

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION REGULAR MEETING

Monday, April 14, 2014 - 7:00 P.M.

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 Community Development 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 Community Development 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 Community Development 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 City Clerk 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. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Commissioner Cuiilty
Commissioner Daniel
Commissioner DeBolt
Commissioner Grose
Commissioner Riley
Chair Loe
Vice-Chair Sofelkanik

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. 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.**

5. APPROVAL OF MINUTES

Approve the Minutes for the Regular Meeting of March 10, 2014.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Consideration of Conditional Use Permit (CUP) 14-03 to Allow Fitness Classes and Retail Sales at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zone.

Consideration of Conditional Use Permit 14-03 to allow indoor recreation establishment (fitness classes) with retail sales at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zone (Applicant: Jose Torreblanca, S.W.E.A.T. Boutique Fitness).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adopt Resolution No. 14-13, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-03 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (FITNESS CLASSES) WITH RETAIL SALES IN A 3,120 SQUARE FOOT UNIT AT 3902 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSE F. TORREBLANCA, S.W.E.A.T. BOUTIQUE FITNESS)."

B. Consideration of Conditional Use Permit (CUP) 14-04 to Allow Hula and Ukulele Classes at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zone.

Consideration of Conditional Use Permit 14-04 to allow hula and ukulele classes at 10555 Bloomfield Avenue in the Planned Light Industrial (P-M) Zone (Applicant: Samantha Aguon – Halau Hula O Noelani).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adopt Resolution No. 14-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-04 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (HULA AND UKULELE CLASSES) IN A 1,440 SQUARE FOOT UNIT AT 10555 BLOOMFIELD STREET IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SAMANTHA AGUON, HALAU HULA O NOELANI)."

C. Continued Consideration of Zoning Ordinance Amendment (ZOA) 13-05 Relating to Accessory Residential Uses and Accessory Structures.

Continued consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City initiated).

Recommendation:

1. Conduct a Public Hearing; and, if appropriate,
2. Make the CEQA finding that the project is a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is within an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adopt Planning Commission Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF

EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

8. **STAFF REPORTS**

Resolution of Intent 14-11

Consideration of a Zoning Ordinance Amendment to allow commercial type uses along major thoroughfares in the Planned Light Industrial Zone (Citywide) (City initiated).

Recommendation:

Adopt Resolution No. 14-11, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO REEVALUATE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.10.020, CONCERNING COMMERCIAL USES IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT (ZOA 14-03) (CITYWIDE) (CITY INITIATED)."

9. **ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

None.

10. **COMMISSIONER REPORTS**

At this time, Commissioners may report on items not included on the agenda, but no such matter may be discussed, nor may any action be taken in which there is interest to the community, except as to provide staff direction to report back or to place the item on a future agenda.

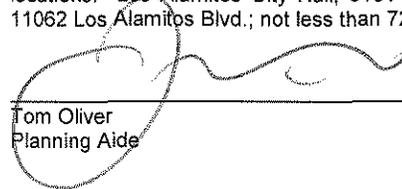
11. **ADJOURNMENT**

The next meeting of the Planning Commission will be held at 7:00 P.M. on **Monday, May 12, 2014**, in the City Council Chamber.

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed, and must be done so in writing to the Community Development 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 in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2008-12.

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 Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.



Tom Oliver
Planning Aide

4/8/14

Date

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS**

March 10, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 P.M., Monday, March 10, 2014, in the Council Chambers, 3191 Katella Avenue; Chairman Loe presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Loe.

3. ROLL CALL

Present: Commissioners: Mary Anne CUILTY
Will Daniel
Art DeBolt
Wendy Grose
Gary Loe
Victor Sofelkanik

Staff: Planning Director Steven Mendoza
Planning Aide Tom Oliver
Assistant City Attorney Lisa Kranitz
Dawn Sallade, Part-Time Clerical Aide

Late: John Riley (7:05 PM)

Absent: Commissioners: N/A

Staff: N/A

4. ORAL COMMUNICATIONS

Chairman Loe opened the meeting for Oral Communications.

There being no persons wishing to speak, Chairman Loe closed Oral Communications.

5. APPROVAL OF MINUTES

Approve the Minutes of the Regular meeting of January 13, 2014.

Motion/Second: Grose/Sofelkanik

Carried: 7/0/0

Approve the Minutes of the Regular meeting of February 10, 2014.

Motion/Second: Grose/CUILTY

Carried: 5/0/2 (Commissioner Daniel and Vice-Chairman Sofelkanik abstained)

6. **CONSENT CALENDAR**

None.

7. **PUBLIC HEARINGS**

A. Revisit Conditional Use Permit 99-04M2 for Modification to Alcohol Sales – 10772 Los Alamitos Boulevard.

Review of Conditional Use Permit 99-04M2 for compliance with conditions of approval at 10772 Los Alamitos Boulevard., APN 242-181-24 (Applicant: Balwinder Singh).

Staff recommends DISCUSSING THE CONDITIONS OF RESOLUTION 13-18.

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Chairman Loe opened the item for public comment.

There being no speakers, Chairman Loe closed the item for public comment and brought it back to the Commission for their comments and action.

Commissioner Grose made the motion that no further action or review on CUP 99-04M2 is needed.

The motion was seconded by Vice-Chairman Solfelkanik.

*Motion/Second: Grose/Solfelkanik
Carried: 7/0/0*

B. Consideration of Conditional Use Permit 14-02 to Allow a Motor Vehicle Repair Business at 10831 Bloomfield Street, Unit #B.

Consideration of Conditional use Permit 14-02 to allow a motor vehicle services repair area within a light industrial building at 10831 Bloomfield Street, Unit #B in the Planned Light Industrial (P-M) Zoning District (Applicant: Jerry Marks – Stuttgart Auto Werks).

Staff recommends adoption of Resolution No. 14-08, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 14-02 TO OPERATE A MOTOR VEHICLE SERVICES REPAIR FACILITY IN A 4,000 SQUARE FOOT UNIT IN AN INDUSTRIAL BUILDING AT 10831 BLOOMFIELD STREET, UNIT #B, LOS ALAMITOS, CALIFORNIA IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-02, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JERRY MARKS – STUTTGART AUTO WERKS)."

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Community Development Director Mendoza pointed out that Staff missed adding Condition 11 as represented in the Staff Report and would like to add that as Condition 19 in Resolution 14-08. It will read as follows:

19. Applicant shall maintain twelve (12) indoor parking spaces.

Chairman Loe opened the item for public comment.

Jerry Marks, applicant, states that he is a second generation car man. He indicated his research shows that Los Alamitos does not currently have an auto repair shop that specializes in German-made cars. Mr. Marks reported that he is local and lives in Rossmoor, his children attend local schools and his manager lives in Seal Beach; he believes in giving back to the community.

In response to Chairman Loe's question, Mr. Marks indicated that he does not currently own an auto shop.

Commissioner Grose asked Mr. Mark's what exactly his shop will offer and Mr. Marks indicated they will rebuild motors and transmissions, change the oil, etc. His shop will not handle the interiors; he has already contacted other shops who will do that. Also, the hours of operation will be 9:00 AM to 5:00 PM, Monday through Friday but may make the hours 8:00 AM to 4:00 PM or 5:00 PM eventually.

Commissioner DeBolt inquired whether Mr. Marks had read the conditions of approval and whether he agrees with them.

Mr. Marks indicated he has read the conditions of approval and agrees with them.

There being no further speakers, Chairman Loe closed the item for public comment and brought it back to the Commission for their comments and action.

Vice-Chairman Sofelkanik asked how long Mr. Marks can store vehicles on his property.

Planning Aide Tom Oliver explained that there is a requirement that all the cars that are being worked on or waiting to be worked on, are to be inside. If there is a car that is left overnight, the car will have to be inside until he has completed that job.

Mr. Marks confirmed that 99% of the cars that are waiting to be repaired and are there overnight, are stored inside the shop.

Commissioner Grose made the motion to adopt Resolution No. 14-08, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 14-02 TO OPEATE A MOTOR VEHICLE SERVICES REPAIR FACILITY IN A 4,000 SQUARE FOOT UNIT IN AN INDUSTRIAL BUILDING AT 10831 BLOOMFIELD STREET, UNIT #B, LOS ALAMITOS, CALIFORNIA IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-02, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JERRY MARKS – STUTTGART AUTO WERKS) with the addition of Condition 19 as stated below:

19. Applicant shall maintain twelve (12) indoor parking spaces.

The motion was seconded by Commissioner DeBolt.

Motion/Second: Grose/Solfelkanik

Carried: 7/0/0

C. Revisit Conditional Use Permit 13-02 for Secondhand Shop and Social Service Facility – 5300 Katella Avenue.

Continued Review of Conditional Use Permit 13-02 for a 14,455 sq. ft. secondhand shop and social service facility at 5300 Katella Avenue, APN 222-021-14 (Applicant: Blair Pietrini – Grateful Hearts Storehouse).

Staff recommends DISCUSSING THE CONDITIONS OF RESOLUTION 13-07.

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Chairman Loe opened the item for public comment.

Blair Pietrini, applicant, reported they have installed a surveillance camera and the removal of the exposed wires has been contracted to be removed as stated in the Conditions of Approval.

There being no further speakers, Chairman Loe closed the item for public comment and brought it back to the Commission for their comments and action.

Commissioner DeBolt made the motion that no further action or review on Conditional Use Permit 13-02 is needed.

The motion was seconded by Commissioner Grose.

Motion/Second: DeBolt/Grose

Carried: 7/0/0.

D. Conditional Use Permit (CUP) 14-01.

Request for Alcoholic Beverage Sales, On- or –Off-Site Consumption, and Outside Seating Area at Center Plaza at 10708 Los Alamitos Boulevard.

And

Variance No. 14-01.

Request for reduction in parking standards for Los Alamitos Center Plaza for Outside Seating Area at 10660-10708 (even numbers) Los Alamitos Boulevard.

This is a request for approval for a Conditional Use Permit to: 1) Allow alcoholic beverage sales; and 2) Allow outside seating for a new restaurant at 10708 Los Alamitos Boulevard. (Applicant: Joseph Maggiore, Copper Belle, Inc.); and for a parking variance for the existing parking lot at 10660-10708 (even numbers) Los Alamitos Boulevard where the restaurant will be located (Applicant: Sandra Yavitz, Los Alamitos Center Plaza I & II, LLC).

Staff recommends adoption of Resolution 14-09, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-01 TO ALLOW BOTH ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION AND A 387 SQUARE FOOT OUTSIDE SEATING AREA FOR A 2,118 SQUARE FOOT RESTAURANT AT 10708 LOS ALAMITOS BOULEVARD IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSEPH MAGGIORE, COPPER BELLE, INC.)."

Staff also recommends adoption of Resolution 14-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING VARIANCE (VAR) 14-01 PERMITTING A REDUCED AMOUNT OF PARKING REQUIRED FOR A 30,369 SQUARE FOOT SHOPPING CENTER ON A 80,545 SQUARE FOOT PARCEL AT 10660-10708 (EVEN NUMBERS) LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR AN EXEMPTION FROM CEQA (APPLICANT: SANDRA YAVITZ, LOS ALAMITOS CENTER PLAZA I & II, LLC).

Community Development Director Mendoza introduced the item and explained that this is a package of three applications for one site. The Code states that it's required to take all three applications at one time and not in a piece mill fashion. Staff wanted to make sure that the Commission is aware that the Conditional Use Permit is for the sale and consumption of alcohol; it's also for an outdoor seating area as well as it's for a variance for parking; all in the same shopping center known as Center Plaza right in the middle of Los Alamitos Boulevard.

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. He also explained that the applicant for the

approval of the restaurant is Joseph Maggiore and Sandra Yavitz on behalf of the Center Plaza and represents the ownership on that property.

Commissioner Grose pointed out that there is a red curb where all of the newspapers stands are located at the site and asked why the red curb is there.

Community Development Director Mendoza indicated he didn't know but speculated that it was there for visibility. He explained that there is a perception along the Boulevard that there are three traffic lanes so there's always a little bit of extra caution on red curbing some of those.

Commissioner Grose thought perhaps Staff could eventually look at this and maybe by decreasing that, it would give the applicant a little more parking right out front. She asked if there were any complaints from other businesses and also asked about the hours of operation.

Community Development Director Mendoza answered that the hours are just like any other business; it will be opened from 6:00 PM to 10:00 PM unless they apply for a Conditional Use Permit.

Vice-Chairman Solfelkanik asked why there are two resolutions for approval.

Assistant City Attorney Kranitz explained that the first resolution covers the CUP to allow the alcohol beverage service and the outdoor dining. The second resolution is for the parking variance. The Commission can approve the alcohol sales on its own; the outdoor dining is contingent on the parking variance. She further explained that the outdoor dining and the parking variance are tied together; they weren't included in the same resolution because the CUP for the alcohol and the outdoor dining goes to the restaurant; the parking variance goes to the shopping center as a whole and not particular to that restaurant.

Responding to Commissioner Daniel's question, Community Development Director Mendoza explained that the "Compass Blueprint Demonstration Project" for Los Alamitos Boulevard is a pedestrian friendly revamp of the Boulevard and included many opportunities for outside dining. Staff hadn't gotten through the analysis of it and never really got into parking variances and parking options on that. He stated that in his opinion, this project does fit with the Boulevard; the parking variance is a complicated thing, though. The determination of the parking variance should be decided after hearing from the public tonight.

In response to Commissioner Daniel's question, Community Development Director Mendoza explained that these applications do not include a remodel of the shopping center. He further explained that a CUP for a new business in a vacant store front doesn't trigger a remodel of a shopping center.

Chairman Loe opened the item for public comment.

