CITY OF LOS ALAMITOS  
3191 Katella Avenue  
Los Alamitos, CA 90720

AGENDA  
PLANNING COMMISSION/SUBDIVISION COMMITTEE  
REGULAR MEETING  
Wednesday, July 24, 2019 – 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.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Development Services Department, 3191 Katella Ave., Los Alamitos CA 90720, during normal business hours. In addition, such writings or documents will be made available for public review at the respective public meeting.

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

Persons wishing to address the Planning Commission on any item on the Planning Commission Agenda shall sign in on the Oral Communications Sign In sheet which is located on the podium once the item is called by the Chairperson. At this point, you may address the Planning Commission for up to FIVE MINUTES on that particular item.

1. CALL TO ORDER

2. ROLL CALL  
Chair Riley  
Vice Chair Sofelkanik  
Commissioner Andrade  
Commissioner Culty  
Commissioner DeBolt  
Commissioner Grose  
Commissioner Loe

3. PLEDGE OF ALLEGIANCE
4. PRESENTATIONS

5. 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. If you wish to speak on an item listed on the agenda, please sign in on the Oral Communications Sign In sheet located on the podium. Remarks are to be limited to not more than five minutes.

6. APPROVAL OF MINUTES

7. CONSENT CALENDAR
None.

8. STAFF REPORT
None.

9. PUBLIC HEARING
A. Consideration of a zoning code amendment concerning small wireless cellular installations (referred to as small wireless facilities) within the City of Los Alamitos (Citywide) (City initiated).
Consideration of possible amendments to the zoning code concerning the location, standards, and general regulation of small wireless facilities within the City.

Recommendation:

1. Open the Public Hearing; and, if appropriate,


10. DISCUSSION
None.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

12. COMMISSIONER REPORTS
13. ADJOURNMENT

APPEAL PROCEDURES
Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within twenty (20) 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 $1,000.00 (resident)/$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2017-13.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Avenue; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Boulevard; not less than 72 hours prior to the meeting.

[Signature]
Veronica Endico
Department Secretary

7/19/2019 Date
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – March 14, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Special Session at 6:00 p.m., Wednesday, March 14, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners:

Chair Riley
Andrade, DeBolt, and Loe

Absent:

Vice Chair Sofelkanik
Commissioners Cuilty and Grose

Staff:

Les Johnson, Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Laura Stetson, MIG
Jose Rodriguez, MIG

3. DISCUSSION
A. Study Session for the Zoning Code Update
The Planning Commission and Staff continued discussion of the potential changes proposed at the Special Meeting on February 7, 2019 to the Zoning Code, which includes:

➢ Title 17 – Article 2. Zoning Districts, Allowable Uses, and Development Regulations
  ▪ Eliminate L-I (Limited Industrial) zone per Planning Commission direction
  ▪ Add Town Center Mixed-Use zone (Use Table and Development Standards) to be consistent with the General Plan
  ▪ Modernize Allowed Uses and Permit Requirements for Residential and Commercial/Industrial Zones
    o Removed detailed uses and group uses into similar categories
    o Add more common uses and expanded AUP (Administrative Use Permits)
• Tweak property Development Standards, including Table 2-03 (Residential Zoning Districts General Development Standards)
  o Removed inconsistencies and simplified table
  o Adjusted setback requirements in R-2 zone for building taller than 25 feet
  o Adjusted outdoor living space requirements

• Minor Adjustments to property development standards, including Table 2-05 (General Development Standards for Commercial and Industrial Zones)
  o Adjust setbacks in P-M zone
  o Eliminate parcel coverage and added FAR to commercial and industrial zones

Laura Stetson with MIG summarized the material provided for this meeting.

Commissioner DeBolt commented on discrepancies he observed between the draft distributed, in comparison to what code actually says now, including proposed changes that were never discussed during a Planning Commission meeting.

Commissioner DeBolt noted the following:
- Lack of clarity in the draft provided as it does not show deletions.
- Observed proposed changes that have not been discussed amongst the Planning Commission. Some of those noted were the following:
  ▪ Current code for the R2 zone allows for parcel area of 9,000 square feet, and the proposed is 6,000 square feet.
  ▪ Interior lot parcel width in the R2 zone is being proposed to be changed from 60 feet to 45 feet; corner parcel from 70 feet to 55 feet; reverse corner from 75 feet to 55 feet; parcel depth from 135 feet to 55 feet as a minimum.
  ▪ Code section 17.50 was not in the proposed update.

Chair Riley asked and received clarification from Ms. Stetson as to why they are seeing proposed changes in the draft that were never brought up for discussion amongst the Planning Commission. Ms. Stetson advised that the proposed changes were largely driven by changes in state law as to how density has to be calculated. New state law beefed up the Housing Accountability Act, which indicates that if the general plan allows up to 20 units per acre, you have to allow someone to achieve that density unless there are completely overwhelming circumstances (i.e., easement on the property).

Commissioner DeBolt commented that during the previous General Plan Amendment as a member of the General Plan Committee, there was discussion of density. Maximum 30 units per acre. At the time of discussion, it was implied that
imposing a maximum did not guarantee that had to be allowed but should have for properties that have larger parcels such as in the apartment area. Therefore, 1750 [square feet of property per unit] should establish the density, not the maximum identified. Furthermore, Commissioner DeBolt stated that if such a change is to be considered, then perhaps there should be a general plan modification to keep consistency.

Ms. Stetson advised that during the previous General Plan amendment, the consultant likely encouraged setting a maximum, as the laws were not being enforced as rigorously the way they are now by way of the Housing Accountability Act. If density were to be reduced below 30 units per acre in the R-3 zone, it would be running into conflict with the City's housing element, which sets a maximum of 30 units per acre, which is considered affordable housing.

Commissioner DeBolt questioned who proposed the 30 units per acre. Ms. Stetson advised high, moderate, low and very low housing – having a zone which allows at least 30 units per acre, would be classified as default density [as established by law]; could be developed with below market rate housing.

Commissioner DeBolt noted that as a charter city, zoning is an area where it is permissible not to be consistent. Furthermore, added that he is not opposed to 30 units per acre however, it should still left to the discretion of elected official and commissioners.

City Attorney Daudt advised that he will bring forward information as to set limits for charter cities with regards to zoning changes.

Commissioner DeBolt would like additional information from the City Attorney, as to the exemptions that the City might be subject to as part of being a charter city before approving the proposed changes in the provided draft.

Staff will be reporting back to the Planning Commission with the following:
  - Additional information of the housing laws and provisions associated.
  - Verification of the City's housing element and whether it supports affordable housing.
  - Legislative bills being considered which would impose density requirements in the general plan.

Commissioner DeBolt stated that density calculations should exclude alley dedications. Development Services Director Johnson stated that this is already noted.

Ms. Stetson stated that density will be calculated based on net, and shall exclude any dedications.
The Planning Commission and staff discussed some of the current zoning standards for commercial and industrial zones.

Commissioner DeBolt asked and received clarification as to what is dictated in the R1 zone with regards to religious assembly. Ms. Stetson advised that parsonages are permitted on the same site as religious assembly so long as it is in the R1 zone.

