

CITY OF LOS ALAMITOS

Council Chamber
3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION/SUBDIVISION COMMITTEE REGULAR MEETING

Wednesday, March 23, 2022 – 7:00 PM

SAFETY ALERT –NOTICE REGARDING COVID-19

If you wish to attend the Planning Commission meeting in person, the Council Chamber located at 3191 Katella Ave., Los Alamitos, California 90720, will have seating for this meeting and the public shall have the right to observe and offer public comment at this location.

Masks will be required before entering the Council Chamber. Seating will be available based on six feet of social distancing. **The City of Los Alamitos continues to follow the Centers for Disease Control and Prevention (CDC) guidelines and these provisions are subject change with short notice.**

While you may attend this meeting in person, given the health risks associated with COVID-19, please be advised that you may submit comments on any agenda item or on any item not on the agenda by email to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 4:00 p.m.** will be compiled, provided to the Planning Commission, and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Please consider carefully before attending this meeting in person and keep a six foot distance from others as much as possible. Please do not attend this meeting in person if you have traveled out of state and/or you have had direct contact with someone who has travelled or tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the Planning Commission during the meeting shall become public record and subject to applicable disclosure laws.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted after distribution of the agenda packet are available for public inspection on the City's website at www.cityoflosalamitos.org.

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

1. CALL TO ORDER

2. ROLL CALL

Chair DeBolt
Vice Chair Loe
Commissioner Andrade
Commissioner Cuijly
Commissioner Grose
Commissioner Sofelkanik
Commissioner Zellmer

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

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

5. APPROVAL OF MINUTES

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARING

**A. Conditional Use Permit (CUP) 22-01
Health/Fitness Facilities – Large in the Town Center Mixed Use Zone**

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,

3. Adopt Resolution No. 2022-02, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 22-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE AT A 3,000 SQUARE FOOT UNIT IN THE TOWN CENTER MIXED USE (TCMU) ZONE AT 10958 LOS ALAMITOS BLVD., APN 242-171-02 (APPLICANT: GERALD WETZEL).”

**B. Zoning Ordinance Amendment (ZOA 22-01)
Permitting the Keeping of Female Chickens (Hens) in Residential Zones**

Recommendation:

1. Open the public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 2022-03, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE 2022-01 AMENDING SECTIONS 17.08.020, 6.20.010, AND 8.32.020.24 OF THE LOS ALAMITOS MUNICIPAL CODE AND ADDING NEW SECTION 6.20.180 TO THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE KEEPING OF FEMALE CHICKENS (HENS) IN RESIDENTIAL ZONES (ZOA 22-01) (CITY INITIATED).”

8. DISCUSSION

A. Public Discussion of the Housing Element (GPA 21-01)

Recommendation: Hold the community meeting and, as necessary, receive public comments concerning the draft Housing Element that was available for review on the City’s website from March 3 through March 23, 2022.

9. STAFF REPORT

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

Recommendation:

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

1. A state of emergency has been proclaimed by California’s Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and

3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

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 \$1,048.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2021-06.

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at City Hall, 3191 Katella Ave., Los Alamitos, CA 90720 and on the City's website at www.cityoflosalamitos.org not less than 72 hours prior to the meeting. **Dated this 17th day of March, 2022**



Maria Veronica Enciso
Department Secretary

3/17/2022

Date

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: March 23, 2022

ITEM NUMBER: 7A

To: Chair DeBolt and Members of the Planning Commission

Via: Ron Noda, Development Services Director

From: Tom Oliver, Associate Planner

**Subject: Conditional Use Permit (CUP) 22-01
Health/Fitness Facilities – Large in the Town Center Mixed Use Zone**

SUMMARY

Consideration of a Conditional Use Permit for the use of Health/Fitness Facilities – Large (Martial Arts) in the Town Center Mixed Use (TCMU) Zone proposed for 10958 Los Alamitos Boulevard. the Town Center Mixed Use (TCMU) Zoning District (Applicant: Gerald Wetzel), APN 242-171-02.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 2022-02, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 22-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE AT A 3,000 SQUARE FOOT UNIT IN THE TOWN CENTER MIXED USE (TCMU) ZONE AT 10958 LOS ALAMITOS BLVD., APN 242-171-02 (APPLICANT: GERALD WETZEL)."

APPLICANT

Gerald Wetzel

LOCATION

10958 Los Alamitos Blvd., 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 to 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 17.12.030, 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 “Health/Fitness Facilities—Large” use in the Town Center Mixed Use (TCMU) zoning district.

NOTICING

The Public Hearing Notice for this meeting was mailed out on March 9, 2022, 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 March 9, 2022.

PRIOR ACTIONS

Any prior discretionary action for this particular unit on the parcel is shown below:

None in this unit.

BACKGROUND



The Applicant, Gerald Wetzel, has submitted an application for a Conditional Use Permit (CUP 22-01) asking that the City permit a large martial arts training business to move into a mini mall structure in the two units for the former dry cleaners and shoe repair businesses at the corner of Los Alamitos Boulevard and Katella Avenue. This is the building where Shoe City is located. The Applicant says the classes generally have 15 students. The proposed use is a “large facility” because the unit is 3,000 square feet in size, which is over the 2,500 square foot threshold for a small facility. The unit was combined by the property owner from two existing units. The building has its own

parking on the parcel, owned separately from the Town Center Shopping Center parking. However, as is clear, people use both lots as a combined parking area for either parcel. Shoe City and the old dry cleaners have had signs painted on the back wall of the building to encourage people not to park in the spaces that these businesses feel are their own parking spots.