Joseph Maggiore, applicant, explained that he has been in the restaurant business for most of his adult life and has several different restaurants in Southern California. He said his family currently owns and operates seven or eight different restaurants in both Southern California and Phoenix. He said he grew up in Belmont Shore and is hoping his young children will attend schools locally. As far as the business is concerned, he believes it's going to be a great opportunity for something different in the community; something with class and style which doesn't exist currently. The restaurant is something that definitely fits into the larger picture of the corridor and the City of Los Alamitos. He doesn't feel that they will be doing anything that conflicts with what the City stands for and are upstanding restaurant operators.

Commissioner Grose asked if they will be following a theme with regard to the sale of beer that she has seen in Long Beach with several different kinds of beer.

Mr. Maggiore explained that most places are doing that right now but he has the tendency to look past current trends. He explained further that they will have 28 taps but will also have an extensive wine list. The restaurant will be a local gathering place with a bar that sells better than average food. His brother owns a brewery that manufactures and they will be featuring some of those beers in the restaurant.

Commissioner Riley asked if they will be remodeling the exterior of the building at all or just the inside.

Mr. Maggiore explained that the only plans they have are to incorporate indoor/outdoor with the patio. He said he just wants to fit in but he understands that the Commission would like to see an upgrade as far as the overall décor which he wouldn't be against but his main focus is to operate as a restaurateur. He said he believes the business will be unique enough in itself in the way that they've designed the interior of the space. He said he is satisfied with what they have; they've been working very hard to get where they are right now and it has been a very long time coming.

Commissioner Riley indicated he really likes this and would like to see this on the Boulevard; he hates the fact that the City doesn't have outdoor dining. He said he likes the idea and the whole pub concept and there is something definitely appealing to it.

Commissioner Grose asked if there will be umbrellas on the tables outside.

Mr. Maggiore answered in the affirmative.

Sandy Yavitz, one of the owners of the Center Plaza, explained she is present to represent the ownership tonight on the parking variance. She said they've owned this Center for the past ten years and have been re-tenanting it through various times. When this space opened up, they purposely left that vacant

because they wanted to connect it to the front space and do a restaurant. They wanted to create some activity not only along Los Alamitos Boulevard but as well as in the shopping center. When it all came together, they went looking for restaurant operators; they didn't want a fast food operator although they had a lot of offers from various fast food operators. They wanted something that they felt served the city and was more like fine dining. When they met Mr. Maggiore, saw his operations and she knew his parent's restaurant in the Marketplace years earlier, they thought that would be the right operation.

Commissioner Cuiilty asked if the owners had any plans to remodel the Center.

Ms. Yavitz explained their plan is to upgrade the parking lot, landscaping and to repaint in a different color theme. She said Mr. Maggiore has been talking about maybe doing some awnings on the outside of his business similar to what Green Street Interior has on theirs to match it up.

Commissioner Daniel expressed his opinion that the two panels on the front of the building that are white, is not to his liking. He said he would like to see the whole Center painted but at the very least, paint those two white panels to match the rest of the building.

Ms. Yavitz explained that the whole Center is going to be painted.

Community Development Director Mendoza pointed out that one of the things the Commission could always do is, as they've done with other applications, they can have this come back to them after the restaurant has been opened for a period of time so the Commission can review compliance with the conditions and also perhaps trigger some new conditions at that time. There has been a good track record with this; if an applicant knows they'll be back up for review at six months, it really helps.

Judy Cluboe, owner of Green Street Interiors for 37 years, said she feels this will be a real asset to the Center. The only concern that she would like to address is she would like to have two spots in front of her store marked for "Green Street" because her clients are always carrying out wallpaper, books and things and it's kind of hard to go too far. Other than that, she reports she's heard nothing but positive remarks and thinks it would be incentive for some of the other business owners in the Center to keep the businesses open a couple of evenings a week.

Tiffany Nelson, owner of Rascals to Rebels children's store in the Center, said she's very excited about the restaurant hopefully being approved. She said she believes there will be some logistical issues with the parking as it does tend to fill up at certain times and she feels that a lot of that has to do with the employees that are there all day. She said she's in an area where there is handicap parking in front of her store so they are very limited for anybody to park in front of her location. She believes that these issues can be worked through as long as the ownership can help work on the logistics and set up guidelines with the other tenants.

There being no further speakers, Chairman Loe closed the item for public comment and brought it back to the Commission for their comments and action.

Vice-Chairman Sofelkanik asked for Ms. Yavitz to return to the dais to address a question he has. He said one of the concerns he's having is the parking issue and was also concerned about some of the other tenants having a negative response but it sounds like it's all positive. There were some suggestions brought up with regard to designating a couple of spaces and as long as Staff didn't have any objections to that, he wanted to hear comments on that. Plus, regarding the employee parking; is there anywhere, possibly some of the parameter spots that the employees could possibly be encouraged to park in?

Ms. Yavitz commented that that was one of the conditions of approval.

Planning Aide Oliver pointed out that that is actually one of the conditions of approval in the variance which is for the whole Center.

Ms. Yavitz said she and the other owners do accept those conditions of approval and will work with their tenants.

Vice-Chairman Sofelkanik asked about the designation of the Green Street spaces; is there any provisions for that or is that something can be accomplished in another way?

Community Development Director Mendoza explained that that would be between the landlord and the tenant. The condition of approval says that Staff wants to recommend that employees park in the southeast area. It doesn't say anything about the customers. This would allow Judy's customers to stay in front of her store if they like and if Judy and the landlord can work out a situation where they paint the parking lot, that's certainly up to them.

In response to Commission Daniel's question about employee parking, Community Development Director Mendoza explained that Staff drafted a condition within the resolution that requires that the employees park in the back, and if they don't do this, then this could be a violation of the variance and could be brought back to the Commission for review or consideration.

Commissioner DeBolt commented that overall he likes the project, but has a question regarding Condition #9 which is the subject presently. He felt that the wording should be a little more precise and cover all of the employees for all of the businesses in the Center and not just for the applicant.

Assistant City Attorney Kranitz indicated Condition #9 could be modified to cover ALL employees in the Center.

Commissioner DeBolt said that that would be fine but it goes to the next question which is enforceability from the City's perspective. He said he personally thinks that Condition #9 should just be deleted as the property owner

is a successful manager and owner and that he's sure that this use has the potential to create problems for the other tenants in the Center. Like all successful businesses, they grow and they could create a problem but from his perspective that's not really the City's problem; that's the problem of the property owner and between the owners and their tenants in the complex. When the Commission places a condition in there that says, "The applicant shall ensure that the employees park in the southeast segment", he says he has no idea how she's going to do that. He feels this is opening up a problem and feels this is strictly between the owner of the center and her other tenants and there really is no reason to have Condition #9.

Naomi Rocamocker, owner of Kumon Math & Reading Center, states that Commissioner DeBolt had a valid point and agrees 100% with him. She explained that she has been in the Center for 7 years and as part of her lease agreement, she has trained her customers to park in the back lot and her employees park on the street. She said she will be one of those businesses impacted by enforcement of Condition #9.

Commissioner Cuijty asked Ms. Yavitz if, in any of her leases, does it say how many employees are allowed to park in the Center.

Ms. Yavitz indicated their leases have a provision that they can designate employee parking but it doesn't designate how many spaces. She said they are going to start looking at that again because she thinks that some of the school children are parking in the lot as well.

Commissioner Grose said she agrees with Commissioner DeBolt regarding Condition #9; she doesn't know if the City needs to be in the business of policing the shopping center. The landlord has the responsibility to her tenants to try to encourage parking in the right spaces so that customers can come to the stores and that should be worked out between them. She said she's not sure if the condition should be deleted or reworded.

Commissioner Riley concurred.

Chairman Loe asked if anybody on the Commission didn't like the idea of striking Condition #9 and nobody disagreed with striking it.

Commissioner Grose made a motion to approve Resolution 14-09, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-01 TO ALLOW BOTH ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION AND A 387 SQUARE FOOT OUTSIDE SEATING AREA FOR A 2,118 SQUARE FOOT RESTAURANT AT 10708 LOS ALAMITOS BOULEVARD IN THE GENERAL-COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSEPH MAGGIORE, COPPER BELLE, INC.)."

The motion was seconded by Commissioner DeBolt.

*Motion/Second: Grose/DeBolt
Carried: 6/1/0 (Daniel opposed)*

*Commissioner Grose made a motion to approve Resolution PC 14-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING VARIANCE (VAR) 14-01 PERMITTING A REDUCED AMOUNT OF PARKING REQUIRED FOR A 30,369 SQUARE FOOT SHOPPING CENTER AT 10660-10708 (EVEN NUMBERS) LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01 IN ORDER TO ALLOW OUTDOOR DINING, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SANDRA YAVITZ, LOS ALAMITOS CENTER PLAZA I & II, LLC) AND **DELETED** THE FOLLOWING CONDITION OF APPROVAL:*

9. Applicant shall ensure that employees shall park in the southeast segment of the shopping center.

The motion was seconded by Commissioner DeBolt.

*Motion/Second: Grose/DeBolt
Carried: 7/0/0*

RECESS

Chairman Loe called for a recess at 8:16 PM and the meeting reconvened with all members present at 8:25 PM.

Chairperson Loe readjusted the Agenda to hear Item G next due to several people in the audience regarding this item.

- G. Removal of Local Landmark Designations for: 10901 Chestnut Street, 10802 Chestnut Street, 3372 Florista Street, 11062 Los Alamitos Boulevard.** Continued from the January 13, 2014 meeting, the Planning Commission instructed Staff to bring back the remaining properties with Landmark Designations in order for them to be cleared from the local landmarks list including: 10901 Chestnut Street, 10802 Chestnut Street, 3372 Florista Street, and 11062 Los Alamitos Boulevard.

Staff recommends adopting Resolution No. 14-04, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AUTHORIZING THE REMOVAL OF PROPERTIES AT: 10901 CHESTNUT STREET, 10802 CHESTNUT STREET, 3372 FLORISTA STREET, AND 11062 LOS ALAMITOS BOULEVARD, LOS ALAMITOS, CALIFORNIA

90720 (APN NOS. 242-202-17, 242-193-06, 242-202-21, & 222-091-07), FROM THE INVENTORY OF ARCHITECTURAL, CULTURAL, AND HISTORIC RESOURCES AND FURTHER REMOVAL OF ANY LOCAL LANDMARK DESIGNATION THEREFROM.”

Commissioner DeBolt declared a conflict of interest as he has an interest in real estate within 500 feet on the corner of Catalina and Chestnut Streets and recused himself.

Commissioner Grose declared a conflict of interest as she owns property within 300 feet of the subject properties and recused herself.

Community Development Director Mendoza explained that the Public Hearing on this item does remain open as it was continued from the previous meeting. Mr. Mendoza summarized the Staff Report, indicated that this is a continued Public Hearing, and indicated he’s prepared to answer questions from the Planning Commission.

There being no speakers, Chairman Loe closed the item for public comment and brought it back to the Commission for their comments and action.

Chairman Loe made the motion to approve Resolution No. 14-04, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AUTHORIZING THE REMOVAL OF PROPERTIES AT: 10901 CHESTNUT STREET, 10802 CHESTNUT STREET, 3372 FLORISTA STREET, AND 11062 LOS ALAMITOS BOULEVARD, LOS ALAMITOS, CALIFORNIA 90720 (APN NOS. 242-202-17, 242-193-06, 242-202-21, & 222-091-07), FROM THE INVENTORY OF ARCHITECTURAL, CULTURAL, AND HISTORIC RESOURCES AND FURTHER REMOVAL OF ANY LOCAL LANDMARK DESIGNATION THEREFROM.”

The motion was seconded by Commissioner Daniel.

Motion/Second: Loe/Daniel

Carried: 5/0/2 (Commissioners DeBolt and Grose abstained)

E. Zoning Ordinance Amendment 14-01.

Proposed changes to the Los Alamitos Municipal Code sections relating to curb curbs, driveways, aprons and landscape standards.

Consideration of a Zoning Ordinance Amendment to make changes to Los Alamitos Municipal Code sections pertaining to curb cuts, driveways, aprons, and landscape standards (Citywide) (City Initiated).

Staff recommends adopting Resolution No. 14-05, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-01 TO AMEND “LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.16.090 RELATING TO

LANDSCAPING IN THE FRONT YARD SETBACK AND 17.26.060 RELATING TO CURB CUTS, DRIVEWAYS AND APRONS AS WELL AS AMEND SECTION 12.08.030 REGARDING PERMITS FOR THE SAME, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED).”

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he’s prepared to answer questions from the Planning Commission.

Commissioner DeBolt inquired about Item B in the ordinance regarding the sixteen feet from the front setback and asked for clarification.

Assistant City Attorney Kranitz indicated the side setback actually doesn’t start until you’re behind the 20 foot front yard setback and this is to allow people the access they need to open a back gate and pull trash cans out, etc.; they thought 4 feet would be a good width for that and still have 16 feet deep of landscaping. The 5 feet setback is on the side yard setback which starts behind the front yard setback.

Commissioner DeBolt clarified that instead of requiring the 5 feet all the way from the sidewalk all the way to the side of the house, it’s going to be 4 feet from the house towards the street and can be concreted or do whatever the owner wants to do to facilitate access to a side gate or whatever.

Assistant City Attorney Kranitz indicated that that was correct.

Commissioner DeBolt asked regarding the sentence in the ordinance, “The requirements do not apply unless somebody was to build a new house or do substantial reconstruction on their residence which involves the renovation of the existing garage or the front yard”. He asked why that is an exception.

Commissioner DeBolt then asked if the wording is right. Why not say, “This requirement applies only to new construction or substantial reconstruction or renovation”?

