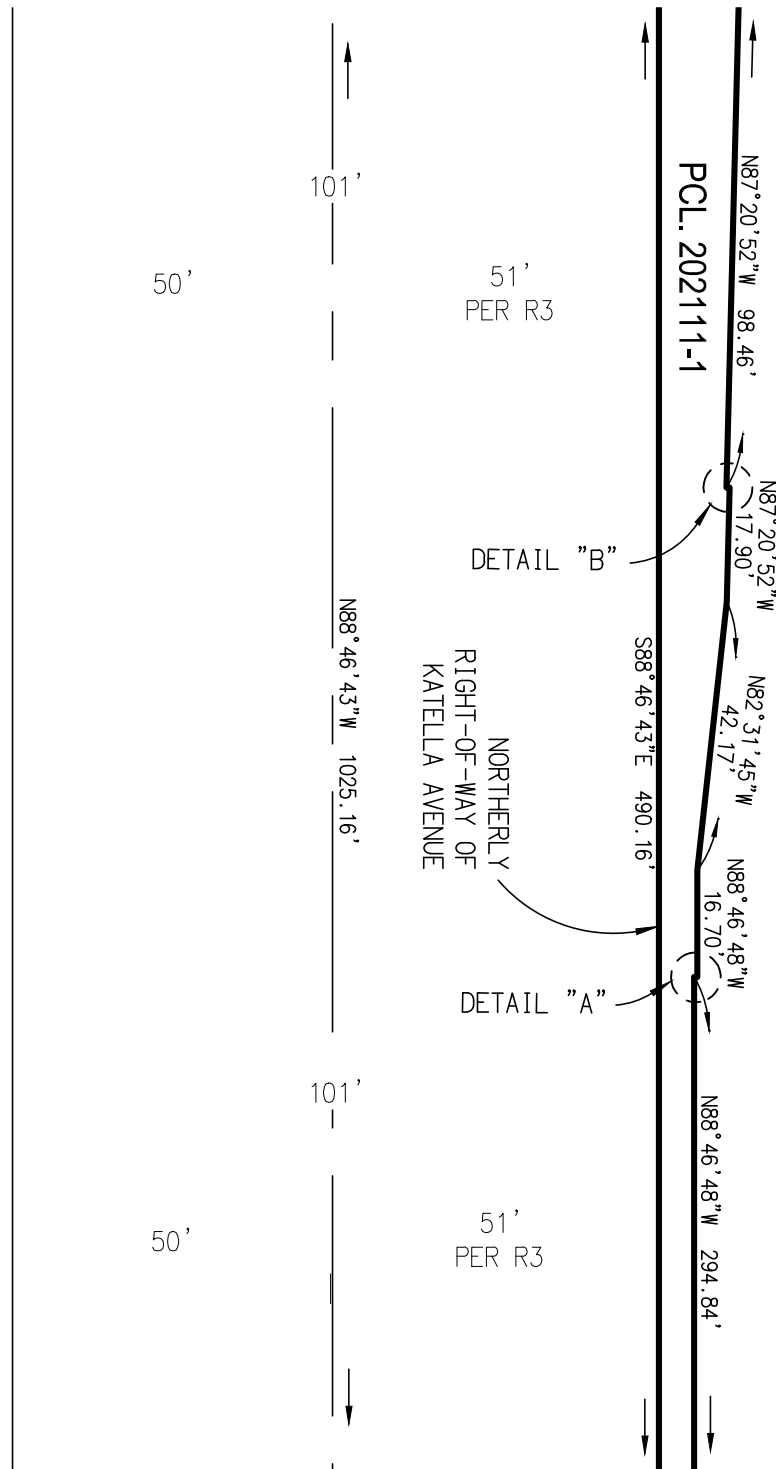
MARCH 8, 2023

182437



SCALE 1"=30'

- SEE SHEET 3 -

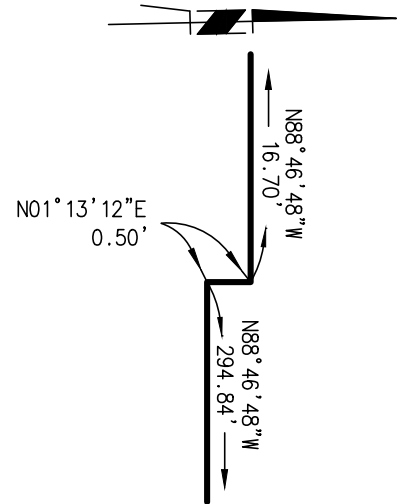


DETAIL "B"
NOT TO SCALE

PORTION OF LOT 6

TRACT NO. 945

M.M. 31/11-12



DETAIL "A"
NOT TO SCALE

- SEE SHEET 1 -

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

COUNTY OF ORANGE
KATELLA AVENUE TEMPORARY
FEE PARCEL 202111-1

REFERENCES

- R1 BOOK 6239, PAGE 583, O.R.,
REC. 9/6/1962
R2 INSTRUMENT NO.
2002001029010, O.R.,
REC. 11/15/2002
R3 BOOK 8861, PAGE 997, O.R.,
REC. 1/31/1969