The Planning Commission and staff discussed the following:
- Current standards in the town center mixed use area.
- Medical and dental offices are currently prohibited on the ground floor.
- A preference to keep a lower density in residential areas.
- Limiting building height to 60 feet.
- No rear setback requirement unless there is a 15 foot buffer between the town center and residential area.
- No new changes in the overlay zones or special purpose zones.
- The wireless communication facilities ordinance will be regulated differently than has been done in the past. This will be regulated by the Federal Communications Commission (FCC).

The Planning Commission and staff briefly discussed wireless facilities and their health hazards.

The Planning Commission and staff agreed to hold the next Zoning Code Study Session on March 27, 2019 at 6 p.m.

4. **ADJOURNMENT**
The Planning Commission adjourned at 7:16 p.m.

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**ATTEST:**

John Riley, Chair

Les Johnson, Secretary

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

REGULAR MEETING – April 24, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:03 p.m., Wednesday, April 24, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners: Chair Riley
Culity, DeBolt, Grose, and Loe

Absent: Vice Chair Sofelkanik
Commissioner Andrade

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

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATION
Chair Riley opened the meeting for Oral Communication for items not on the agenda.

Speaker Debbie Rodriguez expressed concern of her experience with Commercial Property Manager Tracey Shelton [in the Alamitos Business Center] and the misrepresentation she received from Ms. Shelton, in advising her that the proposed location was zoned for a hair salon.

Speaker Richard Malley expressed his distrust of Ms. Shelton.

There being no additional speakers, Chair Riley closed oral communications.

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular and Special Meeting of March 27, 2019.
Motion/Second: Grose/DeBolt
Carried 4/0 (Sofelkanik and Andrade absent, Riley abstained): The Planning Commission approved the minutes of the Regular and Special meeting of March 27, 2019.
6. DISCUSSION
None.

7. CONSENT CALENDAR
None.

8. STAFF REPORT
None.

9. PUBLIC HEARING
A. Site Plan Review (SPR) 18-03
Hospital Central Plant at 3832 Catalina Street
Consideration of a Site Plan Review for a new two-story Central Plant Building (to include a 56 feet tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

Development Services Director Johnson summarized the staff report.

Commissioner Grose requested to have copies of the phase one and phase two approvals, available for review by any Commissioner at City Hall.

Associate Planner Oliver advised that the approvals are also available for review on the City website.

Chair Riley opened the public hearing.

Motion/Second: Grose/Loe
Carried 4/0 (Sofelkanik and Andrade absent, DeBolt abstained): The Planning Commission agreed to continue the item to the May 22, 2019 Planning Commission meeting.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Service Director Johnson informed the Planning Commission of the following:

- Thanked the Planning Commission for all the work that they have done with the zoning amendments. Furthermore, advised that staff's goal is to have a draft to the Commission for their consideration, at least two to three weeks prior to the hearing.
- Aiming to hold the Updated Zoning Code Public Hearing in June.
• The framing phase of construction for the Marriot Fairfield hotel has now been completed.
• The Olson project [at 3311 Sausalito Street] has commenced the grading and utility connection phases of construction.
• The Starbucks at 5252 Katella Avenue has completed the framing phase of construction.

11. COMMISSIONER REPORTS
Commissioner Grose advised of the upcoming Serve Los Al event that is taking place in June. Additionally, Commissioner Grose thanked Commissioner DeBolt for noticing the small details during discussion of the zoning code.

Commissioner DeBolt noted the following for future meeting discussions:

- Future discussion of allowable uses in retail.
- The potential for City involvement in imposing a fine and additional requirements to property owners who misrepresent allowable uses on their commercial properties.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 7:27 p.m.

ATTEST: John Riley, Chair

Les Johnson, Secretary
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – May 22, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, May 22, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL
Present: Commissioners: Chair Riley
Culity, Andrade, and Grose,

Absent: Vice Chair Sofelkanik
Commissioners Loe (excused) and DeBolt (excused)

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

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATION
Chair Riley opened the meeting for Oral Communication for items not on the agenda.

Speaker Hester Han expressed concern over the R2 parking requirements. Chair Riley encouraged Ms. Han to speak with staff at a different time to discuss her concerns.

Speaker Alex Chen expressed concern over the R2 parking requirements, and would like the requirements to change.

Speaker Samantha Case expressed her interest in opening a fitness center in a specific zone. Chair Riley encouraged Ms. Case to speak with staff during regular business hours about possible options.

There being no additional speakers, Chair Riley closed oral communications.

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular Meeting of April 24, 2019.
Motion/Second: Grose/Cuilty
Not Carried 3/0 (Sofelkanik and Loe absent, Andrade abstained): As a result of a lack of quorum, the Planning Commission moved the approval of the April 24, 2019 Regular Meeting minutes to the June 26, 2019 meeting.

6. DISCUSSION
A. Discussion of New Business Assistance
A discussion of ways to encourage businesses to apply for business licenses and for property managers to remind them of the business license requirement.

Development Services Direction Johnson advised that Commissioner DeBolt expressed interested in being present during discussion of this item.

Motion/Second: Grose/Andrade
Carried 4/0 (Sofelkanik, DeBolt, and Loe absent): The Planning Commission approved to move discussion of this item to next regular meeting on June 26, 2019.

7. CONSENT CALENDAR
None.

8. STAFF REPORT
None.

9. PUBLIC HEARING
A. Site Plan Review (SPR) 18-03
Hospital Central Plant at 3832 Catalina Street
Continue consideration of a Site Plan Review (SPR 18-03) for a new two-story Central Plant Building (to include a 56 foot tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

Associate Planner Oliver advised that the applicant has requested to move this item for discussion to the next regular meeting of June 26, 2019.

Chair Riley invited any individuals to speak on this item.

Motion/Second: Cuilty/Grose
Carried 4/0 (Sofelkanik, DeBolt, and Loe absent): The Planning Commission approved to continue discussion of this item, to the June 26, 2019 Planning Commission meeting without closing the public hearing.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
A. SB2 Planning Grants Program

Development Services Director Johnson summarized the memorandum.

The Planning Commission and Development Services Director Johnson discussed the following:

- There are no known expectations of the City to change with receiving this grant.
- The goal is to increase affordable housing stock.
- Concern over the state coming down with any additional requirements that would impact the City.
- This funding would help absorb some of the cost of updating the housing element to accommodate affordable housing and the development of the area.
- The specific area of interest is the Towne Center.

Development Service Director Johnson informed the Planning Commission of the upcoming Los Alamitos Sewer Trunk Project by the Orange County Sanitation District (OCSD).

11. COMMISSIONER REPORTS
Commissioner Grose asked to have the Traffic Commission look into the following two issues:

- Nurses that are parking in the residential area [on Maple Street].
- Request to consider implementing a “No Parking” zone on Los Alamitos Boulevard in front of the Rossmoor Car Wash, to minimize the safety hazard of vehicles backing up.

Commissioner Andrade thanked the Los Alamitos Police Department, specifically Officer Navarro and Detective Lopez, for locating his equipment that was stolen on his property.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 7:35 p.m.