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 CUP application presented tonight considers whether a "health/fitness facility – large," is an appropriate use at 10958 Los Alamitos Boulevard. A CUP is approved or denied by the Planning Commission in accordance with the findings found in LAMC Chapter 17.32 (Conditional Use Permits).

Here is how the applicant describes the business:

"Centerline Jiu Jitsu & MMA provides self defense and martial arts training to kids, teens, and adults. We've been in business for over 20 years. Our biggest classes are our kid's classes that average about 15 students, the majority of whom are siblings. The high-end estimate for the amount of cars for any one class would be six. Many students are dropped off and picked up after. The 39 parking spaces allotted to the business in this building will more than support all of us. We also run an after-school Jiu Jitsu Bully Proof class for the Los Alamitos Education Foundation. As a result, a majority of our students are residents of Los Alamitos/Rossmoor. Due to the nature of the arts we practice, there is not the shouting sometimes associated with martial arts schools."

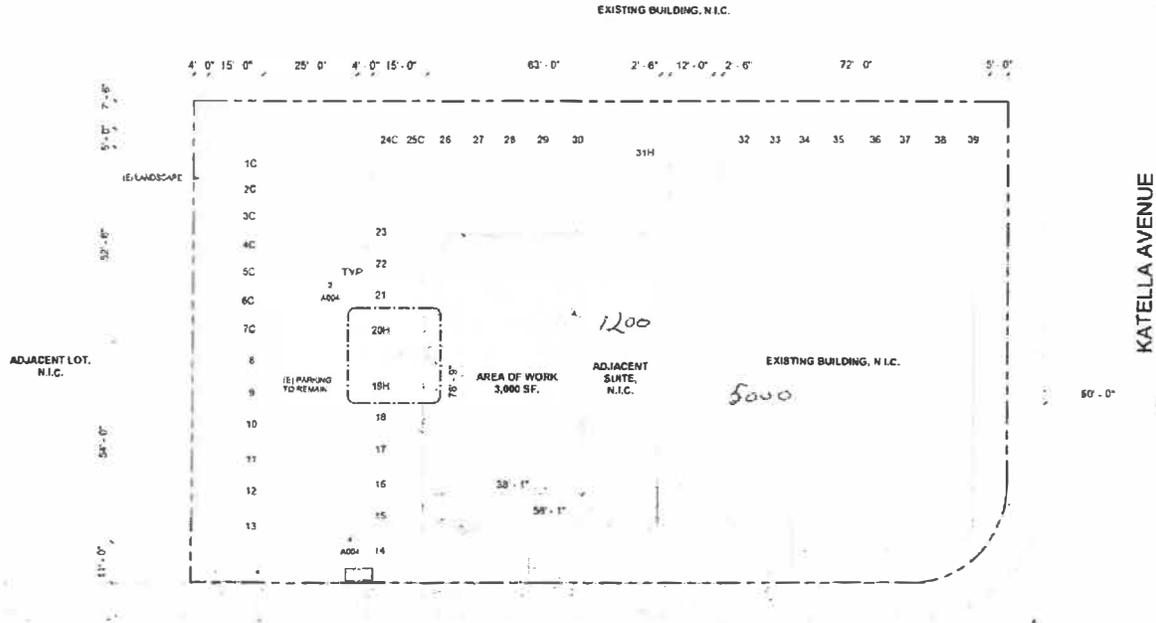
The business name is "Centerline Jui Jitsu and MMA." The Applicant has been teaching for 23 years, and has been doing it as a full time business since 2001. He has had previous locations of this business in Long Beach and in Bellflower, but is moving into this location solely. Below is a view of the parcel:



Location

The proposed unit, denoted by the arrow on the above picture, is at 10958 Los Alamitos Boulevard. The property to the north of this parcel is the Town Center Plaza shopping center in the Town Center Mixed Use Zone (TCMU). To the east, across Los Alamitos Boulevard, is the Shell Gas Station and Wahoo's in the TCMU zoning district. The property to the south across Katella Avenue is the Chase Bank in the TCMU zoning district. To the west, is more of the Town Center Plaza shopping area, which is also in the TCMU zone.

Staff Discussion



The hours of operation for the business, if approved in the new location, would be between 4:00 p.m. and 9:00 p.m., Monday through Thursday, and then Saturday mornings from 11:00 a.m. to Noon. There would be only two teachers, and class size would be 15 students. The proposed floor plan is attached to this report.

Parking

The "Health/Fitness Facilities – Large" use requires one parking space per 200 square feet of the unit. At 3,000 square feet, the business would require 15 parking spaces. At 1,200 square feet, Fantastic Sam's, in this same building, can be considered a personal services use for parking (one space each 300 square feet), and requires four parking spaces. At 5,000 square feet, Shoe City, in this same building, is also considered a retail use (one space per 250 square feet for parking, and requires 20 parking spaces). The total spaces needed for all of these businesses are 39 and the parcel has 39 parking spaces altogether.

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:

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

Staff response: The proposed use is in the Mixed Use General Plan designation. While not mentioned as a goal of the General Plan here are two policies, below, that speak to the intention of the Mixed Use area in which this use adequately fits,

Land Use Policy 1.3 Diverse businesses and activities. Attract and retain a variety of shopping, dining, and entertainment options for residents and visitors in the town center. Encourage the creation of daytime, nighttime, and weekend activity in the town center.