SHEET 2 OF 3 SHEETS

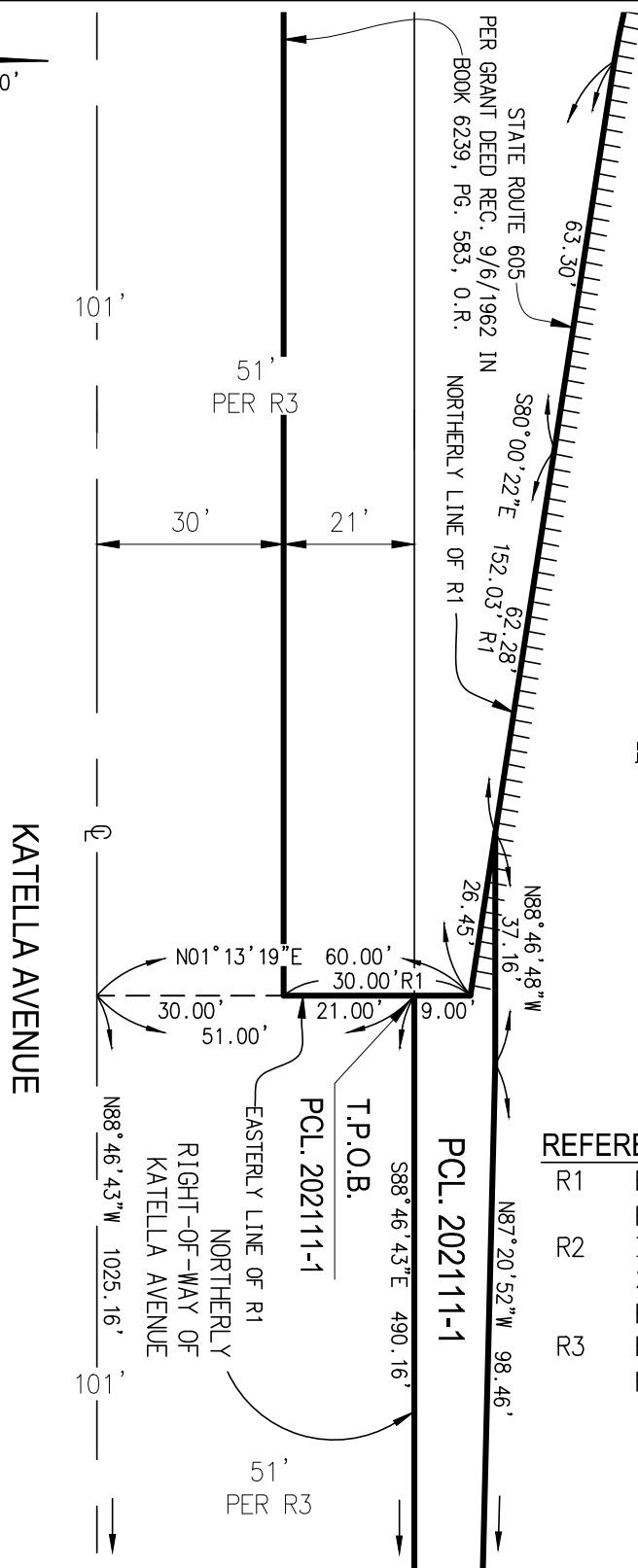
Michael Baker

INTERNATIONAL

5 Hutton Centre Drive, Suite 500
Santa Ana, CA 92707
(949) 472-3505 · MBAKERINTL.COM

MARCH 8, 2023

182437



PORTION OF LOT 6

TRACT NO. 945

M.M. 31/11-12

REFERENCES

- | | |
|----|---|
| R1 | BOOK 6239, PAGE 583, O.R.,
REC. 9/6/1962 |
| R2 | INSTRUMENT NO.
2002001029010, O.R.,
REC. 11/15/2002 |
| R3 | BOOK 8861, PAGE 997, O.R.,
REC. 1/31/1969 |

EXHIBIT "B"

SKETCH TO ACCOMPANY A
LEGAL DESCRIPTION FOR

COUNTY OF ORANGE
KATELLA AVENUE TEMPORARY
FEE PARCEL 202111-1

- SEE SHEET 2 -

SHEET 3 OF 3 SHEETS

Michael Baker

INTERNATIONAL

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MARCH 8, 2023

182437

RESOLUTION NO. 2024-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT A PORTION OF PARCEL NO. 202111-1 COMPRISING OF 4,011 S.F. OF RIGHT OF WAY FOR STREET PURPOSES TO BE TRANSFERRED TO THE CITY OF LOS ALAMITOS NEEDED FOR WIDENING KATELLA AVENUE AND CONSTRUCTING A NEW SIDEWALK, FROM FINE US LONG BEACH LLC, A DELAWARE LIMITED LIABILITY COMPANY, PROPERTY LOCATED AT 3131 KATELLA AVENUE.