ATTEST:  

John Riley, Chair
1. **CALL TO ORDER**
   The Planning Commission/Subdivision Committee met in Special Session at 7:39 p.m., Wednesday, May 22, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. **ROLL CALL**
   **Present:** Commissioners: Chair Riley
   Guilty, Andrade, and Grose,

   Absent: Vice Chair Sofelkanik
   Commissioner DeBolt (excused) and Loe (excused)

   **Staff:** Les Johnson, Development Services Director
   Maria Veronica Enciso, Department Secretary
   Michael Daudt, City Attorney
   Tom Oliver, Associate Planner

3. **DISCUSSION**
   **A. Appoint Two Planning Commissioners to serve on a Utility Projects Ad-Hoc Subcommittee**
   During the May 20, 2019 City Council meeting, an Ad-Hoc Subcommittee was formed to provide opportunity to discuss an existing Golden State Water utility project and to also discuss the establishment of standards and protocol for City involvement and community outreach with future utility projects. The establishment of the Ad-Hoc Subcommittee included two City Council members (Mayor Kusumoto, Council Member Grose) and two Planning Commissioners. In consideration of time, staff is requesting of the Planning Commission to have the appointment of the two Planning Commissioners occur as soon as possible.

   Development Services Director Johnson summarized the staff report.

   Development Services Director Johnson and Planning Commission discussed the following:

   - Commissioner DeBolt expressed interest of being a committee member to staff.
   - Workload is dependent upon the subcommittee's dialogue; however, perhaps would consists of two or three meetings.
   - Consideration to appoint Commissioner DeBolt and Commissioner Sofelkanik to the committee.
- Have an alternate choice if a commissioner cannot commit.

Motion/Second: Grose/Culity
Carried 4/0 (Sofelkanik, DeBolt, and Loe absent): The Planning Commission appointed Vice Chair Sofelkanik and Commissioner DeBolt with Commissioner Grose as an alternate, to serve on the Utility Projects Ad-Hoc Subcommittee.

4. ADJOURNMENT
The Planning Commission adjourned the meeting at 7:47 p.m.

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ATTEST: John Riley, Chair

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Les Johnson, Secretary
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – June 26, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, June 26, 2019, in the Council Chamber, 3191 Katella Avenue, Commissioner Grose presiding.

2. ROLL CALL
Present: Commissioners: Andrade, Culty, Grose, and Loe
Absent: Chair Riley (excused)
Vice Chair Sofelkanik (excused)
Commissioner DeBolt (excused)

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

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Commissioner Grose.

4. PRESENTATIONS
Economic and Development Services Director Barry Curtis for the City of Costa Mesa, extended an invitation to the Planning Commission, for a newly established leadership event [Orange County Planning Officials Leadership Initiative Collaborative] being held on July 18, 2019.

5. ORAL COMMUNICATION
Commissioner Grose opened the meeting for Oral Communication for items not on the agenda.

Resident Rob Stevens expressed interest in wanting to add a second driveway approach on his property.

There being no additional speakers, Commissioner Grose closed oral communications.

6. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular Meeting of April 24, 2019 and May 22, 2019 and the Special Meetings of March 14, 2019 and May 22, 2019.
Motion/Second: Loe/Culty
Not Carried 4/0 (Riley, Sofelkanik, and DeBolt absent): As a result of a lack of quorum, the Planning Commission moved the approval of the April 24, 2019 and May 22, 2019 Regular Meeting minutes and the March 14, 2019 and May 22, 2019 Special Meeting minutes to the July 24, 2019 meeting.

7. **CONSENT CALENDAR**
   None.

8. **STAFF REPORT**
   None.

9. **PUBLIC HEARING**
   A. Site Plan Review (SPR) 18-03
   **Hospital Central Plant at 3832 Catalina Street**
   Consideration of a Site Plan Review (SPR 18-03) for a new two-story Central Plant Facility (to include a 41 feet tall Thermal Energy Storage (TES) water tank) at 3832 Catalina Street in the Los Alamitos Medical Center Specific Plan area at the southeast corner of the intersection of Kaylor Street and Catalina Street (APN 242-162-14). The project would include the demolition of a medical office building at 3791 Katella Avenue (APN 242-163-12), and the construction of a utility bridge across Kaylor Street (APN 242-162-13).

   Associate Planner Oliver summarized the staff report.

   Commissioner Grose noted an error in the staff report, which should be revised to indicate the appropriate location for the central plant. The correct location is Kaylor Street and Katella Avenue in place of Kaylor Street and Los Alamitos Boulevard.

   Commissioner Grose opened the public hearing.

   Representative for the Los Alamitos Medical Center, AJ Omar, explained the intent to construct a Central Plant Structure is for sustainability and energy conservation.

   Commissioner Loe asked and received clarification from Mr. Omar as to what the proposed painting options are for the central plant. Mr. Omar stated that there are two steel options: gray and off-white tone or a mural of the coast.

   The Planning Commission stated the following about the proposed painting option:

   - Commissioner Grose did not think the mural is appropriate.
   - Commissioner Andrade preferred the solid gray color over the mixed gray and off-white tone.
   - Commissioner Loe would be fine with either option, but the grey would be less noticeable.
   - Commissioner Guity left it up to the staff’s preference.
Development Services Director Johnson explained that the height change of the central plant made a big difference to the look and that the grey with two tones is preferable, as it gives character to the central plant.

Commissioner Grose expressed that she no longer has concern over the bridge crossing Kaylor Street.

Commissioner Andrade asked and received clarification as to whom the additional tanks in the area belong to Mr. Omar advised that those tanks belong to the Golden State Water Company.

Motion/Second: Loe/Cuilty

B. General Plan Amendment (GPA) 19-01
Zoning Ordinance Amendment (ZOA) 17-04 and Targeted Zoning & Subdivisions Code Update
Consideration of a resolution recommending adoption of a Targeted Zoning & Subdivisions Code Update to the City Council through a Zoning Ordinance Amendment, and whether to amend certain sections of the General Plan through a General Plan Amendment to include an addendum to the 2015 General Plan Final Environmental Impact Report.

Associate Planner Oliver summarized the staff report.

Commissioner Grose opened and closed the public hearing.

Commissioner Cuilty asked and received clarification from Development Services Director Johnson with regards to the number of allowable units per acre. Development Services Director Johnson advised that it is being presented as discussed: which will eliminate the per square foot per unit provision and will place a cap which shall not exceed 25 units per acre per the R-3 zone.
Development Services Director Johnson stated the following about the process for the general plan amendments: as a result of the three general plan amendments, the Commission’s recommendation to the City Council consist of a two part process. If Council concurs with the Planning Commission’s recommendation, they will instruct staff to proceed with the amendment procedure, which will go back to the Planning Commission and then ultimately go to Council. Once completed, Council will consider the Zoning Code Amendment.

Development Services Director Johnson advised that there is currently discussion at staff level, to consider modifying the code, to allow for an administrative review if it is not eliminating parking.

Commissioner Loe asked and received clarification as to whether it is legally allowed to park on the driveway approach. Development Services Director Johnson advised that it is not allowed, as ingress and egress cannot be prohibited.

The Planning Commission and staff briefly discussed different scenarios for requests to add second driveway approaches and how they could potentially impact parking and site distance clearances.

Motion/Second: Guilty/Loe
4/0 (Riley, Sofelkanik, and DeBolt absent): Adopt Resolution No. 19-09, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL: (1) AMEND THE LOS ALAMITOS GENERAL PLAN, AND (2) FOLLOWING SUCH AN AMENDMENT TO THE GENERAL PLAN, APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 17-04, AMENDING TITLES 16 AND 17 OF THE LOS ALAMITOS MUNICIPAL CODE (CITY INITIATED); and approval to allow requests for second driveway approaches to go through an administrative review process as long as parking will not be impacted.