Staff agreed.

Commissioner DeBolt asked if the property owner will need a permit to renovate their front yard.

Planning Aide Oliver explained that whenever someone does the front porch or the façade of their house, they generally bring in plans that they say they’re re-doing their landscaping. When that time comes, Staff will tell them what they can and cannot cover with concrete and when the owner asks to see it in the Code, this will clear it up for them that they have to have a certain amount of grass. Currently, people can basically concrete all over and Staff has to encourage them not to do that.

Commissioner DeBolt felt that we should limit it to building a new house or substantial renovation of the existing garage or front yard.

Assistant City Attorney Kranitz said in looking at the City Council Draft Ordinance itself and the proposed Code amendments, in Section 3-B and in Section 4-h, they will now read as suggested by Commissioner DeBolt:

B. Of the fifty (50) percent landscaped setback, a minimum of 4 feet in width and 16 feet in length measuring from each side property line and the front property line shall be landscaped. Notwithstanding any other provision of this Code, this requirement applies only to development of a new residential use, or renovation of an existing residential use and the renovation includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

“h. Only one curb cut, driveway, and driveway apron shall be allowed for each residential parcel unless a site plan is approved in accordance with Chapter 17.50. Notwithstanding any other provision of this Code, this requirement applies only to development of a new residential use, or renovation of an existing residential use which includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

Commissioner Grose moved to approve Resolution No. 14-05, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-01 TO AMEND “LOS ALAMITOS MUNICIPAL CODE SECTIONS 17.16.090 RELATING TO LANDSCAPING IN THE FRONT YARD SETBACK AND 17.26.060 RELATING TO CURB CUTS, DRIVEWAYS AND APRONS AS WELL AS AMEND SECTION 12.08.030 REGARDING PERMITS FOR THE SAME, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED).” WITH THE ABOVE CORRECTIONS.

The motion was seconded by Commissioner DeBolt.

*Motion/Second: Grose/DeBolt
Carried: 7/0/0*

There being no speakers, Chairman Loe closed the item for public comment.

F. Zoning Ordinance Amendment 13-05

Consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City Initiated).

Staff recommends adopting Resolution No. 14-06, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS,

CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWISE) (CITY INITIATED).”

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Chairman Loe opened the item for public comment.

Community Development Director Mendoza reminded the Commission that at our last discussion on accessories, we were talking about driveways and then went into accessories and we weren't quite all on the same page. Staff took the liberty of trying to wrap this up and see what the intent of the Commission was.

Vice-Chairman Sofelkanik had a question regarding the parking.

Planning Aide Oliver explained that in the Code for second residential units, it states, "One parking space is required"; now it will say, "One parking space per bedroom is required" and that will also be in the Parking section of the Code as well. It also says that guest homes are no longer permitted and we're just requiring them to have a parking space now.

Assistant City Attorney Kranitz added that then they will be limited in size according to the Code to 640 square feet or the percentage of the home, whichever is less.

Commissioner DeBolt commented that we're eliminating guest houses as a stand-alone.

Assistant City Attorney Kranitz answered that guest houses that don't provide parking are no longer going to be allowed.

Community Development Director Mendoza explained what Staff has attempted to do is to bundle up the issue of a residential unit. If you want a residential unit in your backyard, you have to come under the umbrella of second unit or forget it. There was a little bit of a cloud when we had the word "guest houses" and "guest homes" in the Code. We had an issue that came before the Commission regarding a guest home and this would have eliminated that issue at the time if it was in the Code. Staff has learned from that experience and that's where the discussion began with the Commission.

Commissioner DeBolt said he's okay with that but he has a question regarding Section 7-A and asked if we need to define what, "...subsequent to, the construction of the main structure" means? He asked if that would be a habitable living unit and not just some building that's there already.

Assistant City Attorney Kranitz asked him if he would rather have it say, "Main residential structure".

Commissioner DeBolt answered in the affirmative.

Assistant City Kranitz indicated that that would be changed.

Commissioner DeBolt said he likes that an owner doesn't have to do anything to 640 square feet except come into the City and get a permit for an accessory structure. He said in reading what other City's do, Palo Alto, Morgan Hill, etc., almost all of them require a building permit for any accessory structure 120 square feet or larger. So, if it's less than 120 square feet, they don't need a permit whereas now in our town, almost anything you do require's a permit.

Community Development Director Mendoza pointed out that a Tuff Shed doesn't require a permit.

Assistant City Attorney Kranitz said she thinks the 120 square feet is in the Building Code itself as to what size requires a building permit.

Chairman Loe indicated he would like to continue this until the next Public Hearing because he hasn't had a chance to look at this as thoroughly as he would like to. He said he's concerned about potentially being too restrictive and wants to ensure it is not.

Community Development Director Mendoza asked that if the Commissioner's had any more thoughts regarding this, they could let Staff know prior to next month's meeting.

Commissioner Grose asked Staff to include a copy of the section of the Building Code that was brought up tonight.

Chairman Loe made a motion to recommend the continuance of this item to the April 14th meeting.

The motion was seconded by Commissioner Daniel.

Motion/Second: Loe/Daniel

Carried: 7/0/0

8. STAFF REPORTS

None.

9. **ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR**

None.

10. **COMMISSONER REPORTS**

Commissioner DeBolt reminded Staff about wanting to have a discussion regarding expanding the uses in the industrial areas (such as Cross Fit, etc.) before another application comes in.

Community Development Director Mendoza acknowledged that Staff had promised to bring a Notice of Intention to the Commission and reported that that will occur at next month's meeting.

Commissioner Grose thanked Community Development Director Mendoza for sponsoring her participation at the Race-at-the-Base in February.

11. **ADJOURNMENT**

The Planning Commission was adjourned at 9:08 P.M. The next meeting of the Planning Commission will be held at 7:00 P.M. on **Monday, April 14, 2014**, in the City Council Chamber.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

April 14, 2014
Item No: 7A

To: Chair Loe and Members of the Planning Commission

Via: Steven Mendoza, Community Development/Public Works Director

From: Tom Oliver, Planning Aide

Subject: Conditional Use Permit (CUP) 14-03
Fitness Classes and Retail Sales at 3902 Cerritos Avenue in the
Planned Light Industrial (P-M) Zone

Summary: Consideration of a Conditional Use Permit to allow an indoor recreation establishment (fitness classes) with retail sales at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zone (Applicant: Jose Torreblanca, S.W.E.A.T. Boutique Fitness).

Recommendation:

1. Open the Public Hearing; and,
2. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adoption of Resolution No. 14-13, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-03 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (FITNESS CLASSES) WITH RETAIL SALES IN A 3,120 SQUARE FOOT UNIT AT 3902 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSE F. TORREBLANCA, S.W.E.A.T. BOUTIQUE FITNESS)."

Applicant: Jose Torreblanca, S.W.E.A.T. Boutique Fitness

Location: 3902 Cerritos Avenue in the Planned Light Industrial
(P-M) Zone

Environmental:

A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet.

Approval Criteria:

Los Alamitos Municipal Code (LAMC), Section 17.26.020, Table 2-04 (Allowed Uses and Permit Requirements for the Commercial/Industrial Zoning Districts) requires Planning Commission approval of a Conditional Use Permit to allow an indoor recreational establishment and retail sales use in the P-M Zoning District.

Background

Jose Torreblanca, the owner of S.W.E.A.T. Boutique Fitness, has submitted an application for a Conditional Use Permit (CUP) 14-03 asking that the City allow his business (a fitness facility), that also sells fitness clothing, to be located at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zone. The project does not propose any exterior renovations to the building or any change in the parking layout. The interior plans are to add mats and paint the walls.



As a reminder, in looking at January's Crossfit application which came shortly after Staff processed an application and appeal relating to a batting cage in the P-M zone, Staff recognized that there was room for interpretation as to how a fitness class business should be classified since it does not operate in the same manner as a traditional health/fitness facility and spa. The matter was taken to the Planning Commission and at the December 9, 2013 Planning Commission meeting, the Planning Commission determined that fitness classes (CrossFit-style) in the Planned Light Industrial (P-M)

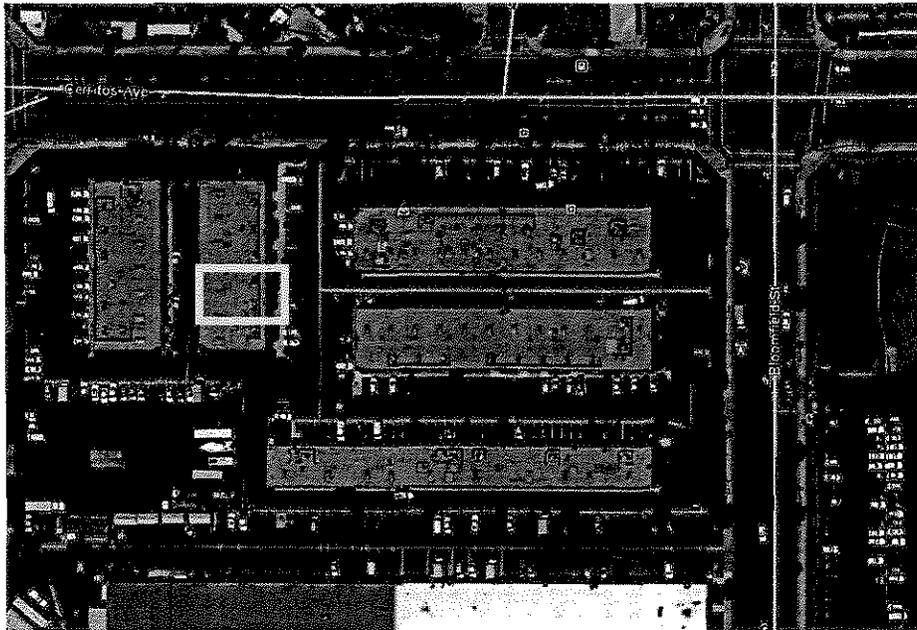
Zone should be treated as an “Indoor Amusement and Recreation Establishment” and be allowed with a CUP. General retail sales are also allowed in the P-M zone with a CUP. The serving of protein supplements would be considered an allowed accessory use. This business will actually be in the same industrial center as Crossfit Recoil that was approved last month.

Discussion

The applicant would conduct his fitness facility, with fitness related sales, at a location in the Planned Light Industrial (P-M) Zone. The subject tenant space is approximately 3,120 square feet, located within a 10,725 square foot building in a business park. The project does not propose any exterior or interior renovations to the building or any change in the parking layout. Here is what the applicant has said about what the use will involve at this location:

“To provide a high-end boutique experience for fitness and exercise catering to women. Along with personal training and group sessions, we’ll also be retailing high-end fitness clothing, equipment and accessories. The group sessions consist of low impact circuit training and cardio workouts. We may serve protein supplements in the future.”

Location



The adjacent properties are developed and zoned as follows:

North: Developed with the rest of the same light industrial building in the Planned Light Industrial (P-M) Zoning District. Next door is

CT Medical. Across Cerritos, is the Single Family (R-1) residential neighborhood.

South: Developed with another light industrial building across a parking lot in the same industrial park in the Planned Light Industrial (P-M) Zoning District. NDT Systems is to the South.

East: Developed with another industrial building in the same industrial park in the Planned Light Industrial (P-M) Zoning District. Chartreuse is to the East. Beyond that building, across Bloomfield, is McAuliffe Middle School.

West: Developed with another industrial building in the same industrial park in the Planned Light Industrial (P-M) Zoning District. KLM Air Conditioning is to the West.

Parking

The applicant has advised Staff that on-site parking for this unit was determined to be twenty (20) spaces. The Los Alamitos Municipal Code does not contain a parking requirement for indoor recreation uses. As specified in the Staff Report from the December 9, 2013 meeting, fitness classes are not equivalent to health spas, gymnasiums or to racquetball courts and dance studios; however, even if the health spa standard of one space for each 200 square feet were to be applied, the business would only be required to provide a total of 16 spaces, so twenty (20) spaces appears to be more than sufficient. Crossfit Recoil was approved with six (6) spaces for 1,920 feet in the same industrial center.

Findings

In order to approve a CUP, certain findings are required of CUP's by Municipal Code Section 17.42.050.

The first finding is that the use, as an indoor recreation establishment with retail sales, will not endanger the public health or general welfare if located where proposed and will not allow conditions which tend to generate nuisance conditions, including noise, glare, odor, or vibrations (LAMC Section 17.42.050A.1.). The use will not foster circumstances that tend to generate a nuisance as the use is not one that generates excessive noise, glare, odors or vibrations. Further, a similar use to this, Crossfit Recoil, has already existed in this same complex for a number of with no complaints from other businesses. This type of use will, in fact, contribute favorably to the health and welfare of City residents in that this recreational use is a form of exercise.

The second finding is that the use meets the required conditions and specifications set forth in the zoning district where it proposes to locate (LAMC Section 17.42.050A.2.).

This is an industrial building surrounded by industrial buildings on all sides, but is across Bloomfield Street from McAuliffe Middle School to the East. Indoor recreational uses and retail sales are specifically allowed in this zone with a CUP.

The building meets the development standards of the Light Industrial zone. This project is exempt from the City's traffic impact fee as it will generate under 200 daily trips and there will be no substantial change in traffic generation. Conditions have been imposed to insure that the development will meet the requirements of the zone and will operate as indicated in the Staff Report.

Third, the proposed indoor recreation establishment and retail sales will be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District and with the Los Alamitos General Plan. Although the unit for this use is in an industrial area, there are currently no high-impact types of industrial uses in proximity to this unit that would appear to conflict with this recreational use. The nearby Crossfit Recoil has been conducting fitness classes in harmony with the other uses in this industrial park for over three years. As well, a number of businesses with retail sales (such as Grateful Hearts' store called Thrift Redefined) have existed on the part of the industrial park that faces Cerritos for many years.