WHEREAS, the City of Los Alamitos (City) is working with the Department of Transportation (Caltrans) in cooperation with the Orange County Transportation Authority (OCTA) who is proposing improvements to the existing interchange at Interstate 605 (I-605) and Katella Avenue between Coyote Creek Channel (PM R1.1) and Civic Center Drive (PM R1.6), in the city of Los Alamitos, Orange County, California; and,

WHEREAS, all necessary documentation associated with this site has been reviewed by the City Engineer; and,

WHEREAS, Fine US Long Beach LLC, a Delaware limited liability company's property is identified as Caltrans Parcel No. 202111-1, -2, located at 3131 Katella Avenue, Los Alamitos, CA 90720 is within the project area. The proposed requirement for Parcel No. 202111-1 comprises 4,011 S.F. of Fee to be transferred to the City of Los Alamitos and is needed for widening Katella Avenue and constructing a new sidewalk; and,

WHEREAS, the tentatively scheduled Start of Construction is November 2024; and,

WHEREAS, the Planning Commission considered the proposed acquisition of this property at a duly notice public meeting on January 24, 2024.

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

SECTION 1. The Planning Commission finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby recommends that the City Council adopt accept a portion of parcel number 202111-1 comprising of 4,011 S.F. of right away for street purposes to be transferred to the City of Los Alamitos needed for widening Katella Avenue and constructing a new sidewalk, from Fine

US Long Beach LLC, a Delaware Limited Liability Company, property located at 3131 Katella Avenue, attached hereto as Exhibit “A and B.”

SECTION 3. The Planning Commission, pursuant to Government Code Section 65402, finds the proposed acquisition of this property to be in conformance with the City of Los Alamitos General Plan, serves the public interest, and is a public benefit.

SECTION 4. The Secretary of the Planning Commission shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of January 2024.

Chair

ATTEST:

Irving Montenegro, Development Services Manager

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

I, Irving Montenegro, Development Services Manager of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 24th day of January 2024, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

Irving Montenegro, Development Services Manager

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 24, 2024

ITEM NUMBER: 7A

To: Chair Loe & Members of the Planning Commission

Presented By: Tom Oliver, Associate Planner

Subject: Consideration of a Conditional Use Permit for a Tutoring and Education Center

SUMMARY

Consideration of a Conditional Use Permit for the use of a tutoring and education center in four units in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd., Suites 145, 146, 148, & 150, APN 242-171-08 (Applicant: Christina Simonson, FirstSteps for Kids).

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 24-02, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, Approving CONDITIONAL USE PERMIT (CUP) 23-02 TO ALLOW A Tutoring and education center in four units in a structure in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd, Suites 145, 146, 148, & 150 (Applicant: Christina Simonson, FirstSteps for Kids), APN 242-171-08."

BACKGROUND

Applicant

Christina Simonson, FirstSteps for Kids

Location

10900 Los Alamitos Blvd., Suites 145, 146, 148, & 150, Los Alamitos CA 90720

Environmental

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301, the proposed project is exempt from CEQA under the Class 1 categorical exemption since the proposed project involves no expansion of the building footprint beyond the existing area. Furthermore, all necessary public services and facilities are already available on the proposed project site, and approval of the proposed

project would not result in significant adverse effects relating to traffic, noise, air quality, or water quality.

Approval Criteria

Los Alamitos Municipal Code (LAMC), Section 17.10.030, Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed Use Zone) requires Planning Commission approval of a Conditional Use Permit to allow this use in a unit in the TCMU zoning district.

Noticing

The Public Hearing Notice for this meeting was mailed out on January 10, 2024, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the Event News Enterprise on January 10, 2024.

Prior Actions

None in this unit.



The Applicant, Christina Simonson, has submitted an application for a Conditional Use Permit (CUP 23-02) asking that the City permit a tutoring and education center, called "FirstSteps for Kids," to move into four units that total a 4,727 square foot at 10900 Los Alamitos Blvd. Suites 145, 146, 148, & 150 are in the Town Center Mixed Use (TCMU) Zoning District. These are the units where Onstage Dance Center was previously located (except for unit 132). The Applicant says the classes generally have 20–25 students at capacity. They have up to one teacher per two students' classes. See the attached description of the business.

This Conditional Use Permit application must be reviewed by the Planning Commission in accordance with Los Alamitos Municipal Code Chapter 17.32 (Conditional Use Permits). This is done through a public hearing and the Commissioners must make findings of support for the

proposed project if they approve the permit. Staff has reviewed the application for consistency with the City's Municipal Code, as well as assessed potential impacts, and believes the findings to approve the proposed CUP application can be made.

DISCUSSION

The parcel and building for this request are in the Town Center Mixed Use (TCMU) zoning district. The CUP application presented tonight considers whether a "tutoring and education center" is an appropriate use at 10900 Los Alamitos Blvd. A CUP is approved or denied by the Planning Commission in accordance with the findings found in LAMC Chapter 17.32 (Conditional Use Permits).