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

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), Section 17.12.030, 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 “Health/Fitness Facilities—Large” 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. This use is an appropriate fit 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, which is a retail business type of location where these types of uses are customarily located. The parents who bring their children to the classes will be drawn to the shopping area during evening hours, which is usually a quiet time for businesses in this area.

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;

Staff response: The building on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the development standards that were current at the time for a commercial retail type of building. The proposed martial arts training will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use. 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 center was originally built to meet the codes of the time. All access, as well as emergency access were designed to meet that year's current access standards for an commercial building, and have been upgraded from time to time through the years, therefore, the streets are adequate for public and emergency vehicle access.

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

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

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

Staff response: This unit has historically been served by adequate utility services without interruption.

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

Staff response: This mini mall is the type of location where this use and the other uses in this same building are typically found throughout the local region. These classes, in practice, contribute to the health of the students, being an active fitness activity. The Applicant will be required, as with any other business owner in the City, to ensure that the business complies with the noise ordinances of the City of Los Alamitos. Further, Condition of Approval No. 10 will ensure nuisance conditions are not permitted to exist on the site.

RECOMMENDATION

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 Staff.

Attachment: 1. PC Resolution 2022-02 with Exhibit A Tenant Improvement Plans

ATTACHMENT 1

PC RESOLUTION 2022-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 22-01 TO ALLOW A HEALTH/FITNESS FACILITY – LARGE AT A 3,000 SQUARE FOOT UNIT IN THE TOWN CENTER MIXED USE (TCMU) ZONE AT 10958 LOS ALAMITOS BLVD., APN 242-171-02 (APPLICANT: GERALD WETZEL).

WHEREAS, on February 23, 2022, the Applicant submitted a complete application for a Conditional Use Permit (CUP 22-01) requesting City approval of a Health/Fitness Facility - Large (martial arts) use at 10958 Los Alamitos Blvd. in the Town Center Mixed Use (TCMU) zoning district; 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 March 23, 2022; and,

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

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

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

SECTION 2. Conditional Use Permit 22-01, requesting approval of a Health/Fitness Facility - Large (martial arts) use at 10958 Los Alamitos Blvd. in the Town Center Mixed Use (TCMU) zoning district, 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. The proposed use is in the Mixed Use General Plan designation. While not mentioned as a goal of the General Plan here are two policies, below, that speak to the intention of the Mixed Use area in which this use adequately fits,

Land Use Policy 1.3 Diverse businesses and activities. Attract and retain a variety of shopping, dining, and entertainment options for residents and visitors in the town center. Encourage the creation of

daytime, nighttime, and weekend activity in the town center.

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

B. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code. Los Alamitos Municipal Code (LAMC), Section 17.12.030, 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 "Health/Fitness Facilities—Large" 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. This use is an appropriate fit 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, which is a retail business type of location where these types of uses are customarily located. The parents who bring their children to the classes will be drawn to the shopping area during evening hours, which is usually a quiet time for businesses in this area.

D. The site is physically suitable in terms of:

1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood. The building on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the development standards that were current at the time for a commercial retail type of building. The proposed martial arts training will be contained entirely within the walls of the existing commercial space. Parking is adequate to accommodate the proposed use. Any Interior tenant improvements are required to be reviewed by the City's Building Department and the Orange County Fire Authority for compliance with building and safety standards for the structure.

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

3. Public protection services (e.g., fire protection, police protection, etc.). This unit in the Town Center Mixed Use Zone has historically been served by public protection services without interruption.

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

E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. This mini mall is the type of location where this use and the other uses in this same building are typically found throughout the local region. These classes, in practice, contribute to the health of the students, being an active fitness activity. The Applicant will be required, as with any other business owner in the City, to ensure that the business complies with the noise ordinances of the City of Los Alamitos.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 22-01 subject to the following conditions:

Planning

1. Approval of this application is to allow a Health/Fitness Facility - Large (martial arts) use at 10958 Los Alamitos Blvd. in the Town Center Mixed Use (TCMU) zoning district, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 22-01 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. Hours of operation for the health/fitness facility shall be limited to those hours between of 4:00 p.m. to 9:00 p.m., Monday through Thursday, and then Saturday morning from 11:00 a.m. to Noon.
11. 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.

Building Department

12. Applicant shall provide full tenant improvement plans that comply with the 2016 California Building Code to the Building and Safety Department before beginning any construction.

Orange County Fire Authority

13. Plan Submittal: The Applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit:
Architectural (service codes PR200-PR285), when required by the OCFA "Plan Submittal Criteria Form"

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

SECTION 5. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 23rd day of March, 2022.