10. DISCUSSION
A. Discussion of New Business Assistance
A discussion to brainstorm ideas that will encourage businesses to apply for business licenses, and for property managers to remind them of the business license requirement. During the May 22, 2019 Planning Commission meeting, Commissioners continued this item to the June 26, 2019 meeting so that more of the members could be present for the discussion.

Development Services Director Johnson summarized the staff report.

Development Services Director Johnson noted correspondence for the record that was sent by Commissioner DeBolt, which provides thoughts for dialogue between staff and property owner/managers.
Development Services Director Johnson advised the Commission that staff reached out to the property manager [of the Alamitos Business Center] and asked for her assistance with providing prospective tenants with information concerning the development standards [for that site], and have them contact the City.

The Planning Commission and staff discussed the following:

- The responsibility should lie on the property owner to make sure that prospective tenants communicate with the City prior to signing a lease.
- Whether both the property owner and the property manager [for the Alamitos Business Center] both received notice from the City Development Services Director Johnson advised that the intent was to notify both, however County records only listed the Property Manager's information as the signatory for the owner.

Commissioner Loe inquired about the legalities involved when a prospective tenant signs a lease at a location where they are not allowed [to conduct business per City code]. City Attorney Daudt stated that the City is not really in a position to get involved as it is a civil landlord-tenant dispute.

Commissioner Grose noted correspondence for the record, from Commissioner DeBolt concerning having the City remind property owners/managers to do their due diligence and advising prospective tenants to contact the City.

Commissioner Grose opened the public hearing.

Speaker Jim Santo Roy expressed that it is the responsibility of the tenants to find out what is permitted in each zone before a lease is signed.

Commissioner Grose closed the public hearing.

Commissioner Loe stated that there is no formal policy in place but as a Commission, they have an ethical obligation when certain situations arise.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Johnson discussed the following:

- Encouraged the Planning Commissioners to attend the Orange County Planning Officials Leadership Initiative Collaborative.
- The Olson project [at 3131 Sausalito] are the process of completing the framing and forms for the first set of units and the construction of the model trailer should be underway within the next 60 to 90 days.
• Grading and utility plans have been submitted for the Los Alamitos Luxury Apartment and construction is expected to start the first of the new year.
• The Marriott Fairfield hotel has all the windows installed and plumbing and electrical work is underway. The construction of this project is on schedule with an opening in the spring of 2020.
• The 5252 Katella building has landscaping completed at Starbucks and the shell building is close to being completed. Starbucks is anticipating an early fall opening.
• Encouraged the Planning Commissioners to review the approved budget for the 2019-2020 fiscal year and provide some feedback.

12. COMMISSIONER REPORTS
Commissioner Grose shared the following with the Planning Commission and staff:

• Shared the success of Serve Los Al.
• Requested an update on the non-permitted signage at tattoo parlors.
• Wahoo's official grand opening and fundraising event.
• Wished Commissioner Andrade a Happy Birthday.

13. ADJOURNMENT
The Planning Commission adjourned the meeting at 8:06 p.m.

ATTEST: [Signature]
Commissioner Grose

Les Johnson, Secretary
City of Los Alamitos
PLANNING COMMISSION/SUBDIVISION
COMMITTEE AGENDA REPORT

MEETING DATE: July 24, 2019

ITEM NUMBER: 9A

To: Chair Riley and Members of the Planning Commission

Via: Les Johnson, Development Services Director

From: Michael S. Daudt, City Attorney & Tom Oliver, Associate Planner

Subject: Consideration of a zoning code amendment concerning small wireless cellular installations (referred to as small wireless facilities) within the City of Los Alamitos (Citywide) (City initiated).

SUMMARY: Consideration of possible amendments to the zoning code concerning the location, standards, and general regulation of small wireless facilities within the City.

RECOMMENDATION:

1. Open the continued Public Hearing; and, if appropriate,


APPLICANT: City initiated

LOCATION: Citywide

NOTICING: On July 10, 2019, a Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum. It was also published in the News Enterprise on this same date.

BACKGROUND

In 2006, the City of Los Alamitos ("City") adopted the wireless telecommunications facilities standards codified as Chapter 17.30 Wireless Telecommunications Facilities of
the Los Alamitos Municipal Code ("LAMC"). Until recently, wireless communication occurred principally through macro wireless telecommunications facilities established on monopoles, building rooftops, or electrical transmission towers. Most of these facilities are placed at a height often easily visible to the surrounding area and have been typically located on private property. LAMC section 17.30.020 generally refers to these as "major facilities" of which there are several in the City. Here is an example of a major facility:

These major facilities typically provide broad area coverage to wireless carriers' customers. By comparison, small wireless facilities are more often located in the public right-of-way. These are placed on existing or new poles, such as street lights, and are considerably smaller in scale than macro facilities. They generally consist of a single small omnidirectional antenna, or up to three small panel antennas concealed behind a cylindrical shroud at the top of a pole, inside of the pole, or in an underground vault. Here is an example of one type of these small installations:
Small wireless facilities fill small to intermediate-sized gaps in the carriers' macro coverage. They also provide for greater communications capacity in areas of existing macro coverage, as necessary, to accommodate significant increases in data consumption over wireless networks.

In 2016, the wireless telecommunications industry shifted to large-scale deployment of small wireless facilities. With the sudden increase in the volume of applications for wireless telecommunications facilities, many in the public right-of-way, it is necessary for the City's wireless telecommunications facilities regulations to be updated to account for the increased deployment of small wireless facilities and to ensure a balance between the City's visual and aesthetic standards, and the demand and desire for more abundant access to wireless services. Among other issues, the small wireless facilities regulations should contain sufficient development standards to avoid visual clutter on the City's vertical infrastructure.

LAMC Chapter 17.30 established a comprehensive application process, standards, height limitations, and various regulations and enforcement procedures for wireless telecommunications facilities in the City. Technology has evolved significantly since 2006, and the Planning Commission decided on June 27, 2018, through a resolution of intention, to consider the existing regulations and potentially propose new guidelines for small wireless facilities in the City.

The Planning Commission held an initial discussion on July 25, 2018, to consider the needs of the City and possible new standards for location, size, intensity, and aesthetics of small wireless facilities. The July 25, 2018 and the August 22, 2018 meetings were both continued to the September 26, 2018 meeting, and was subsequently continued to a date uncertain. In the meantime, Staff facilitated a stakeholder meeting for October 18, 2018 for representatives of various wireless cellular providers to share their perspective and talk to three Planning Commissioners.

**DISCUSSION**

The attached draft ordinance adds a new Chapter 17.31 Small Wireless Facilities to the Zoning Code since these new types of installations do not fit easily into the definitions and standards of the existing Chapter 17.30 Wireless Telecommunication Facilities. The draft ordinance amends existing Chapter 17.30 to clarify that small wireless facilities are subject to the Chapter 17.31 regulations. New chapter 17.31 is intended to provide “a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation, and maintenance of small wireless facilities in the City, including within the public right-of-way.” Most significantly, the proposed ordinance will enable the Development Services Director to administratively approve a small wireless facility application, provided mandatory standards are met, without the need to bring the matter before the Planning Commission.
CONCLUSION

Staff recommends that the Planning Commission open the public hearing, discuss the draft ordinance concerning small wireless facilities, and approve resolution 19-10 that recommends approval of the Ordinance by the City Council.