Fourth, the decision to approve the application for a Conditional Use Permit would be based on substantial evidence in view of the record as a whole before the Planning Commission (LAMC Section 17.42.050A.4.). The information before the Planning Commission constitutes substantial evidence.

Recommendation

Staff recommends approval of CUP 14-03 and adoption of Resolution 14-13 which includes the findings and conditions; unless additional or contrary information is received during the meeting and based upon the evidence submitted to the Commission, including the evidence presented in this Staff Report, and any oral and written evidence presented at the Public Hearing.

*Attachments: 1) Draft Planning Commission Resolution 14-13
2) Floor Plan*

RESOLUTION NO. 14-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-03 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (FITNESS CLASSES) WITH RETAIL SALES IN A 3,120 SQUARE FOOT UNIT AT 3902 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSE F. TORREBLANCA, S.W.E.A.T. BOUTIQUE FITNESS).

WHEREAS, at the Planning Commission meeting of December 9, 2013, the Planning Commission determined that fitness classes (Crossfit-type) should be treated as an indoor recreational use which is allowed in the P-M zone pursuant to a Conditional Use Permit (CUP); and,

WHEREAS, the application is for a Conditional Use Permit to allow an indoor recreation establishment with retail sales (S.W.E.A.T. Boutique Fitness) in an existing 3,120 square foot space at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zoning District; and,

WHEREAS, the application constitutes a request under Section 17.42.040 (Conditional Use Permits - Application Filing) of the Los Alamitos Municipal Code (LAMC); and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on April 14, 2014; 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, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. Conditional Use Permit 14-03 is hereby approved to allow an indoor recreation establishment with retail sales in an existing 3,120 square foot space at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zoning District based upon the following findings:

1. S.W.E.A.T. Boutique Fitness (indoor recreation and retail sales) located at 3902 Cerritos Avenue will not endanger the public health or general welfare. The indoor recreation and retail sales use will not foster circumstances that tend to generate a nuisance because the use does not

have any characteristics that are problematic such as excessive noise, glare, vibration or odors. Further, a similar use (CrossFit Recoil), has already existed for a number of years at 10595 Bloomfield in this same industrial center with no complaints against the business. The business is not one that will cause excessive noise, vibrations, glare, odors or other nuisance conditions. This indoor recreational use will, in fact, contribute favorably to the health and welfare of City residents in that this recreational use is a form of exercise near employment centers.

2. The indoor recreation establishment and retail sales (S.W.E.A.T. Boutique Fitness) will be located in an industrial area and these are conditionally permitted uses within the Planned Light Industrial (P-M) Zoning District. The serving of protein supplements is an allowable accessory use. This is an industrial building completely surrounded by industrial buildings.
3. The proposed indoor recreation establishment and retail sales (S.W.E.A.T. Boutique Fitness) will be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District. The nearby Crossfit Recoil has been conducting fitness classes in harmony with the other uses in this industrial park for over three years. As well, a number of businesses with retail sales have existed on the part of the industrial park that faces Cerritos for many years. Although the unit for this use is in an industrial area, there are currently no high-impact types of industrial uses in proximity to this unit that would appear to conflict with this recreational use.
4. The decision to approve the Conditional Use Permit is based on review by the Planning Commission of the plans and specifications submitted for the proposed project and on testimony given at the Public Hearing before the Planning Commission.
5. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines, Section 15303(e), Class 1. Existing Facilities. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves subject to the following conditions:

Planning

1. Approval of this application is to allow an indoor recreation establishment and retail sales (S.W.E.A.T. Boutique Fitness) at 3902 Cerritos Avenue with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 14-03 noted thereon, and on file in the Community Development 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 Community Development Director. If the Community Development 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 Community Development Director without requiring a public meeting.

2. The indoor recreation establishment may exist without the retail sales; however, the retail sales portion may not exist without the indoor recreation establishment. The service of protein supplements to patrons of the business shall be allowed; however, there shall be no service to third parties who are not patrons of the business and no advertising of the service of protein supplements.
3. Any signs shall comply with the provisions under Chapter 17.28 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 Director of Community Development.
4. Failure to satisfy and/or comply with the conditions herein may result in revocation by the Planning Commission and/or City Council of this approval.
5. The applicant and the applicant's successors, in interest, shall be fully responsible for knowing and complying with all conditions of approval.
6. 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

7. The applicant has 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.

8. 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.
9. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Community Development 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 Community Development Department prior to issuance of any permits.
10. Applicant shall comply with applicable City, County, and/or State regulations.
11. The hours of operation shall be limited to the hours between 6:00 AM to 10:00 PM daily. Without further review by the Planning Commission, the Community Development Director may further limit the times of the classes if there is conflict with adjoining businesses.
12. The applicant shall be required to maintain no less than sixteen (16) parking spaces for use by this business.
13. All business shall be located inside the building other than running or jogging exercises which go through the industrial development in order to reach the public street.
14. The applicant shall provide proof of liability insurance to the satisfaction of the City Attorney and Community Development Director.
15. This Conditional Use Permit shall expire at the date of any relocation or at the cease of business of S.W.E.A.T. Boutique Fitness at 3902 Cerritos.

Building Department

16. The applicant shall obtain City permits for all tenant improvements.

17. The applicant shall submit complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work to obtain "Assembly Use" occupancy in accordance with the building code in effect at time of permit issuance.
18. All exits must stay clear.

Orange County Fire Authority

19. 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 Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 14th day of April 2014.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, 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 14th day of April 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

FINISH

SWEAT.
BOUTIQUE FITNESS

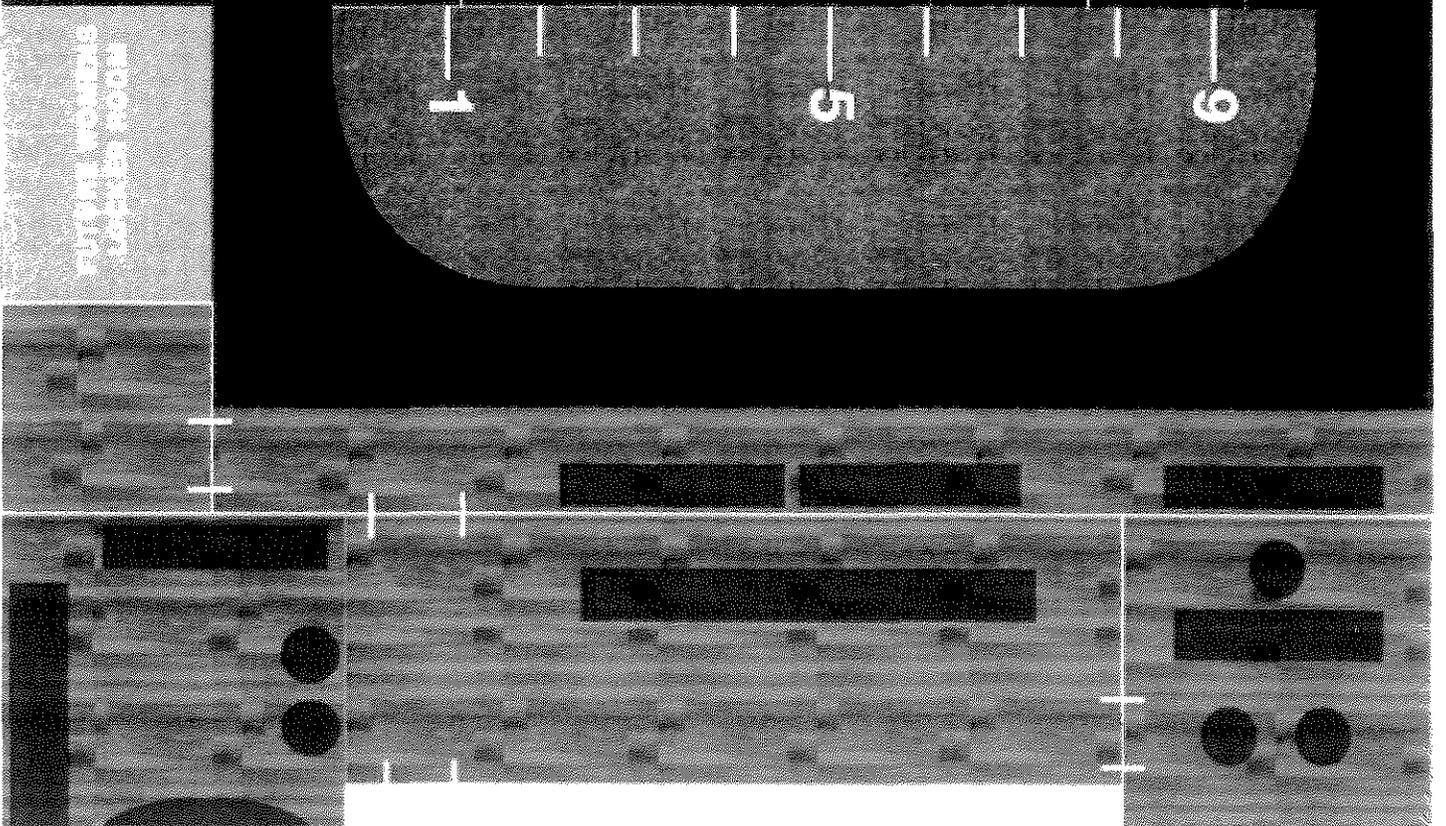


FINISH
SWEAT
BOUTIQUE FITNESS

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City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

April 14, 2014
Item No: 7B

To: Chair Loe and Members of the Planning Commission

Via: Steven Mendoza, Community Development/Public Works Director

From: Tom Oliver, Planning Aide

Subject: Conditional Use Permit (CUP) 14-04
Hula and Ukulele Classes at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zone

Summary: Consideration of a Conditional Use Permit to allow hula and ukulele classes at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zone (Applicant: Samantha Aguon – Halau Hula O Noelani).

Recommendation:

1. Open the Public Hearing; and,
2. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adoption of Resolution No. 14-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 14-04 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (HULA AND UKULELE CLASSES) IN A 1,440 SQUARE FOOT UNIT AT 10555 BLOOMFIELD STREET IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SAMANTHA AGUON, HALAU HULA O NOELANI)."

Applicant: Applicant: Samantha Aguon, Halau Hula O Noelani

Location: 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zone

Environmental:

A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is an existing building with no proposed alterations or expansion of no more than 2,500 square feet.

Approval Criteria:

Los Alamitos Municipal Code (LAMC), Section 17.26.020, Table 2-04 (Allowed Uses and Permit Requirements for the Commercial/Industrial Zoning Districts) requires Planning Commission approval of a Conditional Use Permit to allow an indoor recreational establishment use in the P-M Zoning District.

Background

Samantha Aguon, the owner of Halau Hula O Noelani, has submitted an application for a Conditional Use Permit (CUP) 14-04 asking that the City allow her business, classes for hula and ukulele, to be located in a 1,440 square foot unit, within a business park at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zone. The project does not propose any exterior renovations to the building or any change in the parking layout. The business already exists and has been operating without a business license for approximately two years. This business will actually be in the same industrial center as Crossfit Recoil that was approved within the last few months. Ms. Aguon filed her application in order that she could legally operate her business in its current location and then obtain a City business license.



Discussion

The applicant asks to conduct her hula and ukulele classes at a location in the Planned Light Industrial (P-M) Zone. The subject tenant space is approximately 1,440 square feet, located in a unit that is within one of five buildings in the business park. The project does not propose any exterior or interior renovations to the building or any change in the parking layout. Here is what the applicant has said about what the use will involve at this location:

"We are a traditional hula dance studio. We teach all ages of students. The youngest would be five years old to the oldest being fifty years old. Classes are held during the evenings, during the week, and in the morning on Saturdays. Currently, we have thirty-five students. Students attend class by age, so they would rarely be at the location at the same time. My husband and sister help instruct classes along with me. We teach traditional hula and ukulele to our students. Our main objective is to educate on traditional Hawaiian culture and history. We have been students ourselves for over thirty years and hope to teach students for another thirty (plus). We are passionate about our culture and hope those who come to learn are as well.

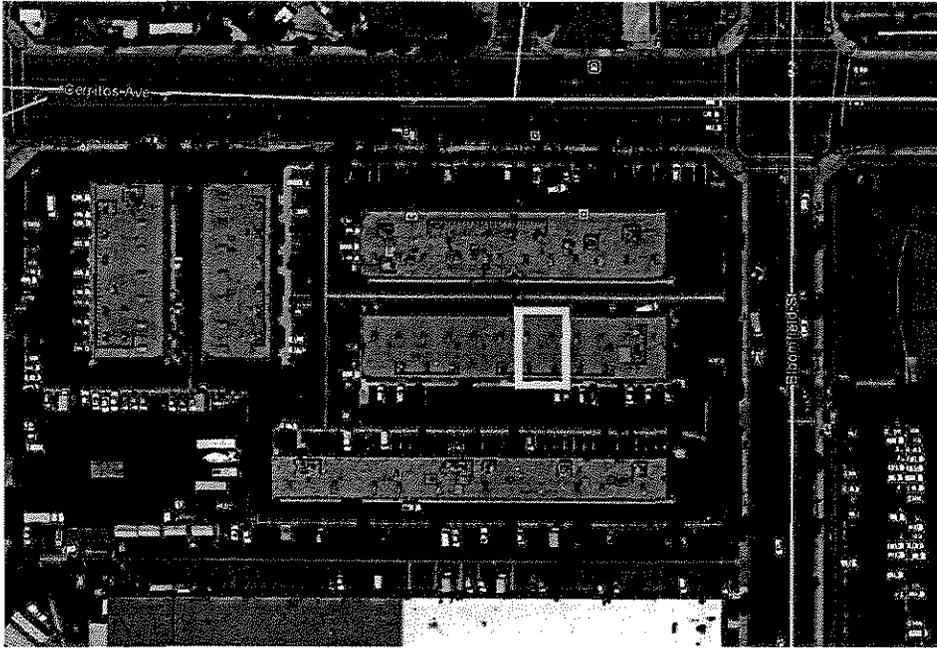
As for the ukulele class, currently it's any of our students who want to learn to play the ukulele. It happens that the only ones interested are our 5 teens who already dance hula together. They sit in one of the rooms and learn to play chords and songs. My husband would like the class to grow but there's not too much interest so far."