Chair Art DeBolt

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

I, Ron Noda, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 23rd day of March 2021, by the following vote, to wit:

AYES:

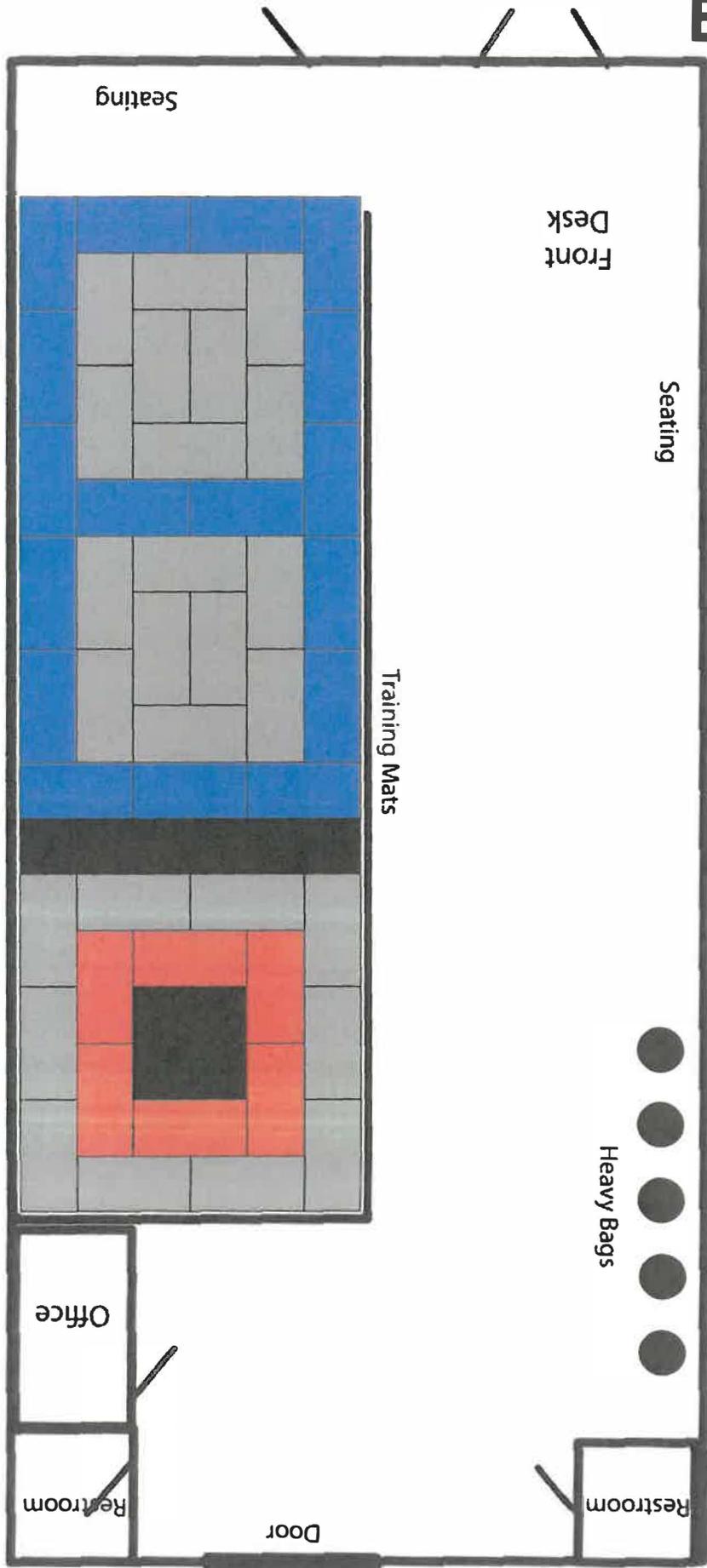
NOES:

ABSENT:

ABSTAIN:

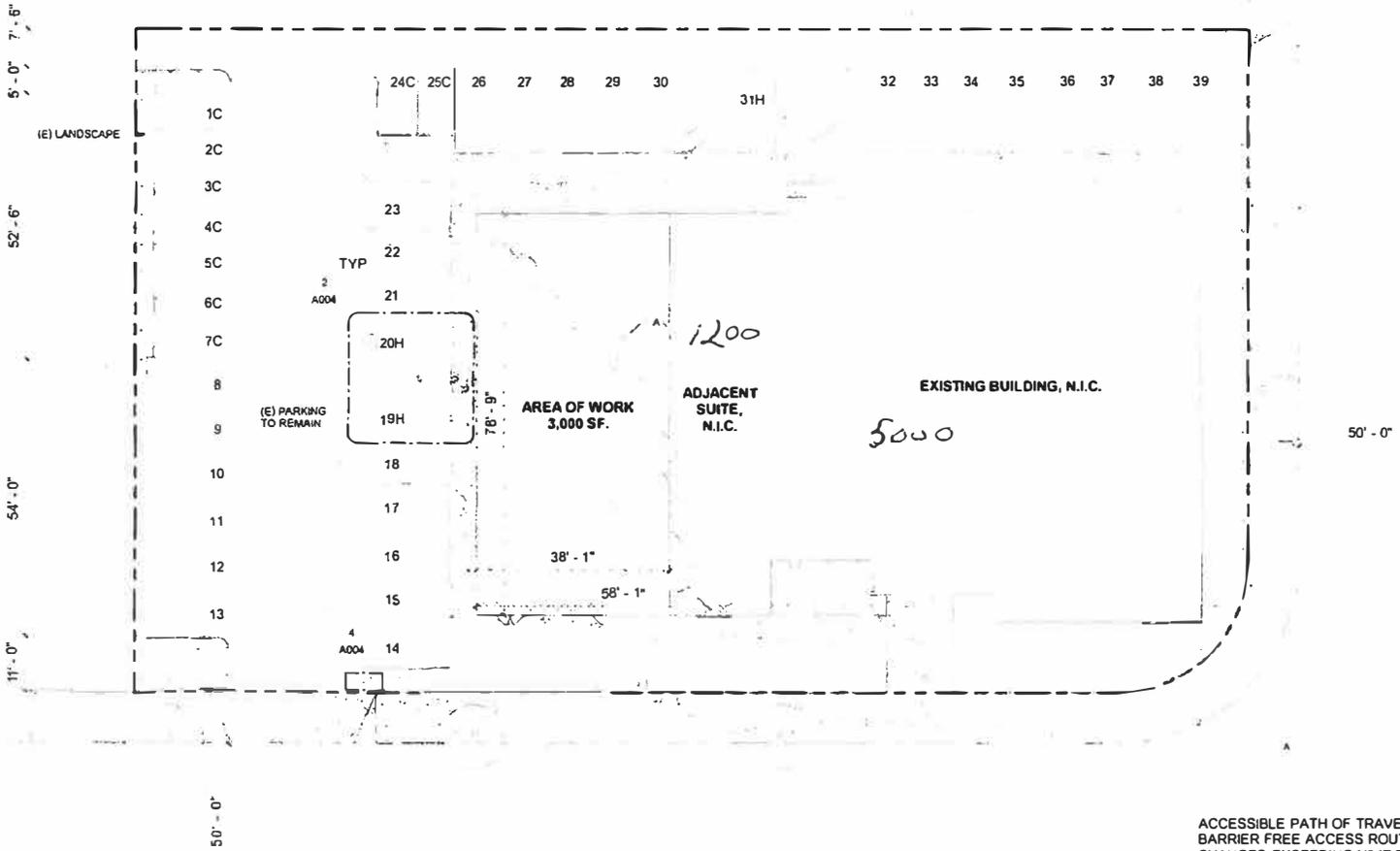
Ron Noda, Secretary

EXHIBIT A



EXISTING BUILDING, N.I.C.

4'-0" 15'-0" 25'-0" 4'-0" 15'-0" 63'-0" 2'-8" 12'-0" 2'-6" 72'-0" 5'-0"



KATELLA AVENUE

ADJACENT LOT, N.I.C.

(E) PARKING TO REMAIN

AREA OF WORK 3,000 SF.

ADJACENT SUITE, N.I.C.

EXISTING BUILDING, N.I.C.

LOS ALAMITOS BLVD.

ACCESSIBLE PATH OF TRAVEL AS INDICATED ON PLAN IS A BARRIER FREE ACCESS ROUTE WITHOUT ANY ABRUPT LEVEL CHANGES EXCEEDING 1/4" IF BEVELED AT 1:2 MAX SLOPE, OR VERTICAL LEVEL CHANGES NOT EXCEEDING 1/4" MAX. AND AT LEAST 48" IN WIDTH. SURFACE IS STABLE FIRM AND SLIP RESISTANT. CROSS SLOPE DOES NOT EXCEED 2% AND SLOPE IN DIRECTION OF TRAVEL IS LESS THAN 5% UNLESS OTHERWISE INDICATED. ACCESSIBLE PATH OF TRAVEL SHALL BE MAINTAINED FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM, AND PROTRUDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL AND ABOVE 27" AND LESS THAN 80".

1 SITE PLAN
SCALE: 1/16" = 1'-0"



City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: March 23, 2022

ITEM NUMBER: 7B

To: Chair DeBolt and Members of the Planning Commission

Via: Ron Noda, Development Services Director

From: Tom Oliver, Associate Planner

**Subject: Zoning Ordinance Amendment (ZOA 22-01)
Permitting the Keeping of Female Chickens (Hens) in Residential
Zones**

SUMMARY

Consideration of a resolution recommending adoption of Zoning Ordinance Amendment (ZOA 22-01) to City Council concerning the keeping of female chickens, or hens, in residential zones.

RECOMMENDATION

1. Open the public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 2022-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE 2022-01 AMENDING SECTIONS 17.08.020, 6.20.010, AND 8.32.020.24 OF THE LOS ALAMITOS MUNICIPAL CODE AND ADDING NEW SECTION 6.20.180 TO THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE KEEPING OF FEMALE CHICKENS (HENS) IN RESIDENTIAL ZONES (ZOA 22-01) (CITY INITIATED)."

APPLICANT: City Initiated

LOCATION: Citywide

ENVIRONMENTAL:

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. Instead, the proposed Resolution merely recommends that the City Council adopt Zoning Ordinance Amendment (ZOA) 21-02. Accordingly, the proposed Resolution is not a “project” subject to the California Environmental Quality Act (CEQA). (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Even if this action 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 “approval” of any identifiable projects.

APPROVAL CRITERIA:

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

NOTICING:

On March 9, 2022, a Notice of Public Hearing was posted at City Hall. It was also published in the News Enterprise on this same date as a 1/8th of a page notice.

BACKGROUND

During public comments at the December 8, 2021 regular meeting of the Planning Commission, a resident spoke concerning the prohibition of chickens (live fowl) in Los Alamitos. The resident requested that the Planning Commissioners consider lifting the unpermitted status of chickens (live fowl) so that the resident could keep chickens that they consider to be family pets.

Table 2-02, Section 17.08.020, of Title 17 (Zoning) of the Los Alamitos Municipal Code (LAMC) identifies land uses that may be allowed within the City's residential zones. Chickens are not listed as a permitted use. Uses not listed in Table 2-02 are prohibited (LAMC § 17.08.020(F).)

LAMC Section 6.20.010 of Chapter 6.20 (Fowl, Rabbits and Goats) expressly prohibits the keeping of male and female chickens. Additionally, LAMC Section 8.32.020(24) declares the keeping of chickens a nuisance.