Attachments: 1. Resolution 19-10 Regarding the Deployment of Small Wireless Facility
2. City Council Ordinance No. 2019-XX - Draft
RESOLUTION NO. 19-10


WHEREAS, the Planning Commission recently reviewed Chapter 17.30 of the Los Alamitos Municipal Code as it relates to small wireless facilities, as well as placement of said facilities in public rights-of-way; and,

WHEREAS, on June 27, 2018 the Planning Commission approved a Resolution of Intention directing Staff to place on a future agenda a discussion by the Planning Commission of possible amendments concerning Small Wireless Facilities in the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission discussed and continued discussion of possible amendments during its July, August, and September 2018 meetings; and,

WHEREAS, selected Planning Commissioners, Staff, and the City Attorney met with Small Wireless company stakeholders, on October, 18, 2018, to discuss changes to the code; and,

WHEREAS, in its October 24, 2019 meeting, the Planning Commission continued the discussion to a date uncertain in order for the City Attorney to draft an ordinance for the Planning Commission to recommend to the City Council; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on July 24, 2019; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 19-TBD (ZOA 18-03), attached hereto.

SECTION 2. In making this recommendation, the Planning Commission makes the following findings:
A. The proposed amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with this zoning code, in the case of a zoning code amendment. While it does not fulfill a certain goal of the General Plan, it does assist to further the goals through a more current communications infrastructure, and it helps to prevent an inconsistency between large and small installations within the wireless installation provisions of code.

B. The proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. Creating this amendment to the code is intended to improve the convenience, health, interest, safety, and welfare of the City through creating a reliable communications infrastructure.

C. The proposed Resolution has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures. The proposed Resolution is exempt from the California Environmental Quality Act (Public Resources Code section 21000 et seq.). Public Resources Code § 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the Resolution does not call for any change in the existing environmental conditions within the City. The proposed Resolution merely recommends that the City Council approve an update to the existing City Zoning regulations to reflect the FCC's new laws governing the deployment of small wireless facilities, which are already permitted uses within the City. Accordingly, the Ordinance is not a "project" subject to CEQA. (Public Resources Code § 21065; CEQA Guidelines § 15378(a))

Even if the Resolution could be construed to be a project subject to CEQA, the proposed Resolution is exempt pursuant to CEQA Guidelines Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The Planning Commission, as a recommending body, does not commit the City to any specific course of action, and the proposed Resolution does not constitute an "approval" of any identifiable projects.

D. Additional Finding for Zoning Code Amendments: The proposed amendment is internally consistent with other applicable provisions of this zoning code. This amendment will add Small Wireless Installations to the code, as they are currently unaddressed and difficult to regulate.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.
PASSED, APPROVED, AND ADOPTED this 24th day of July, 2019.

Chair John Riley

ATTEST:

Les Johnson, Secretary

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA  
COUNTY OF ORANGE  
CITY OF LOS ALAMITOS  

I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 24th day of July, 2019, by the following vote, to wit:

AYES:

NOES:
ABSENT:
ABSTAIN:

Les Johnson, Secretary
ORDINANCE NO. 2019-XX


WHEREAS, the City reviewed Chapter 17.30 of the Los Alamitos Municipal Code as it relates to small wireless facilities, as well as their placement in public rights-of-way, in order to ensure compliance with all applicable current laws and regulations; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on July 24, 2019, ultimately recommending City Council approval of the proposed new language; and,

WHEREAS, the City Council opened a duly noticed Public Hearing concerning the proposed code amendment on __________; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing,

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

SECTION 1. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and incorporates them by reference herein.

SECTION 2. This approval is based upon the following findings:

1. The proposed code amendment ensures and maintains internal consistency with the actions, goals, objectives, and policies of the general plan, and would not create any inconsistencies with this zoning code, in the case of a zoning code amendment. While it does not fulfill a certain goal of the General Plan, it does assist to further goals through a more current communications infrastructure, and it helps to prevent an inconsistency between large and small installations within the wireless installation section of code.

2. The proposed code amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. Creating this amendment to the code is intended to improve the convenience, health, interest, safety, and welfare of the City through creating a reliable communications infrastructure.
3. Additional Finding for Zoning Code Amendments: The proposed code amendment is internally consistent with other applicable provisions of this zoning code. This amendment will add Small Wireless Installations to the code, as they are currently unaddressed and difficult to regulate.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ORDAINS:

SECTION 3. Subsection C of Section 17.30.030 of the Los Alamitos Municipal Code is amended to read:

C. The following uses shall be exempt from the provisions of this chapter:

1. Antenna structures designed to receive broadcast satellite service, AM/FM radio signals, UHF/VHF radio signals, or multipoint distribution services ("MDS") ("wireless cable") as defined by the Federal Communications Commission; and,

2. Antenna structures used for amateur station communications as licensed by the Federal Communications Commission under title 47, Chapter I, Subchapter D, Part 97 of the Code of Federal Regulations; and,

3. Small wireless facilities regulated pursuant to the provisions of Chapter 17.31 of this code.

SECTION 4. Chapter 17.31 is added to the Los Alamitos Municipal Code to read:

Chapter 17.31 SMALL WIRELESS FACILITIES

17.31.010 Purpose.
17.31.020 Definitions.
17.31.030 Applicability.
17.31.040 Required approvals.
17.31.050 Design and development standards for small wireless facilities.
17.31.060 Conditions of approval for small wireless facilities.
17.31.070 Additional conditions of approval for small wireless facilities in the public right-of-way.
17.31.080 Findings.
17.31.090 Abandonment and removal of small wireless facilities.
17.31.100 Appeals.
17.31.110 Indemnification.

17.31.010 Purpose.

The purpose and intent of this chapter is to:
1. Provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation, and maintenance of small wireless facilities in the City, including within the public right-of-way.

2. Establish clear local guidelines, standards, and time frames for the exercise of local authority with respect to the regulation of small wireless facilities in the City, including within the public right-of-way.

3. Impose clear and reasonable requirements so that applications for small wireless facilities will be processed in a consistent and prompt manner. Particularly, this chapter imposes requirements that are necessary to protect public health and safety, community welfare, visual resources, and provide for the orderly, managed, and efficient development of small wireless facilities in accordance with state and federal laws, rules, and regulations.

4. Provide for the orderly, managed, and efficient development of small wireless facilities in accordance with the state and federal laws, rules, and regulations and permit and manage reasonable access to the public right-of-way for telecommunications purposes on a competitively neutral basis.

5. Enable the City to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development through the encouragement of advanced and competitive telecommunications services on the widest possible equivalent basis to the businesses, institutions, and residents of the City while continuing to fairly and responsibly protect the public health, safety and welfare.

6. Promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the City consistent with the goals, objectives and policies of the General Plan.

7. Conserve the limited physical capacity of the public rights-of-way held in public trust by the City.

8. Assure that the City's current and ongoing costs of granting and regulating private access to and use of the public right-of-way are fully paid by the persons seeking such access and causing such costs and secure fair and reasonable compensation to the City and the residents of the City for permitting private use of the public right-of-way.

9. This chapter is not intended nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way.
management; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the City may not deny under federal or state law; or (6) otherwise authorize the City to preempt any applicable federal or state law.

17.31.020 Definitions.

The following terms used in this chapter shall have the meanings indicated below:

"Accessory equipment" means any equipment associated with the installation of a small wireless facility, including but not limited to cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

"Antenna" means that part of a small wireless facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

"Antenna equipment" means equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

"Antenna facility" means an antenna and associated antenna equipment.