According to the business' website, classes currently take place during the weekday evening hours and on Saturdays.

This application continues the blurring of lines that has occurred in society between recreation and instructional classes. Just as the Planning Commission recognized last December that Crossfit classes should be treated as an indoor recreational use and allowed in the P-M zone with a CUP, hula classes are another type of class which could be considered an indoor recreational use. The ukulele classes would be an accessory use to the hula class; they are not even listed on the website.

The permit decision seems to be purely a matter of whether a Conditional Use Permit should be approved, thereby continuing a trend of these types of businesses moving into industrial buildings in the Planned Light Industrial Zone.

Location



The adjacent properties are developed and zoned as follows:

- North:** Developed with another light industrial building across an alley in the same industrial park in the Planned Light Industrial (P-M) Zoning District. Edrich Chiropractic and Royal Pane Windows are directly across the alley. Across Cerritos, is the Single Family (R-1) residential neighborhood.
- South:** Developed with another light industrial building across a parking lot in the same industrial park in the Planned Light Industrial (P-M) Zoning District. A vacant unit is directly to the South.
- East:** Developed with the rest of the same light industrial building in the Planned Light Industrial (P-M) Zoning District. Shoyoroll, a martial arts apparel manufacturer, is next door. Beyond the end of the building, across Bloomfield Street, is McAuliffe Middle School.
- West:** Developed with the rest of the same light industrial building in the Planned Light Industrial (P-M) Zoning District. Cornerstone Floors is next door.

Parking

According to the property owner's representative, Traci Shelton:

"The parking ratio for the park is 3 per 1,000 and the parking is shared and in common (not reserved or assigned) for all of the tenants. Samantha's unit is 1,440 square feet so that would allow them access to 4.5 or 5 parking spaces. Historically, we've not had any issues with the parking with the exception of the parents picking up their kids from McAulliffe Middle School every day. That situation is a nightmare and no matter what we do they continue to use our parking lot. That occurs for a brief period during the day and Samantha holds her classes after normal business hours so there's no conflict."

If the health spa parking standard of one space for each 200 square feet were to be applied, the business would be required to provide a total of 7.2 spaces, so the five (5) spaces under the rental agreement would be insufficient. However, the Los Alamitos Municipal Code does not contain a parking requirement for dance class uses. Crossfit Recoil was approved with six (6) spaces for 1,920 feet in the same industrial center. As the business has been in existence for two years and operating only in evening and weekend hours, the existing parking situation does not appear to be a problem. However, in order to insure that no parking problems occur, a condition has been added restricting hours of operation to weekday evening hours and weekends.

The Unit Space

The unit is much like other units in the industrial area in that there is an office, a waiting room, a bathroom, and a large open bay. The walls have fresh paint and the floor is covered in wood laminate flooring. The end of the bay is supplied with a large roll-up door. The walls of the building are made of concrete block; however, the walls between units are ordinary studs and drywall which appear to have some sort of insulation inside. This business operates in the evening when other businesses in the area are closed and has never had any noise or other Code Enforcement complaints. Here are pictures of the inside of the unit:



Findings

In order to approve a CUP, certain findings are required under Municipal Code Section 17.42.050.

The first finding is that the use, as indoor recreation (hula and ukulele classes), will not endanger the public health or general welfare if located where proposed and will not allow conditions which tend to generate nuisance conditions, including noise, glare,

odor, or vibrations (LAMC Section 17.42.050A.1.). The use will not foster circumstances that tend to generate a nuisance as the use is not one that generates excessive noise, glare, odors or vibrations, or other troublesome conditions -- as shown by the lack of complaint by neighbors of this unit. Further, a similar use to this, Crossfit Recoil, has also existed in this same complex for a number of years with no complaints from other businesses. This type of use will, in fact, contribute favorably to the health and welfare of City residents in that this recreational use is a form of exercise.

The second finding is that the use meets the required conditions and specifications set forth in the zoning district where it proposes to locate (LAMC Section 17.42.050A.2). This is an industrial building surrounded by industrial buildings on all sides, but is across Bloomfield Street from McAuliffe Middle School to the East. Indoor recreational uses are specifically allowed in this zone with a CUP.

The building meets the development standards of the Light Industrial zone. This project is also exempt from the City's traffic impact fee as it will generate under 200 daily trips and there will be no substantial change in traffic generation. Conditions have been imposed to insure that the development will meet the requirements of the zone and will operate as indicated in the Staff Report.

Third, the proposed indoor recreation establishment will be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District and with the Los Alamitos General Plan. Although the unit for this use is in an industrial area, there are currently no high-impact types of industrial uses in proximity to this unit that would conflict with this recreational use. This business and the nearby Crossfit Recoil have been conducting classes in harmony with the other uses in this industrial park for over two years without complaint.

Fourth, the decision to approve the application for a Conditional Use Permit must be based on substantial evidence in view of the record as a whole before the Planning Commission (LAMC Section 17.42.050A.4.). The information before the Planning Commission constitutes substantial evidence.

Recommendation

Staff feels that it is reasonable to conclude that hula classes can be considered indoor recreation that is allowed in the P-M zone with a Conditional Use Permit. As stated above, ukulele classes which are limited to only a few classes would be considered an accessory use. Therefore, Staff recommends approval of CUP 14-04 and adoption of Resolution 14-12 which includes the findings and conditions; unless additional or contrary information is received during the meeting and based upon the evidence submitted to the Commission, including the evidence presented in this Staff Report, and any oral and written evidence presented at the Public Hearing.

Attachments: 1) *Draft Planning Commission Resolution 14-12*
2) *Site Plan*

RESOLUTION NO. 14-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 14-04 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (HULA AND UKULELE CLASSES) IN A 1,440 SQUARE FOOT UNIT AT 10555 BLOOMFIELD STREET IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SAMANTHA AGUON, HALAU HULA O NOELANI).

WHEREAS, the application is for a Conditional Use Permit to allow an indoor recreation establishment (hula and ukulele classes) in an existing 1,440 square foot space at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zoning District; and,

WHEREAS, the application constitutes a request under Section 17.42.040 (Conditional Use Permits - Application Filing) of the Los Alamitos Municipal Code (LAMC); and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on April 14, 2014; and,

WHEREAS, at the Planning Commission meeting of December 9, 2013, the Planning Commission determined that fitness classes (Crossfit-type) should be treated as an indoor recreational use which is allowed in the P-M zone pursuant to a Conditional Use Permit (CUP); 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, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. The hula classes are similar to the Crossfit use which was recently approved in that they are both indoor recreational uses and should be treated the same.

SECTION 3. Conditional Use Permit 14-04 is hereby approved to allow hula classes with the accessory use of ukulele classes as an indoor recreation establishment in an existing 1,440 square foot space at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zoning District based upon the following findings and subject to the conditions set forth in Section 4:

1. Halau Hula O Noelani (indoor recreation – hula classes) located at 10555 Bloomfield Street will not endanger the public health or general welfare. This indoor recreation use will not foster circumstances that tend to generate a nuisance because the use does not have any characteristics that are problematic such as excessive noise, glare, vibration or odors, or other similar characteristics. This has been demonstrated by the lack of complaints by neighbors of this business which has already existed in this location for several years. This indoor recreational use will, in fact, contribute favorably to the health and welfare of City residents in that this recreational use is a form of exercise near employment centers. Parking for the business will not be a problem in that the business has five (5) unassigned spaces, plus can make use of other spaces in the business park if they are not occupied. The hours of operation, which are after most businesses have closed, means that there is not a burden on the existing parking.
2. This indoor recreation establishment (Halau Hula O Noelani) will be located in an industrial area and is a conditionally permitted use within the Planned Light Industrial (P-M) Zoning District. This is an industrial building completely surrounded by industrial buildings. Indoor recreational uses are specifically allowed in this zone with a CUP.
3. The proposed indoor recreation establishment will be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District and with the Los Alamitos General Plan. Although the unit for this use is in an industrial area, there are currently no high-impact types of industrial uses in proximity to this unit that would appear to conflict with this recreational use. The business and the nearby Crossfit Recoil have been conducting classes in harmony with the other uses in this industrial park for over two years without complaint.
4. The decision to approve the Conditional Use Permit is based on review by the Planning Commission of the plans and specifications submitted for the proposed project and on testimony given at the Public Hearing before the Planning Commission.
5. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines, Section 15303(e), Class 1. Existing Facilities. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet.

SECTION 4. The following conditions shall apply to this project:

Planning

1. Approval of this application is to allow an indoor recreation establishment (hula and ukulele classes) at 10555 Bloomfield Street with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 14-04 noted thereon, and on file

in the Community Development 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 Community Development Director. If the Community Development 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 Community Development Director without requiring a public meeting.

2. Any signs shall comply with the provisions under Chapter 17.28 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 Director of Community Development.
3. Failure to satisfy and/or comply with the conditions herein may result in revocation by the Planning Commission and/or City Council of this approval.
4. The applicant and the applicant's successors, in interest, shall be fully responsible for knowing and complying with all conditions of approval.
5. 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

6. The applicant has 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.

7. 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.
8. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Community Development 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 Community Development Department prior to issuance of any permits.
9. Applicant shall comply with applicable City, County, and/or State regulations.
10. The hours of operation shall be limited to 6:00 PM to 10:00 PM Monday through Friday and anytime Saturday and Sundays.
11. The applicant shall be required to maintain no less than five (5) parking spaces for use by this business.
12. All business and activities shall be located inside the building.

Building Department

13. The applicant shall obtain City permits for all tenant improvements.
14. The applicant shall submit complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work to obtain "Assembly Use" occupancy in accordance with the building code in effect at time of permit issuance.
15. All exits must stay clear.

Code Enforcement

16. Applicant shall pay all outstanding Code Enforcement citations and Business License fees.

Orange County Fire Authority

17. 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 any permits or approvals:

- Architectural (Service Codes PR200-PR285), when required by the OCFA "Plan Submittal Criteria Form"
- Fire sprinkler system (Service Codes PR400-PR465), if required by code, installed voluntarily, or if building is currently sprinklered and the system requires modification.

If you need additional information or clarification, please contact Lynne Pivaroff by phone at (714) 573-6133, by fax at (714) 368-8843, or by email: lynnepivaroff@ocfa.org.

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 Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 14th day of April 2014.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, 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 14th day of April 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

SITE PLAN

3838-3982 Cerritos Avenue ♦ 10541-10615 Bloomfield Avenue
Los Alamitos, California 90720

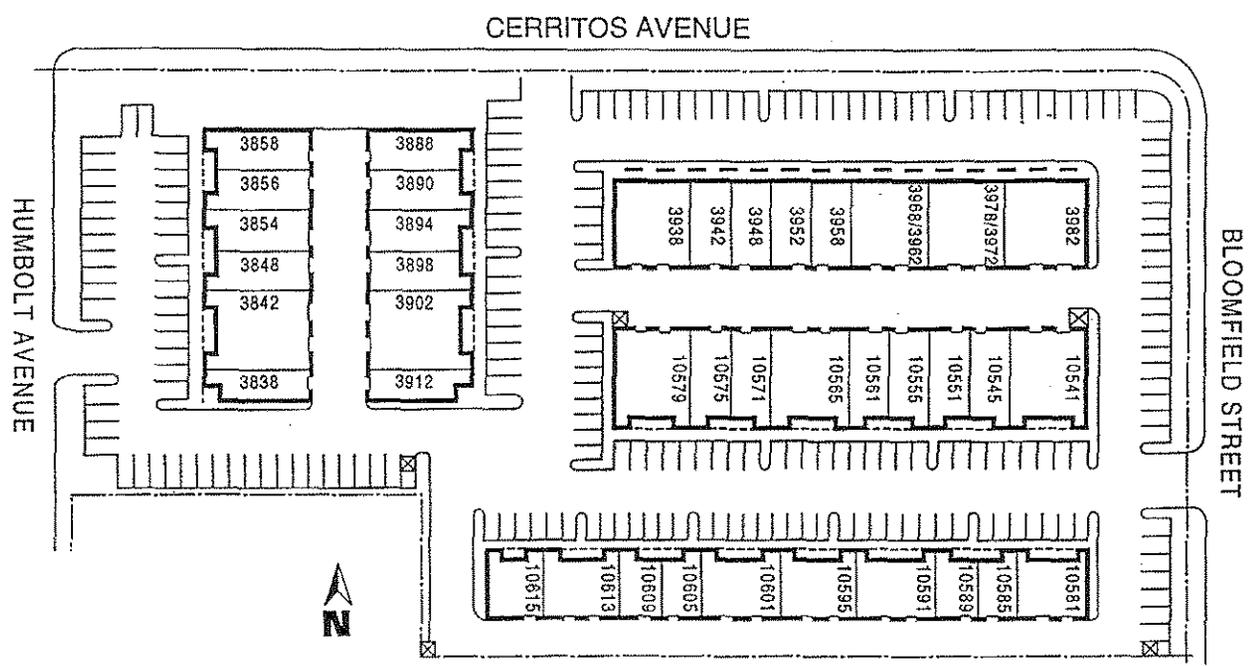


EXHIBIT "B"

Initial _____

The information contained herein has been obtained from sources we deem reliable. While we have no reason to doubt its accuracy, we do not guarantee it. Do not rely on any of the information contained herein without verifying it yourself, directly with the listing broker or owner. Brochure published by: THE SMITH GUIDE™

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

April 14, 2014
Item No: 7C

To: Chair Loe and Members of the Planning Commission

Via: Steven A. Mendoza, Community Development/Public Works Director

From: Tom Oliver, Planning Aide

Subject: Continued Consideration of Zoning Ordinance Amendment (ZOA) 13-05 Relating to Accessory Residential Uses and Accessory Structures

Summary: Continued consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City initiated).