The Town Center Mixed-Use (TCMU) zone is established in the Zoning Code to provide opportunities for commercial and residential mixed-use development that takes advantage of easy access to transit and proximity to commerce, and that encourages pedestrian activity. A wide range of integrated commercial and residential uses are appropriate. The Town Center Mixed-Use zone requires the inclusion of ground-floor, street-frontage commercial or live/work components for all projects. Exclusive residential structures are permitted as part of horizontal mixed-use developments. This zone implements the General Plan Mixed-Use land use designation and the Town Center Strategic Plan.
(Ord. 19-03 § 3, 2019; Ord. 23-01 § 8, 2023)

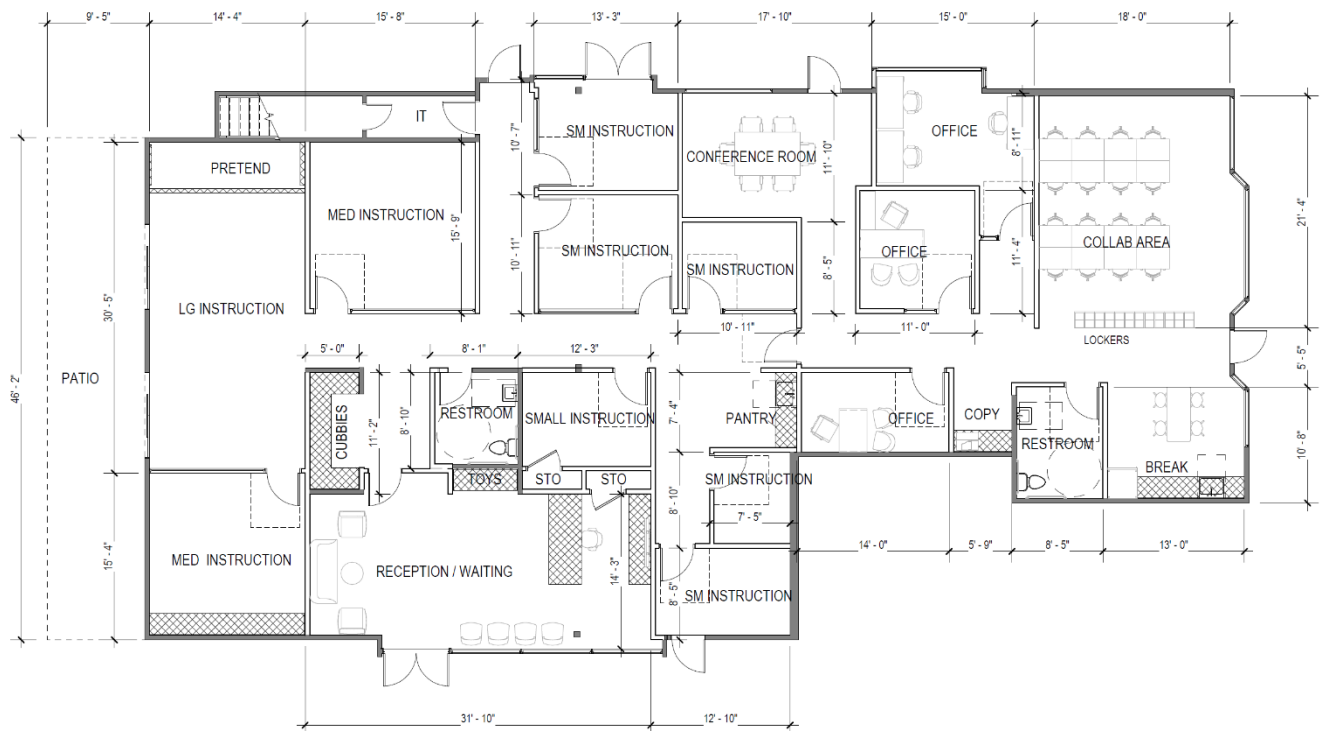
Here is how the applicant describes the business:

"FirstSteps for Kids was established in 2005 by four women committed to truly supporting parents while providing the most fun and effective, empirically validated, behavior analytic treatment to children diagnosed with autism and related challenges. We aim to create world-class ABA centers. For FirstSteps, this means building a bright and interactive environment that promotes fun in learning for our kids and a place where our purpose-driven team can naturally collaborate and feel inspired to elevate their careers. Since 2005, we have grown substantially, always mindful of our mission to maintain a standard of excellence in all we do. We now provide services in both Northern and Southern California in our FirstSteps Learning Centers. At FirstSteps, your family will be supported from your first call to your child's last day of service, when we celebrate your child's and your family's incredible learning and accomplishments. Throughout your time at FirstSteps, your family will have a dedicated board-certified (BCBA) Program Director with a graduate degree, clinical experience, and developmental expertise to design and guide your child's treatment from start to finish. Your Program Director will oversee the work of your child's entire treatment team, ensuring that every minute with FirstSteps benefits your child and your family."

Location



The proposed units, generally in the area denoted by the arrow in the above picture, are in the Town Center Shopping Center. The properties on all sides of this parcel are commercial buildings.