During its January 26, 2022 regular meeting, the Planning Commission directed Staff to add the discussion to the agenda for an upcoming Planning Commission meeting. After Planning Commissioner discussion at the February 23, 2022 regular Planning Commission meeting, Staff was directed to draft a resolution recommending to City Council adoption of an ordinance amending the Los Alamitos Municipal Code to permit the keeping of female chickens (hens) in residential zones.

DISCUSSION

During its February 23, 2022 meeting, the Planning Commission discussed whether it was appropriate to permit the keeping of chickens as pets by residents in residential zones. In the meeting, City staff provided some terminology for the subject: such as: Housing for chickens is called a "coop," the outside play area is called a "run," and that each individual hen needs a "nesting box." In further discussion, the Commissioners agreed that roosters should not be permitted due to the noise they make.

Staff provided code provisions about chickens from other cities in California. Using these examples as a point of discussion, the Planning Commission provided direction to staff. Based on this direction, staff has prepared the proposed Ordinance attached to this report, as well as a resolution of recommendation to the City Council approval of the proposed Ordinance. If approved, the proposed Ordinance would amend the LAMC to allow the keeping of female chickens in the R-1, R-2, R-3, and M-H residential zones subject to the following limitations:

1. Male chickens, or roosters, are prohibited and may not be kept on any residential parcel.
2. A maximum of four (4) female chickens, or hens, may be kept on a residential parcel.

3. All hen chickens must be confined in a pen, coop, cage, run or other enclosure at all times. Such enclosures must include nesting boxes with a minimum area of three (3) square feet per hen.
4. All hen chickens shall be provided with adequate food, water, and ventilation.
5. Chicken pens, coops, cages, runs or other enclosures must be kept in a clean and sanitary condition, with feathers, manure or other debris removed daily and stored in an air-tight container prior to disposal.
6. Chicken feed must be stored properly to prevent spoilage and to prevent access to other animals and rodents.
7. All hen chickens shall be kept within an enclosure that is at least twenty (20) feet distant from any dwelling unit on an adjacent parcel.
8. No hen chickens may be kept in the front yard.

RECOMMENDATION

Staff recommends that Planning Commissioners discuss the permitting of chickens, and, if appropriate, approve Resolution No., 2022-02 recommending to the City Council approval of the proposed Ordinance concerning the keeping of female chickens in residential zones.

Attachment: 1. PC Resolution 2022-03 with Exhibit A – Proposed Ordinance

ATTACHMENT 1

PC RESOLUTION NO. 2022-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2022-XX AMENDING SECTIONS 17.08.020, 6.20.010, AND 8.32.020.24 OF THE LOS ALAMITOS MUNICIPAL CODE, AND ADDING NEW SECTION 6.20.180 TO THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE KEEPING OF FEMALE CHICKENS (HENS) IN RESIDENTIAL ZONES (ZOA 22-01) (CITY INITIATED).

WHEREAS, on December 8, 2021, a resident spoke during public comments at the Planning Commission meeting concerning the prohibition of chickens (live fowl) in Los Alamitos and asked for consideration for chickens to be permitted in the City; and,

WHEREAS, on January 26, 2022, the Planning Commission directed Staff to add a discussion concerning the keeping of chickens to the agenda for an upcoming Planning Commission meeting; and,

WHEREAS, on February 23, 2022, the Planning Commission discussed the keeping of chickens in residential zones and directed Staff to draft a resolution recommending to City Council adoption of an ordinance amending the Los Alamitos Municipal Code to permit the keeping of female chickens (hens) in residential zones (“Amendments”); and,

WHEREAS, on March 23, 2022, the Planning Commission held a duly noticed Public Hearing concerning the proposed Amendments; 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 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 Ordinance No. 2022-XX amending Sections 17.08.020, 6.20.010, and 8.32.020.24 of the Los Alamitos Municipal Code, and adding new Section 6.20.180 concerning the keeping of female chickens (hens) in residential zones, attached hereto as Exhibit “A”, based on the following findings, as specified in Section 17.58.060 of the Los Alamitos Municipal Code:

- a) *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

The Amendments do not conflict with any of the actions, goals, objectives, or policies of the General Plan and will not create any inconsistencies with the Zoning Code. While this subject is not mentioned in the General Plan, it also does not conflict with any of the goals.

- b) *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

The Amendments will enhance the public convenience, health, interest, safety, and welfare of the City by creating a more permissive environment through the expansion of the types of household pets. This will provide efficient administrative guidance for the keeping of these pets in the City.

- c) *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

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. Instead, the proposed Resolution merely recommends that the City Council adopt the proposed Ordinance. Accordingly, the proposed Resolution is not a “project” subject to the California Environmental Quality Act (CEQA). (Public Resources Code § 21065; CEQA Guidelines § 15378(a).)

Even if this action 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 “approval” of any identifiable projects.

- d) *The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The Amendments ensure internal consistency within the Zoning Code with regard to the keeping of certain animals within the City of Los Alamitos.

SECTION 3. The Secretary of the Planning Commission shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 23rd day of March 2022.