Recommendation:

1. Open the continued Public Hearing; and, if appropriate,
2. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adoption of Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

Applicant: City Initiated

Location: Citywide

Environmental

The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures. The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment and pursuant to Section 15305 as a minor alteration in land use limitations.

Approval Criteria:

Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that any proposed amendment be recommended by a resolution to the City Council.

Background

This Public Hearing is a continuation from the March 10, 2014, Planning Commission meeting.

At the January 2014 meeting, the Planning Commission began to discuss problematic sections of the Los Alamitos Municipal Code (LAMC) that pertain to residential land uses relating to guest homes, guest houses, and accessory structures. During the discussion concern was raised about accessory structures being turned into rental units as well as guest homes being turned into rental units as these types of uses are not required to provide the additional parking that is required of a second residential unit, and the City had trouble monitoring these types of uses.

At the conclusion of this item, the Planning Commission determined that the only accessory housing units that should be allowed in the City should be second residential units and that accessory structures should be prohibited from having bedrooms, full bathrooms or kitchen facilities. Guest homes will no longer be a permitted use, but this will not impact any previously approved guest homes. At the February 2014 Planning Commission meeting, Staff requested that the item be continued in order to have more time to draft the ordinance and make sure that all necessary sections of the Code were changed and there were no inconsistencies.

At the March 10, 2014 meeting, the Commissioners requested that the item be continued again so that Commissioners would have more time to study the attached ordinance that Staff has drafted.

Recommendation

Staff recommends that the Planning Commission approve the attached resolution recommending that the City Council adopt Zone Ordinance Amendment 13-05 relating to accessory residential uses and accessory structures.

- Attachments:*
- 1) PC Resolution 14-06*
 - 2) Draft CC Ordinance 2014-xx*
 - 3) PC Staff Report from 3/10/14 Commission Meeting*
 - 4) Examples of accessory structure code information from other cities*
 - 5) 2013 California Building Code pertaining to accessory structures*

RESOLUTION NO. 14-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating the Los Alamitos Municipal Code as it relates to accessory residential units and accessory structures; and,

WHEREAS, Los Alamitos Municipal Code Section 17.70.020 *Amendments* requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

WHEREAS, the Planning Commission approved the Resolution of Intention 13-21 on December 9, 2013; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on January 13, 2014; and,

WHEREAS, at the January 13, 2014 meeting, the Planning Commission directed Staff to draft a resolution recommending the City Council change the Municipal Code; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on February 10, 2014 which was continued to March 10, 2014; and,

WHEREAS, on March 10, 2014 the Planning Commission held a Public Hearing on Zoning Ordinance Amendment No. 13-05 which was continued to April 14, 2014; and,

WHEREAS, on April 14, 2014 the Planning Commission held a Public Hearing on Zoning Ordinance Amendment No. 13-05; and,

WHEREAS, after consideration of all applicable Staff Reports and all public testimony and evidence presented at the Public Hearings, the Planning Commission

does hereby make the following findings of fact for Zoning Ordinance Amendment 13-05 relating to accessory residential uses and accessory structures by modifying the definitions in Chapter 17.76, amending Land Use Table 2-02 in Section 17.08.020, amending the Parking Table in Section 17.26.040, and modifying Section 17.38.030 of the Los Alamitos Municipal Code:

1. The proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed amendments are consistent with General Plan Land Use Policy 1-3.1 to “apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.” The amendment would establish consistent standards relating to accessory structures and accessory residential uses. Additionally, the amendments make changes to eliminate inconsistencies in the current Zoning Code.

2. The proposed amendments will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the amendment of these items. They will instead improve the ability of Staff to regulate Second Residential Units and Accessory Structures. These modifications of the Code continue to allow the building of accessory structures and second residential units in the areas where they are permitted in the City. Further, the amendments will alleviate problems for the public convenience, health, interest and safety by removing the ability to create illegal residential units without providing necessary parking.

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and it has been determined that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the Code Amendments will have no significant effect on the environment as well as Section 15305 as a minor alteration in land use limitations.

4. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

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

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct, which findings are incorporated by reference herein.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends that the City Council of the City of Los Alamitos approve Zoning Ordinance Amendment 13-05 relating to accessory residential units and accessory structures as shown in Attachment 2, which Ordinance is attached hereto and incorporated by reference herein.

SECTION 3. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 14th day of April, 2014.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz
Assistant City Attorney

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

I, Steven Mendoza, 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 14th day of April, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

DRAFT ORDINANCE NO. 2014-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED).

WHEREAS, the City initiated a zoning ordinance amendment relating to changes for guest homes and accessory structures in accordance with the procedures set forth in Chapter 17.70 of the Los Alamitos Municipal Code; and

WHEREAS, the Planning Commission discussed this matter at a Public Hearing on January 13, 2014; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on this Ordinance on April 14, 2014 after which time it adopted Resolution No. _____, recommending that the City Council find that the Ordinance is exempt from CEQA and adopt this Ordinance; and

WHEREAS, the City Council opened a duly noticed Public Hearing concerning this Amendment on _____; and,

WHEREAS, this Zoning Ordinance Amendment 13-05 has been considered by the City Council; and,

WHEREAS, after consideration of all applicable Staff Reports and all public testimony and evidence presented at the Public Hearing, the City Council does hereby make the following findings of fact relating to the amendments set forth in this Ordinance as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, and does not create any inconsistencies with the Zoning Code. The proposed amendments are consistent with General Plan Land Use Policy 1-3.1 to "apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City." The proposed amendments will establish consistent standards relating to the development of accessory residential uses in the City by providing that the only way that an accessory residential use may be allowed is by

approval of a second residential unit with appropriate parking. The amendments also establish standards for accessory structures and remove inconsistencies as to the definition of accessory structures that currently exist in the Municipal Code.

2. The proposed amendments will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated from the changes. Although guest houses will no longer be a use that can be conditionally approved in the R-1 zone, all previously approved guest houses will be allowed to remain and will not be subject to the non-conforming use provisions. The changes will improve the ability of Staff to regulate Second Residential Units and Accessory Structures. This Code modification continues to allow the building of accessory structures and second residential units in the areas where they are permitted in the City. Further, the amendment will alleviate problems for the public convenience, health, interest and safety by removing a mechanism by which people had the ability to create illegal residential units without providing necessary parking.

3. The proposed Municipal Code changes have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the Code Amendments will have no significant effect on the environment and pursuant to Section 15305 as a minor alteration in land use limitations.

4. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code and do not create any conflicts with any other provisions of the Los Alamitos Municipal Code.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY ORDAIN 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. The following definitions in Los Alamitos Municipal Code Section 17.76.020 "Definitions" are hereby amended to read as follows:

"Accessory Living Quarters". See ~~"Guest house."~~ "Second Residential Unit."

"Granny Flat." See ~~"Secondary residential units."~~ means a residential unit that was approved in accordance with Government Code section 65852.1 and is grandfathered under State Law.

~~"Secondary"~~ "Second residential unit" means a detached or attached dwelling unit that provides complete, independent living facilities for one or more

persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit.

SECTION 3. The following provisions of Los Alamitos Municipal Code Section 17.08.020, Table 2-02 "Land uses and permit requirements" are hereby amended as follows; all other provisions remain the same:

LAND USE	R-1	R-2	R-3	M-H	Specific Use Regulations
Accessory uses and structures, including noncommercial greenhouses	P ²	P ²	P ²	_____	<u>17.38.030</u>
Secondary residential units	P	P	P	_____	17.38.150
-Detached guesthome (no rental)	CUP ²	_____	_____	_____	

² Up to 640 square feet; otherwise requires Site Plan Review approval. No cooking facility installed or maintained.

SECTION 4. Section 17.10.020B of the Los Alamitos Municipal Code is hereby amended to read as follows:

B. ~~Accessory uses structures.~~ Accessory land-uses structures are subject to the requirements of ~~Section 17.38.030 (Accessory structures)~~ Site Plan Review pursuant to Chapter 17.50 of this Code.

SECTION 5. Section 17.12.020B of the Los Alamitos Municipal Code is hereby amended to read as follows:

B. ~~Accessory uses structures.~~ Accessory land-uses structures are subject to the requirements of ~~Section 17.38.030 (Accessory structures)~~ Site Plan Review pursuant to Chapter 17.50 of this Code.

SECTION 6. The Parking Table in Section 17.26.040 of the Los Alamitos Municipal Code is hereby amended by adding the following after R-1 Single Family which merely reflects the requirements already set forth in Section 17.38.150.C.9 of the Los Alamitos Municipal Code.

Description of Use	Required Number of Spaces
<u>Second Residential Unit</u>	<u>One space for each bedroom</u>

SECTION 7. Section 17.38.030 of the Los Alamitos Municipal Code is hereby amended to read as follows:

17.38.030 Accessory structures/uses – Residential.

This section provides standards for accessory uses and structures that are customarily related to a residence, (e.g., garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops). Standards for in-ground swimming pools are provided in Section 17.16.150 (Swimming pools).

A. ~~Construction of Accessory Structures.~~ Accessory structures shall may be erected or constructed concurrent with, or subsequent to, the construction of the main structure.

B. Relationship of Accessory Use/Structure to the Main Use. Consistent with the definitions of “accessory structure” and “accessory use” in Chapter 17.76, ~~a~~Accessory uses and structures in the residential zone shall be incidental to and not alter the residential character of the site.

~~C. Attached Structures.~~

~~1. An accessory structure that is attached to a main structure shall be compatible with, and made structurally a part of, the main structure (e.g., share a common wall and roof with the main structure, rely partially on the main structure for structural support, or be attached to the main structure at a minimum of four points within twenty (20) feet).~~

~~2. An attached accessory structure shall comply with the requirements of this zoning code applicable to the main structure, including setbacks, heights, and lot coverage.~~

~~3. Construction and the use of materials and colors shall be compatible with the main structure whenever feasible.~~

~~CD. Detached Structures:~~

1. Use. Unless previously approved as a guest house or granny flat, as of January 1, 2014, no accessory structure shall be used for residential purposes, even on a temporary basis. After January 1, 2014, the only manner in which a residential use of a secondary structure may be allowed is pursuant to the second residential unit standards set forth in Section 17.38.150 of this Chapter.

2. Coverage. The sum of the floor area(s) of the total number of detached accessory structures shall not exceed the maximum rear yard coverage of the parcel in compliance with Table 2-03 (Residential Zoning District

General Development Standards). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-03.

3. Size Limit. An accessory structure shall not exceed 640 square feet unless a site plan is approved by the Planning Commission in accordance with Chapter 17.50 of this Code.

4. Height Limit. Detached accessory structures shall not exceed a height of fifteen (15) feet, except detached tool sheds located within a required side yard shall not exceed a height of seven feet from grade.

5. Accessory structures may include no more than one (1) half-bath (i.e., sink and toilet), and shall not include any shower, bathtub or cooking facilities.

6. Each accessory structure shall be no more than one (1) room, not including a half-bath or an attached garage.

7. Materials and Color. Detached accessory structures shall be compatible with the materials and color of the main dwelling(s) on the property whenever feasible.

8. Separation Requirements. Detached accessory structures on a single parcel shall be separated from the main structure and other structures by at least five feet, or more, as required, except as allowed by the Uniform Building Code (UBC).

9. Location Requirements.

a. ~~Yard Areas. (Section 17.06.030(E)(4)). Detached a~~Accessory structures in residential zoning districts may be located in the required side or rear yard areas, provided that the structure(s) are a minimum of five feet from any common property line to the eave line and provided that all run-off water from the roof is disposed of on the parcel.

b. ~~Garage Access from Alley. Where access to a garage is provided from an alley, the garage shall be located a minimum of ten (10) feet from the rear property line.~~

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase 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, 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. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 10. 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.

SECTION 11. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2014.

Gerri L. Graham-Mejia, Mayor

ATTEST:

Windmera Quintanar, CMC
City Clerk

APPROVED AS TO FORM:

Cary Reisman
City Attorney

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

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 14-____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2014 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2014, by the following vote, to wit:

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

Windmera Quintanar, City Clerk

City of Los Alamitos

Planning Commission

Agenda Report Staff Report

March 10, 2014
Item No: 7F

To: Chair Loe and Members of the Planning Commission

Via: Steven A. Mendoza, Community Development/Public Works Director

From: Lisa Kranitz, Assistant City Attorney
Tom Oliver, Planning Aide

Subject: Zoning Ordinance Amendment 13-05
Relating to Accessory Residential Uses and Accessory Structures

Summary: Consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City initiated).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Adoption of Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

Applicant: City Initiated

Location: Citywide

Environmental The proposed project has been reviewed in compliance with the provisions of the California

Environmental Quality Act (CEQA) and the City's environmental review procedures. The proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment and pursuant to Section 15305 as a minor alteration in land use limitations.