The proposed floor plan above is attached to this report. The hours of operation for the proposed business would be generally 8:30a.m. to 6:30p.m., which Staff feels is satisfactory.

Parking

The “Tutoring and Education Centers” use requires one parking space per 200 square feet of the unit. At 4,727 square feet, the business would require 24 parking spaces. There are three reasons why this use should not require more parking consideration for this request. First, these units have been a dance studio for many years, since 2008. Second, it is not expanding the building or using outdoor space. Third, this is a “large” shopping center, which was built at 1 space per 250 square feet, and at this size of shopping center, under the old code, that meant that only expansions, additions to the building, or outside dining, would need to calculate parking.

Findings

In order to approve a CUP, the Planning Commission must hold a public hearing and make findings of support for the proposed project. These findings include the following:

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

Staff responded with the following various policies from the General Plan that somewhat pertain to this Land Use of a “Tutoring and Education Center” along with further response of each policy below:

Land Use Policy 2.2 - Mix of land uses. Maintain a balanced mix of residential, retail, employment,	Response - This proposed business would occupy a section of the shopping center and
---	---

industrial, open space, and public facility land uses.	zone that was previously occupied by a non-retail business and therefore does not affect this balance.
Policy 2.3 - Maximize retail along Katella Avenue. Maximize community- and regional-scale retail opportunities along Katella Avenue. For parcels 10 acres or larger along Katella Avenue, support the conversion to community- and regional-scale retail.	Response - While it has a Los Alamitos Boulevard address, it is a focal point of Katella and the Town Center Mixed Use Zone. There are historically a few opportunities, like this moment, for multiple units to be combined for a regional type business space. However, there are no businesses vocally seeking out a space such as this in this shopping center.
Policy 2.4 - Town center uses. Maximize shopping, dining, arts, and entertainment uses in the town center.	Response - This business does not satisfy this policy. However, approval of this business does not replace an existing shopping, dining, arts, and entertainment use in the town center.
Policy 3.2 Economic viability. Preserve the economic viability and continuity of existing commercial and industrial businesses.	Response - Not being a retail store, this business would not provide a tax increase for the City. However, this proposed business would possibly add higher-paying jobs to the area.
Policy 1.1 Fiscal decision-making. Incorporate the short-term and long-term economic and fiscal implications of proposed actions into decision-making.	Response - This proposed business would not change the current mix of the fiscal portfolio of the City. Many retail stores are closing, and more businesses are going online. However, approving this business in this strategic location may constitute a loss of opportunity to find retailers to fill four retail units. That said, in the current business climate, it appears that many of the units in this center have recently become personal care-type businesses that add little to the fiscal viability of the City.
Policy 2.3 - Promote well-paying jobs. Prioritize municipal decisions, initiatives, investments, and development approvals that support the retention and expansion of well-paying jobs in Los Alamitos.	Response - The education requirements for many employees of this business are likely to infer that there will be higher pay at this business than in retail businesses nearby.

B. The proposed use is permitted within the applicable zone and complies with all other

applicable provisions of this Zoning Code and the Municipal Code;

Staff response: Los Alamitos Municipal Code (LAMC), 17.10.030, Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed Use Zone) requires Planning Commission approval of a Conditional Use Permit to allow a “tutoring and education center” use in the Town Center Mixed Use (TCMU) zoning district. A Conditional Use Permit (CUP) does not automatically denote that the use is appropriate for all locations. A CUP asks that the use be carefully considered for its fit in any particular location. Certain conditions of approval have been added to the resolution to alleviate safety concerns in this location.

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

Staff response: This proposed location is in the Town Center Mixed Use Zone. This use is conditionally permitted through the Conditional Use Permit process, which is obtained by an affirmative decision of the Planning Commission. This process considers existing and future uses in the vicinity and finds that this location is acceptable for the proposed business.

D. The site is physically suitable in terms of:

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

Staff response: The building on this parcel was constructed years ago, and all the previously mentioned characteristics were designed to meet the development standards that were current at the time for a Commercial type of building. These types of shopping center buildings are desirable to those who manage these types of businesses. The proposed tutoring and education center will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use as shown through its historic use as a dance center. If this use were to be approved, any Interior tenant improvements would be required to be reviewed by the City’s Building Department and the Orange County Fire Authority for compliance with building and safety standards for the structure.

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

Staff response: The unit proposed for this business in this commercial building was originally built to meet the codes of the time it was constructed. All access, as well as emergency access were designed to meet that year’s current access standards for a commercial center, and have been upgraded from time to time through the years. Therefore, the streets are adequate for public and emergency vehicle access.

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

Staff response: This unit in the Town Center Mixed Use Zone has historically been served by public protection services without interruption. Per condition 12 in the resolution, they will be required to install cloud-based security cameras inside at doors and in each room of the units for the business.

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

Staff response: This unit in the Town Center Mixed Use Zone has historically been served by adequate utility services without interruption.