"Applicant" means a person who or entity that submits an application for an administrative small wireless facility permit under the provisions of this chapter and the agents, employees, and contractors of such person or entity.

"Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

"Collocation" means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.
“Deployment” means placement, construction, or modification of a small wireless facility.

“Development services director” or “director” means the development services director for the City or a designee of the City Manager.

“Encroachment permit” means a permit for improvements within a public right-of-way as required or otherwise provided pursuant to Chapter 12.08 of this code.

"Existing" means a structure, building, or improvement, including without limitation utility poles, reviewed and/or otherwise approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

"FCC" means the Federal Communications Commission or its duly appointed successor agency.

"Modification" means any change to an existing small wireless facility that involves any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, a change in size, shape, color, visual design, or exterior material. Modification does not include repair, replacement, or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation.

"Personal wireless services" means the same as defined in 47 U.S.C. § 332(c)(7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

"Personal wireless service facilities" means the same as defined in 47 U.S.C. §332(c)(7)(C)(ii), as may be amended, which defines the term as facilities that provide personal wireless services.

"Pole" means a single shaft of wood, steel, concrete, or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.

"Public right-of-way or "right-of-way" means any public street, public way, public alley or public place, laid out, reserved, or dedicated for street, sidewalk, storm drainage, bicycle path, or other public uses or purposes under the jurisdiction of the City.
“Replacement pole” means and shall only include a pole or structure that replaces a pole that contains or otherwise supports existing wireless communications facilities at the time the replacement pole is approved.

“Small wireless facility” or “facility” meets each of the following conditions:

1. The facility—
   (a) Is mounted on structures fifty (50) feet or less in height including their antennas, or
   (b) Is mounted on structures no more than ten (10) percent taller than other adjacent structures, or
   (c) Does not extend existing structures on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater;

2. Each antenna associated with any deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume;

3. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight (28) cubic feet in volume;

4. The facility does not require antenna structure registration under 47 CFR Part 17;

5. The facility is not located on Tribal lands, as defined under 36 CFR 800.16(x);

6. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

“Structure” means a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of services).

"Utility pole" means a Pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

17.31.030 Applicability.

Notwithstanding any provision of this code to the contrary, this chapter shall govern all applications for small wireless facilities in the City.
17.31.040 Required approvals.

A. Small wireless facility permit required. A small wireless facility permit shall be required to locate or modify any small wireless facility in the City, including without limitation within any public right-of-way. No small wireless facility shall be located or modified within the City on any property, including the public right-of-way, without the issuance of an administrative small wireless facility permit as required by this chapter.

B. Action by Development Services Director.

1. The director shall have the authority to approve, approve with conditions, or deny any application for a small wireless facility permit.

2. Following the receipt of a complete application, and within the mandatory timeframes for processing small wireless facility applications established by the FCC, the director shall issue a written determination as to the approval, conditional approval, or denial of the application. The written determination shall state the findings in support of the director's decision.

3. Except as otherwise provided in this chapter, the provisions of Chapter 17-40 (Applications, Processing, and Fees) of this code shall govern the process and procedures for the preparation, filing, initial processing, and review of applications for a small wireless facility permit.

C. Permit for improvements in the public right-of-way. Each applicant for a small wireless facility permit pursuant to this chapter proposed for location in or on any public right-of-way within the City shall also submit an application for a permit for improvement in the public right-of-way pursuant to the provisions of Section 12.08.030 of this code. The application for such permit shall be processed, reviewed, and approved concurrently with the application for a small wireless facility permit pursuant to the provisions of this chapter.

D. Non-exclusive grant. Any administrative approval granted under this chapter shall not confer any exclusive right, privilege, license, or franchise to occupy or use the public right-of-way of the City for delivery of telecommunications services or any other purposes.

E. Application content. All applications for a small wireless facility permit required by this chapter and all required submittals must be made in writing by the applicant or the applicant's authorized agent on such form as the director may prescribe, which shall include the information specified in this subsection in addition to all other information determined necessary by the director.
1. Full name and contact information for the small wireless facility owner, small wireless facility operator, agent (if any), and property owner, and related letter(s) of authorization from the small wireless facility owner and/or property owner.

2. A full written description of the proposed small wireless facility, including its purpose and specifications.

3. A detailed site and engineering plan of the proposed small wireless facility containing the exact proposed location of the small wireless facility, and any existing wireless facilities within a five hundred (500) foot radius of the proposed location, in accordance with requirements set by the director.

4. Photographs of all proposed small wireless facility equipment and an accurate visual impact analysis with photo simulations, including reasonable line-of-sight locations from public streets, nearby vicinity, or other adjacent viewpoints as may be required by the director and a map that shows the photo location of each view angle.

5. Building elevations and roof plan (for building- and/or rooftop-mounted facilities) indicating exact location and dimensions of equipment proposed. For freestanding facilities, indicate surrounding grades, structures, and landscaping from all sides.

6. Proposed landscaping and/or nonvegetative screening (including required safety fencing) plan for all aspects of the small wireless facility.

7. Written documentation demonstrating a good faith effort to locate the proposed small wireless facility in the least intrusive location and screened to the greatest extent feasible in accordance with the site selection and visual impact criteria of this chapter.

8. If the application is for a small wireless facility that will be located within the public right-of-way, the applicant shall state the basis for its claimed right to enter the right-of-way, and provide a copy of its certificate of public convenience and necessity (CPCN), if a CPCN has been issued by the California Public Utilities Commission.

9. A written description identifying the geographic service area for the subject facility, accompanied by a plan and maps showing anticipated future installations and modifications for the following two (2) years.

10. The applicant shall submit evidence from the equipment manufacturer that the ambient noise emitted from all proposed equipment will not, both individually and cumulatively, exceed the applicable noise limits as found in Chapter 17.24 of this code.
11. An application and processing fee in an amount equal to the maximum recommended fee amount as identified and periodically adjusted by the FCC or as established by the City Council by resolution for the estimated cost of the City, including staff time, and all other costs of whatever type or variety, incurred for the processing, review, commenting upon, evaluation, hearing, and consideration of the small wireless facility application.

12. A siting analysis which identifies a minimum of five (5) other feasible locations within or outside the City which could serve the area intended to be served by the small wireless facility, unless the applicant provides compelling technical reasons for fewer than the minimum. The alternative site analysis should include at least one (1) collocation site, if feasible.

13. A radio-frequency (RF) exposure compliance report prepared and certified by an RF engineer licensed by the State of California that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power (ERP)) for all existing and proposed antennas at the site and exhibits and show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

14. Every applicant applying for authorization to construct, modify, or remove a small wireless facility located on private property must include with its application a written authorization signed by the property owner.

15. Any other studies or information as determined to be necessary by the director in order to consider an application for a small wireless telecommunications facility may be required.

17.31.050 Design and development standards for small wireless facilities.

The following design and development standards set forth in this section apply to all small wireless facilities in the City:

A. Design and development.

1. Each component part of a small wireless facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.
2. A small wireless facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.

B. Noise restrictions and requirements.

1. Small wireless facilities shall be operated in a manner to minimize any adverse impacts caused by noise.

2. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 8:00 a.m.

3. At no time shall equipment noise from any small wireless facility exceed the applicable noise levels as established under Chapter 17.24 of this code.