Art DeBolt, Chair

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

I, Ron Noda, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 23rd day of March 2022, by the following vote, to wit:

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

Ron Noda, Secretary

EXHIBIT A

ORDINANCE NO. 2022-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 17.08.020, 6.20.010, AND 8.32.020.24 OF THE LOS ALAMITOS MUNICIPAL CODE, AND ADDING NEW SECTION 6.20.180 TO THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE KEEPING OF FEMALE CHICKENS (HENS) IN RESIDENTIAL ZONES (ZOA 22-01) (CITY INITIATED)

WHEREAS, on December 8, 2021, a resident spoke during public comments at the Planning Commission meeting concerning the prohibition of chickens (live fowl) in Los Alamitos and asked for consideration for chickens to be permitted in the City; and,

WHEREAS, on January 26, 2022, the Planning Commission directed Staff to add a discussion concerning the keeping of chickens to the agenda for an upcoming Planning Commission meeting; and,

WHEREAS, on February 23, 2022, the Planning Commission discussed the keeping of chickens in residential zones and directed Staff to draft a resolution recommending to City Council adoption of an ordinance amending the Los Alamitos Municipal Code to permit the keeping of female chickens (hens) in residential zones (“Amendments”); and,

WHEREAS, on March 23, 2022, the Planning Commission held a duly noticed Public Hearing concerning the proposed Amendments, and recommended City Council approval of this Ordinance; and,

WHEREAS, the City Council opened a duly noticed Public Hearing concerning the proposed Amendments on ____ 2022; and,

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

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. Pursuant to Section 17.58.060 of the Los Alamitos Municipal Code, the following findings are made in support of this code amendment:

1. *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

The Amendments do not conflict with any of the actions, goals, objectives, or policies of the General Plan and will not create any inconsistencies with the Zoning Code. While this subject is not mentioned in the General Plan, it also does not conflict with any of the goals.

2. *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

The Amendments will enhance the public convenience, health, interest, safety, and welfare of the City by creating a more permissive environment through the expansion of the types of household pets. This will provide efficient administrative guidance for the keeping of these pets in the City.

3. *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

The Amendments will not result in any physical change to the environment and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. Where 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 activity is not subject to CEQA.

4. *The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.*

The Amendments ensure internal consistency within the Zoning Code with regard to the keeping of certain animals within the City of Los Alamitos.

SECTION 3. Table 2-02 of Section 17.080.020 (Allowed Uses and Permit Requirements for Residential Zones) of Chapter 17.08 (Residential Zones) of Division 2 (Zones, Allowable Uses, and Development Regulations) of Title 17 (Zoning) of the Los Alamitos Municipal Code is hereby amended by adding the "Chickens, Female (Hens)" use as shown below (new text in underline):

Table 2-02: Allowed Uses and Permit Requirements for Residential Zones

| | |
|----------------------------------|-----------------------------|
| P: Permitted Use | CUP: Conditional Use Permit |
| A: Permitted as an Accessory Use | TUP: Temporary Use Permit |
| AUP: Administrative Use Permit | --- : Use Not Allowed |

| OTHER USES | | | | | |
|-------------------------|-----|-----|-----|-----|--------------------------------|
| Use | R-1 | R-2 | R-3 | M-H | Specific Use Regulations |
| Chickens, female (hens) | P | P | P | P | <u>Subject to Chapter 6.20</u> |

SECTION 4. Chapter 6.20 (Fowl, Rabbits and Goats) of Title 6 (*Animals*) of the Los Alamitos Municipal Code is hereby retitled to read as follows:

“Chapter 6.20 FOWL, RABBITS, GOATS AND CHICKENS”

SECTION 5. Section 6.20.010 (Fowl) of Chapter 6.20 (Fowl, Rabbits and Goats) of Title 6 (Animals) of the Los Alamitos Municipal Code is hereby amended to read as follows (deleted text in ~~strikethrough~~; new text in underline):

“6.20.010 Fowl.

No person shall have, keep, maintain or have in possession or under control any live fowl within the city. “Live fowl” means and includes ~~male and female chicken or rooster~~; duck, goose, seafoal, peacock, turkey and pheasant.”

SECTION 6. Section 6.20.180 (Keeping of Chickens) is hereby added to Chapter 6.20 Chapter 6.20 (Fowl, Rabbits and Goats) of Title 6 (Animals) of the Los Alamitos Municipal Code is hereby amended to read as follows:

“6.20.180 Keeping of Chickens.

No person shall have, keep, maintain or have in possession or under control chickens on any parcel of property located in the city, except in accordance with the following restrictions:

- A. Male chickens, or roosters, are prohibited and may not be kept on any residential parcel.

- B. A maximum of four (4) female chickens, or hens, may be kept on a residential parcel.
- C. All hen chickens must be confined in a pen, coop, cage, run or other enclosure at all times. Such enclosures must include nesting boxes with a minimum area of three (3) square feet per hen.
- D. All hen chickens shall be provided with adequate food, water, and ventilation.
- E. Chicken pens, coops, cages, runs or other enclosures must be kept in a clean and sanitary condition, with feathers, manure or other debris removed daily and stored in an air-tight container prior to disposal.
- F. Chicken feed must be stored properly to prevent spoilage and to prevent access to other animals and rodents.
- G. All hen chickens shall be kept within an enclosure that is at least twenty (20) feet distant from any dwelling unit on an adjacent parcel.
- H. No hen chickens may be kept in the front yard.”