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

Staff response: This is a location where a dance school had been prior to this proposed use with very little complaint from other businesses in the building. This use with children coming and going with their parents would be compatible with those uses and not adversely affect public convenience, health, interest, safety, or general welfare.

RECOMMENDATION

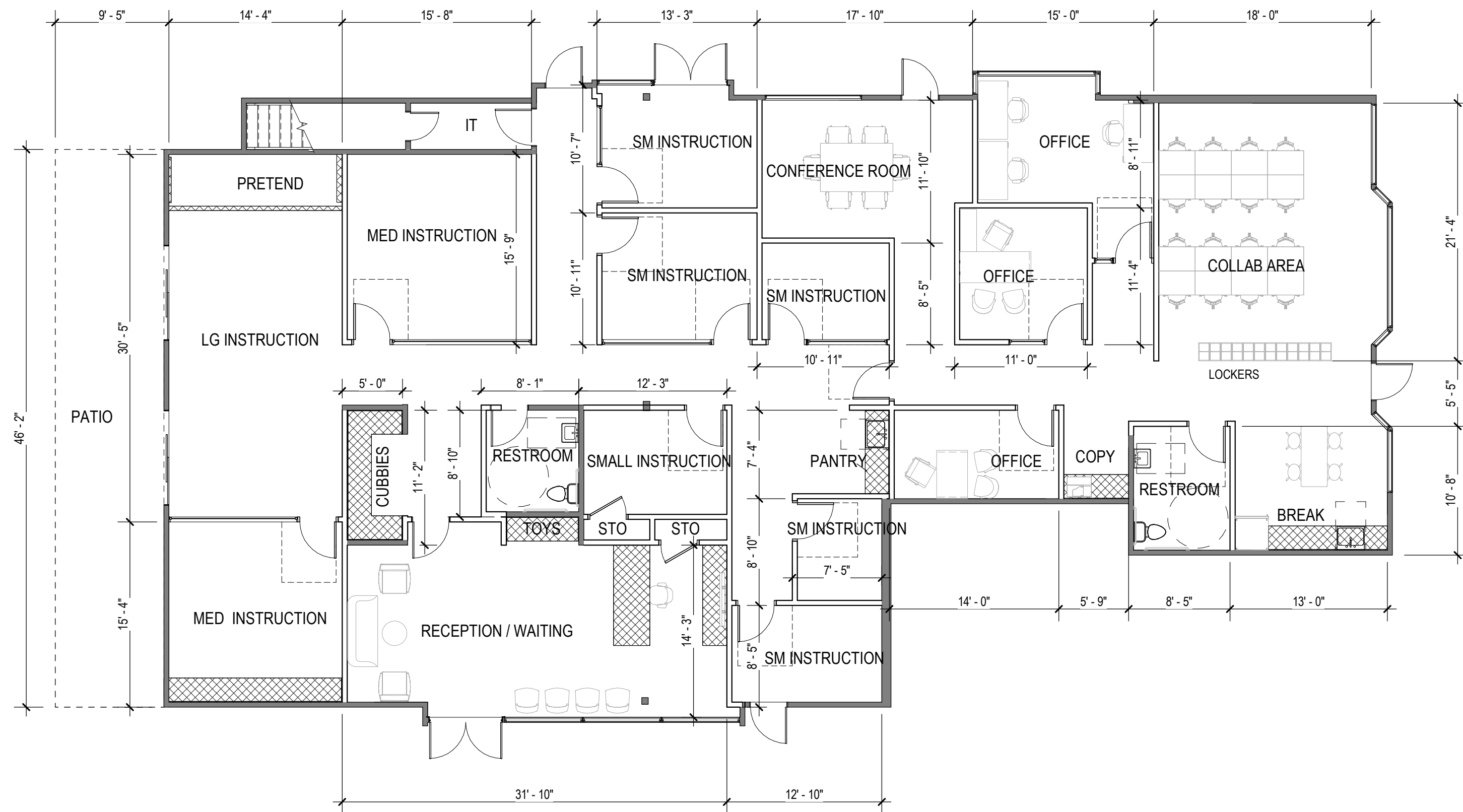


The staff has reviewed this business proposal for consistency with the General Plan and Los Alamitos Municipal Code, as well as potential impacts, such as compatibility with surrounding land uses, and believes that affirmative findings can be made for the proposed CUP, with the added security measure conditions, and therefore approval is recommended by the Staff.

FISCAL IMPACT

None.

Attachment: 1. 10900 Los Alamitos Blvd
 2. 1-24-2024-02 CUP 23-02- Tutoring and Education Center - Resolution



1 LEVEL 1 - FLOOR PLAN
SCALE: 1/8" = 1'-0"

GENERAL NOTES

- A. DIMENSIONS SHOWN ON THIS TEST FIT ARE INFORMATIONAL ONLY AND SHALL BE VERIFIED IN FIELD.
- B. NOT FOR CONSTRUCTION.