C. Aesthetics.

1. The applicant shall use screening and camouflage design techniques in the design and placement of small wireless facilities to ensure such facilities are as visually inconspicuous as possible.

2. Small wireless facilities shall not bear any signs or advertising devices other than certification, warning, or other signage required by law or permitted by the City.

3. Small wireless facilities shall not be illuminated unless specifically required by the Federal Aviation Administration, the FCC, or other government agency.

D. Minimum spacing.

1. Facilities shall be sited at least one hundred (100) feet away from other facilities to avoid cluttering.

2. Collocated facilities on the same structure or the replacement of preexisting facilities shall not be required to meet the minimum spacing standard in paragraph (1) with respect to one another.

E. Undergrounding.

1. To preserve community aesthetics, all small wireless facilities, excluding antennas, aboveground vents and the smallest possible electrical meter boxes, shall be placed within an underground vault, flush to the finished grade,
whenever there are no physical or site constraints to make an underground vault infeasible, except as may be determined by the director.

2. When above-ground is the only feasible location for a particular type of accessory equipment and when such accessory equipment cannot be pole-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five (5) feet and a total footprint of fifteen (15) square feet, and shall be screened and camouflaged to the fullest extent possible, including the use of landscaping or alternate screening. Required electrical meter cabinets shall be adequately screened and camouflaged.

3. Infeasibility under this subsection shall not be demonstrated by mere cost to construct an underground vault or place the equipment within the vault.

4. Where it can be demonstrated that undergrounding of equipment is infeasible due to conflict with other utilities or conflict with being able to provide personal wireless service, the director may approve alternative above-grade equipment.

F. Modification.

At the time a small wireless facility is modified, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise, and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

G. Poles.

1. Only pole-mounted small wireless facilities shall be permitted in the right-of-way. All poles shall be designed to be the minimum functional height and width required to support the proposed small wireless facility installation and meet FCC requirements.

2. Notwithstanding the above, no facility shall be located on a pole that is less than twenty-six (26) feet in height and no facility shall exceed fifty (50) feet in height, including, but not limited to the pole and any antenna that protrudes above the pole.

3. If an applicant proposes to replace a pole to accommodate the small wireless facility, the replacement pole shall match the appearance of the original pole to the extent feasible, unless the director finds that another design accomplishes objectives of this subsection.

H. Antennas.
1. The applicant shall use the least visible antennas as possible.

2. Each antenna associated with any deployment, excluding associated antenna equipment, shall be no more than three (3) cubic feet in volume. All other wireless equipment associated with the small wireless facility, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the small wireless facility, shall be no more than twenty-eight (28) cubic feet in volume.

3. Pole mounted equipment, including antenna equipment, shall be designed to occupy the least amount of space in the right of way that is technically feasible.

4. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators.

5. The small wireless facility shall be mounted on structures fifty (50) feet or less in height, including their antennas, or mounted on structures no more than ten (10) percent taller than other adjacent structures, or does not extend existing structures on which it is located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.

I. Operation and maintenance.

1. Small wireless facilities shall be maintained in good working order and condition and shall be fully operable at all times.

2. Small wireless facilities shall be free and clean of general dirt and grease; chipped, faded, peeling, and cracked paint; rust and corrosion; cracks, dents, and discoloration; missing, discolored, or damaged artificial foliage or other camouflage; graffiti, bills, stickers, advertisements, litter and debris; and damaged structural parts.

J. Security measures.

1. Small wireless facilities may incorporate reasonable and appropriate security measures, such as fences, walls, and anti-climbing devices, to prevent unauthorized access, theft, and vandalism.

2. Security measures must be designed to enhance concealment to the maximum extent feasible.

3. Security measures shall not include barbed wire, razor ribbon, electrified fences, or any similar security measures.

K. ADA compliance.
Small wireless facilities shall be built in compliance with the Americans with Disabilities Act.

17.31.060 Conditions of approval for small wireless facilities.

In addition to compliance with the requirements of this chapter, approval of small wireless facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the director:

1. Before the permittee submits any application for a building permit or other permits required by this code, the permittee must incorporate the small wireless facility permit granted under this chapter, all conditions associated with the small wireless facility permit and the approved plans and any photo simulations (the "Approved Plans") into the project plans. The permittee must construct, install, and operate the small wireless facility in strict compliance with the Approved Plans. The permittee shall submit an as built drawing within ninety (90) days after installation of the facility.

2. Where feasible, as new technology becomes available, the permittee shall:

   (a) Place above ground facilities below ground, including, but not limited to, any accessory equipment that has been mounted to a small wireless facility or pole or mounted on the ground; and,

   (b) Replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approvals required pursuant to this code.

3. The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the director. The permittee shall notify the director of any changes to the information submitted within seven days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

   (a) Identity, including the name, address, and twenty-four (24) hour local or toll-free contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the small wireless facility.

   (b) The legal status of the owner of the small wireless facility, including official identification numbers and FCC certification.
(c) Name, address, and telephone number of the property owner if different 
than the permittee.

4. The permittee shall not place any small wireless facility that will deny access to, 
or otherwise interfere with, any public utility, easement, or right-of-way located 
on the site. The permittee shall allow the City reasonable access to, and 
maintenance of, all utilities and existing public improvements within or adjacent 
to the site, including, but not limited to, pavement, trees, public utilities, lighting 
and public signage.

5. At all times, all required notices and signs shall be posted on the site as required 
by the FCC and California Public Utilities Commission, and as approved by the 
City. The location and dimensions of a sign bearing the emergency contact name 
and telephone number shall be posted pursuant to the approved plans.

6. At all times, the permittee shall ensure that the small wireless facility complies 
with the most current regulatory and operational standards including, but not 
limited to, radio frequency emissions standards adopted by the FCC and antenna 
height standards adopted by the Federal Aviation Administration.

7. Every five (5) years the permittee shall submit to the director a written report 
certified by a qualified licensed radio frequency emission engineer, certifying that 
the small wireless facility follows the radio frequency emissions guidelines or 
standards of the FCC. Additionally, if at any time while the small wireless facility 
permit is in effect the director determines there is good cause to believe that the 
small wireless facility may emit radio frequency emissions that are likely to 
exceed FCC standards, the director may require the permittee to submit a report 
described by this section. Failure to comply with this section shall be grounds for 
revocation of the small wireless facility permit by the director.

8. All conditions of approval shall be binding as to the applicant and all successors 
in interest to permittee.

17.31.070 Additional conditions of approval for small wireless facilities in the 
public right-of-way.

In addition to compliance with the requirements of this chapter, including without 
limitation the terms and conditions set forth in an approved permit for improvement in 
the public right-of-way, the approval of small wireless facilities in the public right-of-way 
shall be subject to each of the conditions of approval set forth in this section and any 
modification of these conditions or additional conditions of approval deemed necessary 
by the director:

1. The small wireless facility shall be subject to such conditions, changes or 
limitations as are from time to time deemed necessary by the director
purpose of: (a) protecting the public health, safety, and welfare, (b) preventing interference with pedestrian and vehicular traffic, and (c) preventing damage to the public right-of-way or any property adjacent to it.

2. The permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property owned by the City shall be moved to accommodate a small wireless facility unless the City determines that such movement will not adversely affect the City or any surrounding businesses or residents, and the permittee pays all costs and expenses related to the relocation of the City's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permittee shall provide the City with documentation establishing to the City's satisfaction that the permittee has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant's small wireless facility.