SECTION 7. Subsection 24, of Section 8.32.20 (Declaration of Nuisance), of Chapter 8.32 (Nuisance Abatement) of Title 8 (Health and Safety) of the Los Alamitos Municipal Code is hereby amended to read as follows (new text in underline):

“24. The keeping of any animal, other than a household pet, as defined herein, or the keeping of female chickens or hens in accordance with Section 6.20.180 of this code. “Household pets” means animals, birds or fowl ordinarily permitted in a dwelling and kept only for the company or pleasure provided to the occupants. Household pets include birds kept in an enclosed aviary which shall be no closer than thirty (30) feet from any residence other than that of the owner of the aviary. Pigeons banded with the American Racing Pigeon Union official band shall be the only birds allowed to be loose. The number of birds in an aviary shall not exceed ten for each full six thousand (6,000) square foot of premises of the owner. Such an aviary shall be an allowed use only in the R-1 zone. Household pets shall not include horses, cows, goats, sheep, other equine, bovine, ovine or ruminant animals, pigs (except potbellied pigs), predatory wild animals, male chickens or roosters, ducks, geese, turkeys, game birds and fowl which normally constitute an agricultural use (except pigeons, which shall be deemed household pets);”

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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, or portion thereof, irrespective of the fact that any one or more sections,

subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this __ day of _____, 2022.

Shelley Hasselbrink, Mayor

ATTEST:

Windmera Quintanar, MMC, City Clerk

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. _____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the __ day of _____, 2022 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the __ day of _____, 2022, by the following roll-call vote, to wit:

CC ORD _____

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

Windmera Quintanar, MMC, City Clerk

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: March 23, 2022

ITEM NUMBER: 8A

To: Chair Debolt and Members of the Planning Commission

Via: Ron Noda, Development Services Director

Presented By: Tom Oliver, Associate Planner

Subject: Public Discussion of the Housing Element (GPA 21-01)

SUMMARY

A Housing Element sets the strategies for the City of Los Alamitos' housing decisions. Public participation in the development, adoption and implementation of the Housing Element is essential to effective planning for housing. Throughout the housing element draft process, the City continues to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available, as well as to receive and incorporate public comments where appropriate.

RECOMMENDATION

Hold the community meeting and, as necessary, receive public comments concerning the draft Housing Element that was available for review on the City's website from March 3 through March 23, 2022.

APPLICANT City of Los Alamitos

LOCATION Citywide

NOTICING The public was notified of this community meeting by mail, social media, website, email blast, and an advertisement in the Event News Enterprise on March 2, 2022.

BACKGROUND

The 2021-2029 General Plan Housing Element will set strategies for the City of Los Alamitos' housing decisions. On December 31, 2021, the State of California Housing and Community Development (HCD) Department sent the City its review letter

concerning the City's draft of the Housing Element. The City submitted that draft to the State HCD on November 30, 2021. Their review explained that the City's draft element addresses and satisfies many statutory requirements; however, revisions were still necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). Those revisions are complete and were available for public review on the City's website from March 3 through March 23, 2021. As part of their review, the State HCD reminded the City that:

“Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the Housing Element, and the element shall describe this effort (Gov. Code, § 65583, subd. (c)(8)). The element describes that the full extent of public participation was a public workshop and hearings. Further, the element appears to have received minimal public input. Moving forward, the City must employ additional methods for public outreach efforts in the future, particularly to include lower-income and special needs households and neighborhoods with higher concentrations of lower-income households.”

DISCUSSION

To assure citizen participation in the writing and implementation of the City's Housing Element, the City continuously seeks input from a wide variety of community members. The public was notified of this community meeting, and of another review period, by mail, social media, website, email blast, and an advertisement in the Event News Enterprise on March 2, 2022. The review and comment period opened on March 3 and ends today, March 23.

Previous to the City's first submission of the draft Element, public meetings and a review period were held to gather information from the community. Tonight's public hearing is another opportunity for those in the community to review and comment on the latest draft Element. This hearing is being held in a centrally located, handicap-accessible building with reasonable accommodation provided for persons with disabilities.

Priorities, goals, and objectives are established in the Housing Element, through citizen input, and then used in planning for future housing in the City. Citizen participation is an important aspect of this process as it establishes the needs of the community from the grass roots level. The City provides this information to the State HCD through the Housing Element document, and reports the progress made to HCD, annually.

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: March 23, 2022

ITEM NUMBER: 9A

To: Chair DeBolt & Members of the Planning Commission

From: Ron Noda, Development Services Director

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

SUMMARY

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

RECOMMENDATION

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

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

BACKGROUND

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings. Those amendments authorize local agencies, like the City, to continue to conduct meetings by teleconference¹ during a Governor-proclaimed

¹ A "teleconference" occurs for purposes of AB 361 whenever one or more members of the Planning Commission connect to a Planning Commission meeting via electronic means. Thus, even if four members of the Planning Commission meet in person, if the fifth joins the meeting via Zoom, the meeting will be a teleconference meeting that must be conducted in accordance with the requirements of AB 361.

state of emergency² provided that certain findings are made by the legislative body, and provided that certain procedural requirements are met regarding public access to the meetings.

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

DISCUSSION

Required Findings

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

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

(B) Either of the following circumstances exist:

- (i) The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- (ii) State or local officials continue to impose or recommend measures to promote social distancing³.

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

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

The "Every 30 Days Thereafter" Requirement

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

² For purposes of AB 361 "...state of emergency' means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act..." Cal. Gov't Code Sec. 54953(e)(4). Section 8265 of CESA in turn refers to a state of emergency proclaimed by the Governor

³ Cal Gov't Code Sec. 54953(e)(3)

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

Potential Consequence of Not Making the Findings Every 30 Days

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

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

Procedural Requirements for The Conduct of Teleconference Meetings

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

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