PROGRAM

TEAM ZONE

- (2) OFFICE - 1-PERSON
- (1) OFFICE - 3-PERSON
- (1) COLLAB AREA - 16-PERSON
- (1) CONFERENCE ROOM - 6-PERSON
- (1) BREAK AREA
- (1) RESTROOM
- (1) COPY
- (1) LOCKER AREA
- (1) IT CLOSET

LEARNING ZONE

- (1) LARGE INSTRUCTION AREA (OPEN)
- (2) MEDIUM INSTRUCTION ROOMS
- (6) SMALL INSTRUCTION ROOMS
- (1) PRETEND PLAY AREA
- (1) OUTDOOR PATIO
- (1) RESTROOMS
- (1) PANTRY / KITCHEN
- (1) CUBBY STORAGE

RECEPTION

- (1) RECEPTION DESK
- (1) TOY STORAGE
- (1) STORAGE CLOSET
- (1) WAITING AREA - 8-PERSON

RESOLUTION NO. 24-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 23-02 TO ALLOW A TUTORING AND EDUCATION CENTER IN FOUR UNITS IN A STRUCTURE IN THE TOWN CENTER MIXED USE (TCMU) ZONING DISTRICT AT 10900 LOS ALAMITOS BLVD, SUITES 145, 146, 148, & 150 (APPLICANT: CHRISTINA SIMONSON, FIRSTSTEPS FOR KIDS), APN 242-171-08.

WHEREAS, on December 14, 2023, the Applicant submitted a complete application for the consideration of a Conditional Use Permit (CUP) for the use of a tutoring and education center in four units in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd., Suite 145, 146, 148, & 150; and,

WHEREAS, the application constitutes a request under Section 17.32.030 (Conditional Use Permits - Application Requirements) of the Los Alamitos Municipal Code (LAMC); and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on January 24, 2024; and,

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

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

SECTION 1. The Planning Commission finds that the above recitals are true and correct.

SECTION 2. Conditional Use Permit 23-02, requesting approval of a Conditional Use Permit for the use of a tutoring and education center in four units in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd., Suite 145, 146, 148, & 150, APN 242-171-08, is hereby approved based upon the following findings as required by LAMC Section 17.32.070:

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

Here are various policies from the General Plan that somewhat pertain to this Land Use of a "Tutoring and Education Center:"

Land Use Policy 2.2 Mix of land uses. Maintain a balanced mix of residential, retail, employment, industrial, open space, and public facility land uses.

This proposed business would occupy a section of the shopping center, and zone, that was previously occupied by

a non-retail business and therefore does not effect this balance.

Policy 2.3 Maximize retail along Katella. Maximize community- and regional-scale retail opportunities along Katella Avenue. For parcels 10 acres or larger along Katella Avenue, support the conversion to community- and regional-scale retail.

While this has a Los Alamitos Boulevard address it is a focal point of Katella and the Town Center Mixed Use Zone. There are historically few opportunities like this moment for multiple units to be combined for a regional type business space. However, there are no businesses vocally seeking out a space such as this in this shopping center.

Policy 2.4 Town center uses. Maximize shopping, dining, arts, and entertainment uses in the town center.

This business does not satisfy this policy. However, approval of this business does not replace an existing shopping, dining, arts, and entertainment use in the town center.

Policy 3.2 Economic viability. Preserve the economic viability and continuity of existing commercial and industrial businesses.

Not being a retail store, this business would not provide a tax increase to the City, however, this proposed business would possibly add higher-paying jobs to the area.

Policy 1.1 Fiscal decision making. Incorporate short-term and long-term economic and fiscal implications of proposed actions into decision-making.

This proposed business would not change the current mix of the fiscal portfolio of the City. Many retail stores are closing and more businesses are going online, however, approving this business in this strategic location may constitute a loss of opportunity to find retailers to fill four retail units. That said, in the current business climate it appears that many of the units in this center have recently become personal care-type businesses that add little to the fiscal viability of the City.

Policy 2.3 Promote well-paying jobs. Prioritize municipal decisions, initiatives, investments, and development approvals that support the retention and expansion of well-paying jobs in Los Alamitos.

The education requirements for many employees of this business likely infer that there will be higher pay at this business than in retail businesses nearby.

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

Los Alamitos Municipal Code (LAMC), 17.10.030, Table 2-06 (Allowed Uses and Permit Requirements for Town Center Mixed Use Zone) requires Planning Commission approval of a Conditional Use Permit to allow a “tutoring and education center” use in the Town Center Mixed Use (TCMU) zoning district. A Conditional Use Permit (CUP) does not automatically denote that the use is appropriate for all locations. A CUP asks that the use be carefully considered for its fit in any particular location. Certain conditions of approval have been added to the resolution to alleviate safety concerns in this location.

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

This proposed location is in the Town Center Mixed Use Zone. This use is conditionally permitted through the Conditional Use Permit process which is obtained by an affirmative decision of the Planning Commission. This process considers existing and future uses in the vicinity and finds that this location is acceptable for the proposed business.