3. The permittee shall assume full liability for damage or injury caused to any property or person by the small wireless facility. The permittee of any administrative or discretionary land use entitlement permit required under the provisions of this chapter shall indemnify, defend, and hold the City, its officers, agents, employees, and representatives (Indemnitees), harmless from and against any and all loss, damage, liability, claim, demand, suit, cost, and expense whatsoever, including reasonable attorneys' fees, regardless of the merit or outcome of any such claim or suit arising from or in any manner connected with the issuance of any such permits or approvals and/or the installation, construction, maintenance, use, or operation of the work contemplated on private property, City property, or the public right-of-way for said permits, regardless of whether the Indemnitees reviewed and approved any plans or inspected any work or improvement, including any encroachment, and regardless of whether such maintenance, repair, replacement, or condition was affected or caused by the Indemnitees, except as provided by law.

4. The permittee shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to City streets, sidewalks, walks, curbs, gutters, trees, parkways, slopes, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation or maintenance of a wireless telecommunications facility in the public right-of-way. The permittee shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permittee fails to complete such repair
within the number of days stated on a written notice by the director, the director shall cause such repair to be completed at permittee's sole cost and expense.

5. Should any utility company offer electrical service that does not require the use of a meter cabinet, the permittee shall at its sole cost and expense remove the meter cabinet and any related foundation within thirty (30) days of such service being offered and reasonably restore the area to its prior condition.

6. The permittee shall modify, remove, or relocate its small wireless facility, or portion thereof, without cost or expense to City, if and when made necessary by:

   (a) Any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or aboveground public infrastructure including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by City or any other public agency;

   (b) Any abandonment of any street, sidewalk, or other public facility;

   (c) Any change of grade, alignment or width of any street, sidewalk or other public facility; or

   (d) A determination by the director that the small wireless facility has become incompatible with public health, safety or welfare or the public’s use of the public right-of-way.

7. Any modification, removal, or relocation of the small wireless facility shall be completed within ninety (90) days of written notification by the director unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the small wireless facility shall require submittal, review, and approval of a permit amendment pursuant to this code. The permittee shall be entitled, on permittee’s election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in this code allow. In the event the small wireless facility is not modified, removed, or relocated within said period of time, the City may cause the same to be done at the sole cost and expense of permittee. In the event of exigent circumstances, as determined by the director, the City may modify, remove, or relocate small wireless facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

117.31.080 Findings.
Approval of an administrative small wireless facility permit for a small wireless facility that will be located in the public right-of-way may be granted only if the following findings are made by the director:

1. The applicant has provided substantial written evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise or other agreement with the City permitting them to use the public right-of-way.

2. The applicant has demonstrated that the facility will not interfere with the use of the public right-of-way, existing subterranean infrastructure, or the City's plans for modification or use of such location and infrastructure.

17.31.090 Abandonment and removal of small wireless facilities.

A. Abandonment.

1. A small wireless facility that is inoperative for a period of six (6) continuous months shall be deemed abandoned.

2. Upon reasonable suspicion of abandonment, the director shall provide a preliminary notice of abandonment to the operator of the small wireless facility and the owner(s) of the premises upon which the small wireless facility is located.

3. The preliminary notice of abandonment may be delivered in person, or mailed to the address(es) stated on the small wireless facility permit application, and shall be deemed given at the time delivered or placed in the mail.

B. Removal by operator/owner.

1. Within thirty (30) days after preliminary notice of abandonment is given, the operator of the small wireless facility and the owner(s) of the property on which it is located shall either: (a) remove the small wireless facility and restore the premises, or (b) provide the director with written objection to the preliminary notice of abandonment and submit a request for administrative hearing to reconsider the abandonment. If after this time, the small wireless facility is not properly removed, or the director does not receive an objection to its preliminary notice of abandonment and request for administrative hearing, the director may make a determination of abandonment and provide notice in the same manner as the preliminary notice of abandonment.

2. If the director receives a timely written objection to the preliminary notice of abandonment and a request for administrative hearing, the director shall schedule an administrative hearing to commence within fifteen (15) days of receiving the objection. At the time and place scheduled for the administrative
hearing, the operator of the small wireless facility or the owner(s) of the property on which it is located may present documents and other evidence that the small wireless facility was in use during the relevant six (6) month period and that it is presently operational. The director shall review the evidence, determine whether or not the small wireless facility was properly deemed abandoned, and make a determination of abandonment or a finding of continued use and provide notice in the same manner as provided for the preliminary notice of abandonment.

C. Removal by City. If the small wireless facility is not properly removed following thirty days after the determination of abandonment by the director, the small wireless facility shall be deemed a public nuisance and may be abated in compliance with Chapter 8.32 of this code.

17.31.100 Appeals

Pursuant to Section 17.40.020 and Table 4-1 of this code, a decision of the director regarding an administrative small wireless facility permit may be appealed to the planning commission, and a decision of the planning commission may be appealed to the city council.

17.31.110 Indemnification

The permittee of any administrative or discretionary land use entitlement permit required under the provisions of this chapter shall indemnify, defend, and hold the City, its officers, agents, employees, and representatives (Indemnitees), harmless from and against any and all loss, damage, liability, claim, demand, suit, cost, and expense whatsoever, including reasonable attorneys' fees, regardless of the merit or outcome of any such claim or suit arising from or in any manner connected with the issuance of any such permits or approvals and/or the installation, construction, maintenance, use, or operation of the work contemplated on private property, City property, or the public right-of-way for said permits, regardless of whether the Indemnitees reviewed and approved any plans or inspected any work or improvement, including any encroachment, and regardless of whether such maintenance, repair, replacement, or condition was affected or caused by the Indemnitees, except as provided by law.

SECTION 5. The City Council finds and determines that this Ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000 et seq.). Public Resources Code § 21065 defines "project" as "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The proposed Ordinance does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, as the Ordinance does not call for any change in the existing environmental conditions within the City. The proposed Ordinance merely updates existing City regulations to reflect the FCC's new laws governing the deployment of small wireless facilities, which
are already permitted uses within the City. Accordingly, the Ordinance is not a “project” subject to CEQA. (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Even if the Ordinance could be construed to be a project subject to CEQA, the proposed Ordinance is exempt because the proposed Ordinance merely updates existing City regulations to reflect the FCC’s new laws governing the deployment of small wireless facilities and does not authorize new programs or activities. The proposed Ordinance calls for the continued operation of small wireless facilities involving no expansion of the existing uses. As a result, the proposed Ordinance is exempt from CEQA pursuant to the Class 1 exemption. Moreover, CEQA’s Class 3 Exemption applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. (CEQA Guidelines, § 15303.) The proposed Ordinance allows for the deployment of new, small wireless facilities on pre-existing or new small structures within the City, therefore, the proposed Ordinance is exempt from CEQA pursuant to the Class 3 exemption.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 7. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

PASSED, APPROVED, AND ADOPTED this TBD day of TBD, 2019.

Warren Kusumoto, Mayor

ATTEST:

Windy Quintanar, MMC, City Clerk

CC ORD 2019-XX
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APPROVED AS TO FORM:

__________________
Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, MMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2019-____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of ______, 2019 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of __________, 2019 by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

__________________
Windmera Quintanar, MMC, City Clerk