Approval Criteria: Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that any proposed amendment be recommended by a resolution to the City Council.

Background

The Planning Commission approved a Resolution of Intent at its meeting on December 9, 2013 to clarify the definitions and other municipal codes concerning the terms "Detached Guesthome" and "Guest house" and "Accessory Structures."

Discussion

At the January 2014 meeting, the Planning Commission began to discuss problematic sections of the Los Alamitos Municipal Code (LAMC) that pertain to residential land uses relating to guest homes, guest houses, and accessory structures. During the discussion, concern was raised about accessory structures as well as guest homes being turned into rental units as these types of uses are not required to provide the additional parking that is required of a second residential unit, and the City had trouble monitoring these types of uses.

At the conclusion of this item, the Planning Commission determined that the only accessory housing units that should be allowed in the City should be second residential units and that accessory structures should be prohibited from having bedrooms, full bathrooms or kitchen facilities. Guest homes will no longer be a permitted use but, this will not impact any previously approved guest homes. At the February 2014 Planning Commission meeting, Staff requested that the item be continued in order to have more time to draft the Ordinance and make sure that all necessary sections of the Code were changed and there were no inconsistencies. The attached Draft Ordinance covers all of the changes deemed necessary by Staff.

Accessory Structures

Last month, the Planning Commission also directed Staff to find more examples from other cities concerning their treatment of accessory structures. The Planning Commission did not direct Staff to draft changes to Code concerning accessory

structures; however, when drafting changes to guest home Codes it was determined that the two subjects are intertwined and need to be dealt with as one subject. Staff has included examples from cities that are applicable to this discussion with this report. While Staff has found some possible changes that are incorporated in the Draft Ordinance, these other examples are to be used in the discussion tonight in determining a final recommendation for the City Council. The Draft Ordinance should be looked on as a jumping off place for tonight's discussion.

Changes to the Zoning Code

The Draft Ordinance does the following:

- Changes the definition of "Accessory Living Quarters" from Guest House to Second Residential Unit.
- Changes the definition of "Granny Flat" from a secondary residential unit to a residential unit that was approved in accordance with the Government Code section that used to allow for granny flats. That section has not been operative since 2007, although granny flats approved prior to that time remain a legal use subject to all the prior conditions under State law. The term "Granny Flat" as well as "Guest House" is being left in the Code as they describe legal non-conforming uses.
- Changes the term "Secondary residential unit" to "Second residential units" to provide consistency in the Code and consistency with State law.
- Amends the Land Use Table in Section 17.08.020 as follows:
 - Provides a cross reference for accessory uses and structures to Section 17.38.030 and footnotes that such structures are permitted up to 640 square feet without Site Plan Review approval.
 - Deletes detached guesthomes as a use that is allowed, even with a CUP.
- Amends Sections 17.10.020B (Commercial and Industrial zones) and 17.12.020B (Special Purpose and Overlay zones) to remove the cross references in Accessory Uses to the section on residential accessory structures. The sections now provide that accessory structures must be approved pursuant to Site Plan Review.
- Amends the Parking Table in Section 17.26.040 to provide that one parking space is required for each bedroom of a second residential unit. This is consistent with Section 17.38.150 of the Los Alamitos Municipal Code; it is a clean-up in order to place all of the parking requirements in one location.

- Amends Section 17.38.030 relating to Accessory Structures as follows:
 - Makes minor clean-up changes to the Title and Sections A and B.
 - Eliminates Section C which was for attached structures, as an attached structure is not an accessory structure, but part of the main structure; this is now consistent with the term “Accessory Structure” in the definitions.
 - Amends Section D (now Section C) on Detached Structures as follows:
 - Provides that unless it was previously approved as a guesthome or granny flat as of January 1, 2014, no accessory shall be used for residential purposes and the only detached structure that may be used for residential purposes is a second residential unit.
 - Provides that accessory structures shall not exceed 640 square feet unless there is approval of a Site Plan Review. This would allow a detached garage with a side room for washing machines, a work room, or a studio, as well as allow a three-car garage without the need for Planning Commission action.
 - Provides that accessory structures may include no more than one half-bath (sink and toilet) and shall not include any shower, bath, or cooking facilities.
 - Provides that except for a garage with an attached room or separate half-bath, accessory structures must be one room.

Findings

Staff considers the following findings of fact when studying a Zoning Ordinance Amendment for modification to the Los Alamitos Municipal Code.

First, the proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed amendments are consistent with General Plan Land Use Policy 1-3.1 to “apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City.” The amendment would establish consistent standards relating to accessory structures and accessory residential uses. Additionally, the amendments make changes to eliminate inconsistencies in the current Zoning Code.

Second, the proposed amendments will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the amendment of these items. They will instead improve the ability of Staff to regulate Second Residential Units and Accessory Structures. These modifications of the Code continue to allow the building of accessory structures and

second residential units in the areas where they are permitted in the City. Further, the amendments will alleviate problems for the public convenience, health, interest and safety by removing the ability to create illegal residential units without providing necessary parking.

Third, the proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and it has been determined that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the Code Amendments will have no significant effect on the environment as well as Section 15305 as a minor alteration in land use limitations.

Fourth, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

Recommendation

Staff recommends that the Planning Commission approve the attached resolution recommending to the City Council they adopt Zoning Ordinance Amendment 13-05 relating to accessory residential uses and accessory structures.

*Attachments: 1) PC Resolution 14-06
2) Draft Ordinance 2014-xx
3) Examples of accessory structure code information from other cities*

**EXAMPLES OF ACCESSORY
STRUCTURE
CODE INFORMATION FROM
OTHER CITIES**

**CITY OF
PALO ALTO**



City of Palo Alto

Department of Planning and Community Environment
 Planning Division, 250 Hamilton Avenue
 Palo Alto, CA 94301
 (650) 329-2441
<http://www.cityofpaloalto.org>

REGULATIONS FOR ACCESSORY STRUCTURES

WHAT IS AN ACCESSORY STRUCTURE?

An accessory structure is defined as any structure that is incidental to and customarily associated with a specific principle use or facility. Such examples include detached garages and workshops, playground structures, trellis structures and gazebos (excluding noise-producing equipment in single family residential (see section below), and hot tubs or spas, which are both subject to different restrictions).

ACCESSORY STRUCTURES – RESTRICTIONS AND LOCATIONS

RESTRICTIONS:

Generally, any accessory structure 120 square feet or larger in area will require a building permit, and will count towards lot coverage and floor area maximums for the lot. Structures under 120 sq. feet in size will not count towards floor area, but will count against the lot coverage maximum. Check with the Building Division to ensure if a building permit is required.

LOCATIONS:

Accessory structures shall be located on private property, outside of the required setback areas of a lot.

Required Setback	Zone Districts			
	R-1	R-1 (650, 743, 929, 1858)	RE	R-2, RMD
Front	20' if block average <30', otherwise contextual *	20' if block average <30', otherwise contextual *	30 feet	20 feet
Rear	20 feet	20 feet	30 feet	20 feet
Interior-Side	6 feet	8 feet	15 feet	6 feet
Street-Side	16 feet	16 feet	24 feet	16 feet

* Please see Code Section for 18.12.040 (e) for calculation, "contextual" or "average" front setback applies if the average front setback of the block is 30' or more.

EXCEPTIONS TO THE REQUIRED SETBACK:

Accessory structures may be located within the required setbacks if the following conditions are met:

1. In R-1 zoning districts*, on lots 95' in depth or more, the structure is located at least 75 feet from the front property line;
 - NOTE: On lots less than 95' in depth, detached covered parking may be located in the required interior side or rear yard (and less than 75' from front property line) if placed in the rear half of the lot.
 - NOTE: For Corner Lots, such structures shall be located at least 20 feet from the streetside lot line.
 - In other low density zoning districts (R-2, RMD, RE) the structure is located at least 75 feet from the front property line, and for corner lots at least 20 feet from the streetside lot line.
2. The structure shall not be used for living or sleeping purposes;
3. The structure shall not be located closer than three feet to any other structure;
4. The structure meets the following height restrictions:
 - Accessory buildings located within a required interior yard as permitted by this section shall be subject to a maximum height established by a daylight plane beginning at a height of eight feet at the property line and increasing at a slope of one foot for each three feet of distance from the property line, to a maximum height of 12 feet;
5. No such structure greater than 200 square feet in size shall have more than two plumbing fixtures;
6. The structure(s) shall not individually or cumulatively occupy an area exceeding fifty percent of the required rear yard.

REQUIREMENTS FOR NOISE-PRODUCING EQUIPMENT:

All noise-producing equipment, such as air conditioning units, pool equipment, and generators shall not be located within the required side, rear or front setbacks. Additionally, all such equipment shall be insulated and housed. For corner lots such equipment may be located up to 6 feet into the required (16') streetside setback. The Planning Director may permit installation without housing and insulation if the applicant can show such equipment, with technical specifications, location/buffering, noise measurements will comply with the noise ordinance at the nearest property line. Replacement of noise-producing equipment shall also conform to these requirements where feasible.

For more information, please contact the Planning Division:

City of Palo Alto Development Center

285 Hamilton Avenue

Palo Alto, CA 94301

Phone: (650) 329-2441

Webpage: <http://www.cityofpaloalto.org/government/planning/plandiv/>

Email: plandiv.info@cityofpaloalto.org

**CITY OF
MORGAN HILL**

MORGAN HILL

18.56.000 Purpose.

The purpose of this chapter is to provide development parameters for accessory uses and structures. These provisions are intended to promote and encourage the proper placement, height and size limitations on accessory uses and structures as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety and general welfare.

For the purposes of this chapter, an accessory use or structure means a use or structure subordinate to or part of the principal use on the same lot, and serving a purpose customarily incidental to the principal use. An accessory use or structure does not alter the principal use and does not serve parcels other than the parcel where the principal use is located. Guest houses, caretakers units, secondary dwelling units and pool houses with living space which is heated/cooled and/or contains a full bath facility are not considered accessory structures and must meet the requirements of Chapter 18.55.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.010 Accessory structures in side or rear yards.

- A. Accessory structures seven feet or less in height and one hundred twenty square feet or less in size are exempt from the provisions of this title.
- B. The following development standards shall apply to all accessory structures greater than seven feet in height, greater than one hundred twenty square feet in size which have some form of roof element (open or solid) and are constructed within or partially within, the required side and rear yard areas. Examples include a detached garage, carport, shed, trellises, arbors, shade structures, play structures, covered dog enclosures and gazebos.
 1. Maximum Coverage. Accessory structures in aggregate shall not exceed thirty percent of the area of the minimum required side or rear yards.
 2. Height. The maximum overall height for any accessory structure is twelve feet. Structure height is measured vertically from the lowest point of the natural grade at the base of the structure to the highest point at top.
 3. Setback. Setback is measured from the base to any property line.
 - a. Accessory structures with a height of greater than seven feet to a maximum of twelve feet shall be setback a minimum of five feet from property line.
 - b. Accessory structures with a height greater than twelve feet shall be constructed entirely within the building envelope.
 - c. Accessory structures with a solid roof element and walls on one or more sides shall be setback five feet from the principle structures. The separation may be covered by a breeze way or similar passage.
 4. Limitations. Accessory structures cannot be used as living space which is heated/cooled and/or contains a full bath facility. Accessory structures may be equipped with a half bath only (toilet and sink).

Note: Guest houses, caretakers units, secondary dwelling units and pool houses with living space which is heated/cooled and/or contains a full bath facility are not defined as accessory structures and must meet the requirements of Chapter 18.55.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.020 Equipment placement in side or rear yards.

Equipment or structures enclosing such equipment which are attached to the main building or accessory structure (e.g., solar panels and water storage tanks, heating, and air conditioning equipment, or similar mechanical equipment), shall not encroach more than fifty percent into a rear or side yard area. The fifty percent encroachment limitation can be waived if all other applicable code requirements can be met and the encroachment would not adversely affect the adjoining property. The community development director shall approve of any encroachment prior to the issuance of a permit.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.030 Patios, decks and balconies.

- A. Side and Rear Yards. The following development standards shall apply to all patios, decks and balcony structures within the required side and rear yard areas:
1. **Maximum Coverage.** Decks and balconies greater than eighteen inches above grade shall not, in aggregate with other accessory structures, exceed thirty percent of the area of the required minimum side and rear yards.
 2. **Height.** The maximum overall height for any deck or balcony structure within the required side and rear yard area is twelve feet. Structure height is measured at the point closest to the property line vertically from the base of the structure to the highest point at top (including railing height, trellis or similar roof feature).
 3. **Setback.** Setback is measured from the farthest projecting point to any side or rear property line.
 - a. Patios and decks constructed at zero to eighteen inches above grade may be located in any rear or side yard area to within one foot of the rear or side property lines.
 - b. Deck structures with a height of six feet or less shall be setback a minimum of five feet from rear or side property lines.
 - c. Deck or balcony structures with a height of greater than six feet to a maximum of twelve feet shall be setback a minimum twelve and a half feet from the side and rear property line.
 - d. Deck structures with a height greater than twelve feet shall be constructed entirely within the building envelope.
- B. Front Yards. The following development standards shall apply to all patios, decks and balcony structures within the required front yard area:
1. **Maximum Coverage.** Decks and balconies greater than eighteen inches above grade shall not in aggregate with other accessory structures exceed thirty percent of the area of the required minimum front yard.
 2. **Height.** The maximum overall height for any deck or balcony structure within the required front yard area is twelve feet. Structure height is measured at the point closest to the property line vertically from the base of the structure to the highest point at top (including railing height, trellis or similar roof feature).
 3. **Setback.** Setback is measured from the farthest projecting point to any side or front property line.
 - a.