D. The site is physically suitable in terms of:

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

The building on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the development standards that were current at the time for a Commercial type of building. These types of shopping center buildings are desirable to those who manage these types of businesses. The proposed tutoring and education center will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use as shown through its historic use as a dance center. If this use were to be approved, any

Interior tenant improvements would be required to be reviewed by the City's Building Department and the Orange County Fire Authority for compliance with building and safety standards for the structure.

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

The unit proposed for this business in this commercial building was originally built to meet the codes of the time it was constructed. All access, as well as emergency access were designed to meet that year's current access standards for an commercial center, and have been upgraded from time to time through the years, therefore, the streets are adequate for public and emergency vehicle access.

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

This unit in the Town Center Mixed Use Zone has historically been served by public protection services without interruption. Per condition 12 in the resolution they will be required to install cloud-based security cameras inside at doors and each room of the units for the business.

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

This unit in the Town Center Mixed Use Zone has historically been served by adequate utility services without interruption.

- E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

This is a location were a dance school had been prior to this proposed use with very little complaint from other businesses in the building. This use with children coming and going with their parents would be compatible with those uses and not adversely affect the public convenience, health, interest, safety, or general welfare.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 23-02 subject to the following conditions:

Planning

1. Approval of this application is to allow a tutoring and education center in four units in the Town Center Mixed Use (TCMU) Zoning District at 10900 Los Alamitos Blvd., Suite 145, 146, 148, & 150, APN 242-171-08, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 23-02 noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. Failure to satisfy and/or comply with the conditions herein may result in revocation of this approval by the Planning Commission and/or City Council.
3. The Applicant and the Applicant's successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.
4. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.

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

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

5. The Applicant has ninety (90) days from the date of adoption of this Resolution to protest the impositions described above. The Applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.
6. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
7. The property owner/Applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department. The property owner/Applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department prior to issuance of any permits.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. Any signs shall comply with the provisions under Chapter 17.26 of the Los Alamitos Municipal Code or the Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Development Services Director.
10. In the event the City receives public nuisance complaints in connection with the use authorized by this CUP, the Development Services Director shall investigate such complaints in accordance with the public nuisance regulations of the Los Alamitos Municipal Code and, if nuisance conditions are found to exist, the Development Services Director may bring this CUP back to the Planning Commission to consider imposing additional conditions, amending or revising conditions, or revoking this CUP.
11. The hours of operation for this business are limited to the daytime hours between 7:00 a.m. to 10:00 p.m.

12. The Applicant shall, at a minimum, install high definition cloud-based security cameras that cover all entry doors to the unit and each room for this business.
13. No loitering by children may be permitted out of doors on the property.
14. A bike rack shall be installed for the use of the business's employees and clients.
15. No outdoor storage facility shall be constructed out of doors.

Building Department

16. Applicant shall provide full tenant improvement plans that comply with the latest City of Los Alamitos-adopted California Building Code to the Building and Safety Department before beginning any construction.

Orange County Fire Authority

17. The following items need to be addressed on the architectural plan and additional information for intended use before issuance of conditions:

CORRECTIONS:

1. Occupancy for the entire building per suit. Based on the description given this seems to fall under I-3 Occupancy.

a. Allowable area calculations (For the entire building, not just the mentioned Suits.) Institutional Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which care, or supervision is provided to persons who are or are incapable of self-preservation without physical assistance. CBC 308.1 Institutional Group I, specifically Group I-3

b. Occupancies in Group 1-3 shall comply with the provisions of CBC Sections 408.1 through 408.11 and other applicable provisions of this code (see Section 308.5).

c. The occupant load factor to be used for the space shall be the one that provides the greatest number of occupants. The uses included in the letter will be the basis for the types of activities that will be permitted in that space; activities yielding a higher occupant load will not be allowed. Photocopy or scan the letter onto the plans. CBC 1004

2. More information on the letter of intent.

a. Based on the description provided, they may need licensing for child-care purposes by the Department of Social Services. An application would be required for Fire Department Clearance.

b. Plans shall include building construction. (For the entire building, not just the mentioned Suites.) i. Group 1-3 Occupancies shall be housed in buildings of Type IA or Type IB.

1. Exception: Such occupancies may be housed in one-story buildings of Type IIA, Type IIIA or Type VA construction provided the floor area does not exceed 5,200 square feet between fire walls of two-hour fire-resistive construction with openings protected by fire assemblies having a 1-1/2-hour fire-protection rating. CBC 408.1.2 Construction

c. Sprinkler protection.

d. A statement indicating whether parents are on premises at all times.

e. Show any delayed egress.

3. The building (every suit) has some Suites that could be used for multiple uses. For potential multi-use areas, please provide a letter of intent from the owner/occupant explaining all of the anticipated uses of the space.

SECTION 3. The decision of the Planning Commission is subject to a ten-day appeal period as specified in Chapter 17.60 of the Los Alamitos Municipal Code, after which such decision becomes final.

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

PASSED, APPROVED, AND ADOPTED this 24th day of January, 2024.

Chair

ATTEST:

Irving Montenegro, Development Services Manager

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

I, Irving Montenegro, Development Services Manager of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 24th day of January 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Irving Montenegro, Development Services Manager