Patios and decks constructed at zero to eighteen inches above grade may be located in any front yard area to within one foot of the side and five feet from the front property line.

- b. Deck structures with a height of six feet or less shall be setback a minimum of five feet from the side property line and fifteen feet from the front property line.
- c. Deck or balcony structures with a height of greater than six feet to a maximum of twelve feet shall be setback a minimum twenty feet from the front property line and twelve and a half feet from the side property line.
- d. Deck structures and balcony structures with a height greater than twelve feet shall be constructed entirely within the building envelope.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.040 Pools, spas and hot tubs.

- A. Swimming pools, spas and hot tubs are allowed outside of the required front yard setback and in the rear or side yard areas.
- B. In ground swimming pools, spas and hot tubs shall be a minimum of four feet from any property line.
- C. Above ground pools, spas and hot tubs shall be setback a minimum of five feet from any property line.
- D. Pool, spa and hot tub equipment shall be setback a minimum of five feet from any property line.
- E. Pool or hot tub accessories or associated improvements such as slides and waterfalls shall be a maximum of eight feet in height and setback a minimum of five feet from any property line.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.050 Ponds.

In ground ponds less than eighteen inches in depth are allowed within the front yard area but shall be setback a minimum of ten feet from all property lines. In ground ponds of any depth are allowed within the rear or side yard areas but shall be setback a minimum of one foot from any property line.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.060 Fireplaces, barbeque structures, statuary and fountains.

- A. Maximum Coverage. None
- B. Height. The maximum overall height for any free standing fireplace, built-in barbeque, statuary or fountain is twelve feet. Height is measured vertically from the base to the highest point at top.
- C. Setback. Setback is measured from the farthest projecting point to any property line.
 1. Free standing fireplace, built in barbeque, statuary or fountains with a height of eight feet or less shall be setback a minimum of three feet from property line.
 2. Free standing fireplace, built in barbeque, statuary or fountains with a height greater than eight feet to a maximum of twelve feet shall be setback a minimum five feet from property line.
 - 3.

Freestanding fireplace, built in barbeque, statuary or fountains with a height greater than twelve feet shall be constructed entirely within the building envelope.

- D. Orientation. All openings for freestanding fireplaces and built-in barbeques shall meet all Uniform Building Code and Uniform Fire Code requirements.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

18.56.070 Fences and walls.

- A. The following development standards shall apply to all fences and walls within all zoning district:
1. No fence or wall shall be constructed to exceed seven feet in height on any property line to the rear of the front setback line of any property, except that the section of fence above six feet shall be uniformly open to the passage of light and air, as determined by the community development director. Exception to this standard may be allowed by Section 18.57.010 of the exceptions chapter, or as approved by the planning commission or as approved in a development plan.
 2. No fence or wall shall exceed three feet in height from the front setback line of any property to the street right-of-way line except as may be allowed by Section 18.57.010 of the exceptions chapter, or as approved by the planning commission or as approved in a development plan.
 3. Any fence or wall along a property line adjacent to a street or in the adjacent required setback, except in the clear triangle (see definition section), may include a gate, trellis or other entry feature exceeding the height limit stated in subsection 18.56.070(A)(1) and (A)(2) above. Such gate, trellis or entry feature shall be limited to ten feet in width and ten feet in height. Only one such gate, trellis or entry feature shall be permitted per street frontage.
 4. Fence or wall height is measured from the bottom to the top of the fence or wall. Fences placed on top of a retaining wall do not include the height of retaining wall.
 5. Corner Lots. Side setback area: Any fence over three feet in height shall be set back five feet on any side yard setback, which is adjacent to a street.
 6. A clear triangle (see definition section for illustration) shall be required on corner lots in which nothing shall be erected, placed, planted or allowed to grow exceeding three feet in height. Such area shall consist of a triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along said street lines twenty feet from the point of intersection.
- B. The following fence types within the specified zoning districts are prohibited unless otherwise approved by the planning commission:
1. Residential zoning districts: Barbed wire, razor wire, and electric fences are prohibited.
 2. Commercial zoning districts: Chain link fences are prohibited.
 2. Industrial zoning districts: Barbed wire, razor wire, chain link and electric fences are prohibited in within the front setback.

(Ord. 1805 N.S. § 1 (Exh. A) (part), 2006)

(Ord. No. 1935 N.S., § 4(Exh. B), 6-3-2009)

**CITY OF
FOLSOM**

Permit Application Process

When applying for a building permit, certain information is required to complete the process.

1. Description of the work.
2. Location of the project.
3. Legal owners name, address and phone number.
4. Valuation of the proposed work (Contract price).
5. Two copies of plans, which **must** include:
 - Plot plan to scale with dimensions.
 - Floor plan and elevations.
 - Foundation and framing plans with details as required.
 - Electrical and plumbing plans.

The owner or licensed contractor are the only parties that may sign the building permit application. Contractors are required to show proof of the property owner's approval and Worker's Compensation Insurance at the time the permit is issued. Upon approval of the application and issuance of the permit, the permit holder has **180 days** to commence work, and **365 days** to complete both the work and inspections.



Building Permit Division

(916) 351-3555

INSPECTIONS

Inspections are required for all building permits issued.

A foundation and/or attachment inspection is required.

Based upon the nature of the structure, the frame and final inspections are completed at the same time unless walls are enclosed. If walls are to be enclosed, a framework inspection is required. All electrical is to be noted on plans and inspected prior to being concealed.

When and how to call for an inspection

24 Hour Inspection request recorder:

916-355-7210



Requests received prior to 3:30pm, will be scheduled for the following business day. All requests received after 3:30pm, will be scheduled for the second business day after the request.

Approved plans **and** the original permit card issued for the project must be on the job site and available to the inspector at the time of inspection.

Important Telephone Numbers

Building Permit Division, Inspection Requests

(916) 355-7210

Building Information

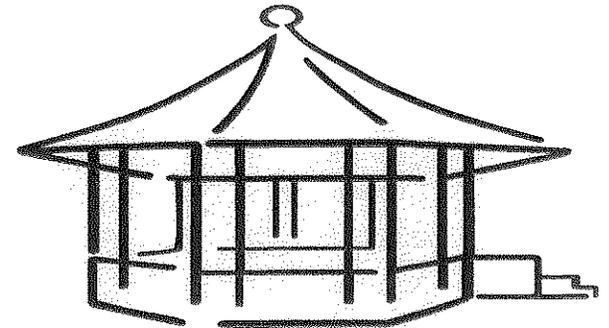
(916) 351-3555

Planning and Zoning

(916) 355-7214

COMMUNITY DEVELOPMENT DEPARTMENT
GUIDELINES

ACCESSORY STRUCTURES



A Guide for Owners and Builders



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

City of Folsom
Community Development Department
50 Natoma Street
Folsom, California
(916) 355-7214

ACCESSORY BUILDINGS, STRUCTURES AND USE

• • • • •

General Information and Guidelines

- All Accessory Structures that are greater than **120 sq.ft.** in size require a building permit.
- Accessory Structures that are attached to another structure where the combined area is greater than **120 sq.ft.** require a building permit.
- Structures **120 sq.ft.** or less that include plumbing and/or electrical require a building permit.
- Decks over **30"** in height require a building permit and must be a minimum of **5 feet** from the rear and side property lines.
- Structures and/or residential additions over **400 sq.ft.** in size require review by the City of Palsom's Architectural Review Commission prior to obtaining a building permit.
- A detached garage or building may not occupy more than **50%** of the area of the required rear yard.
- The **maximum height** for all detached accessory structures is **15 feet** above average grade.
- Eaves, cornices, and canopies **shall not** extend beyond **2 feet** into the required setback.

ACCESSORY BUILDINGS

"Accessory Building" means an attached or detached subordinate building, the use of which is incidental to that of the main building on the same lot, or to the use of the land. (FMC17.02.020)

• • • • •

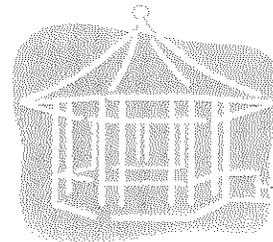
An **Attached Garage** must meet all setback requirements for the house, and comply with the coverage limitations allowed for building lot area.

A **Detached Garage** has a maximum height limit of **15 feet** above grade and must maintain an **8 foot clear distance** from any other structure in addition to the **5 foot** set-back requirements from the rear and side property lines.

All Attached Sunrooms and Enclosed Patios are required to meet the setback requirements of the house and shall be at least **8 feet** from any other structure and **5 feet** from a pool.*

Shed, Casita, Gazebo and Playhouse structures must be at least **8 feet** from any other structure and at least **5 feet** from a pool in addition to the **5 foot** setback requirements for rear and side property lines.*

* *Sliding doors must be a minimum of 10 feet from the water's edge of a pool.*



ACCESSORY STRUCTURES

"Structure" means anything constructed or erected upon the ground or attached to a structure having location on the ground.

• • • • •

All Patio Covers must be a minimum of **5 feet** from the rear and side property lines.

- **Attached Solid Patio Covers** must be **5 feet** from the water's edge of a pool.
- **Attached Lattice Patio Covers** may have support posts less than **5 feet** from the water's edge of a pool, as long as a **3 foot** clear access is provided.
- **Detached Solid Patio Covers** have a maximum height limit of **15 feet** above grade and must maintain an **8 foot clear distance** from any other structure in addition to a **5 foot** distance from the water's edge of a pool.
- **Detached Lattice Patio Covers** may have support posts less than **5 feet** from the water's edge of a pool, as long as a **3 foot** clear distance is provided. The maximum height limit is **15 feet** above grade.

Decks over 30 inches in height must be a minimum of **5 feet** from the rear and side property lines and require a building permit.

Outdoor Kitchens must be located a minimum of **5 feet** from the side and rear property lines. Please note that all electrical and plumbing work require a building permit.

Outdoor Fireplaces that burn gas, and propane heaters must be located a minimum of **5 feet** from the rear and side property lines, and **5 feet** from existing buildings and pools. Fireplaces that burn solid fuel must be **25 feet** from a property line and any other structures.

**CITY OF
DAVIS**

Accessory Structure Development Standards

Structure Type	Non-Habitable Accessory Structures											
	Code Reference	Front Yard Setback	Rear Yard Setback	Interior Side Setback	Street Side Setback	Max. Height	Min. Dist. From Other Structures	Counts Towards Lot Coverage	Usable Open Space	Building Permit Required	Counts Towards Covered Parking	Floor Area Ratio (FAR)
Standard Requirements (40.26.010d)	15 ft, varies with PD	10' (0' if rear adjoins alley) ¹	5' (0' if side adjoins alley) ¹	Same as Principal Structure	15'	6'	Yes, 50% max.	Depends on structure, 20% minimum	Yes (unless exempt per the CBC)	No	Depends on structure type	25% of the gross square footage of the primary structure
Detached Garages and Carports (40.26.010e2)³	Same as Principal Structure	5' Rear ½ of lot	5' Rear ½ of lot; Same as Principal Structure in front ½ of lot	Same as Principal Structure	15'	6'	Yes, 50% max.	No	Yes	Yes ³	Yes, if above 500 sq. ft.	25% of the gross square footage of the primary structure
Small Shed for Storage Only (Ord. 2009)	Not permitted	0' ⁶ 3' if no fence	0' ⁶ 3' if no fence	Same as Principal Structure	8' 6" ⁴ 7' wall	0'	Yes, 50% max.	No	No ²	No	No	120 sq. ft.
Trellis (50% open roof or more) Patio Cover (more than 50% solid roof) Gazebo (40.26.010e3)	15' ⁵	5' ⁵	3' ⁵ (check Building Code requirements)	10' ⁵	15'	0' unless required by Building Code	Yes, 50% max. (Trellis- No)	Yes	Only if over 120 sq. ft. or attached to a structure ²	No (Yes in R-2 CD Districts)	No, unless "solid" cover & enclosed on more than 2 sides	N/A
Arbor- open archway for vines/architectural interest (40.26.010e1)	0' (25' vision triangle for corners & driveways)	0' ⁶	0' ⁶	0' (25' vision triangle for corners & driveways)	10'	0'	No	Yes	No ²	No	No	10' Width 5' Depth
Play House (if over fence height) (40.26.010e4)	Not permitted	5'	3' (check Building Code req'ments)	Same as Principal Structure	12' ⁴ 7' wall	0'	Yes, 50% max.	No	Only if over 120 sq. ft. or over one story ²	No	No	25% of the gross square footage of the primary structure
Play Structure (if over fence height) (40.26.010e5)	10'	10'	10'	10'	15'	6'	Yes, 50% max.	No	Only if over 120 sq. ft. or over one story ²	No	No	25% of the gross square footage of the primary structure



COMMUNITY DEVELOPMENT DEPARTMENT
23 Russell Blvd, Ste 2 - Davis, CA 95616
530.757.5610 FAX: 530.757.5660 TDD: 530.757.5666

¹ Wood or any other combustible construction requires 5 ft setback from property lines. Fire rated construction or structures exempt from requiring a building permit do not require a 5 ft setback as stated in the CBC.

² Requires Building permit if the structure has electrical, plumbing, or mechanical.

³ Minimum Dimensions (for one car) are 10 x 20 feet and minimum unencumbered space is 9 x 18 feet. (40.25.070e)

⁴ Maximum height shall exceed 7 feet only with gable roof or similar type as determined by the Community Development Director.

⁵ Setbacks measured to the outermost perimeter of the structure. (40.26.010e3)

⁶ Zero foot setback allowed only with a minimum 6 ft separation between structures, otherwise 3 ft minimum setback.

Accessory Structure Development Standards

Purpose

To provide clarification to development standards for accessory structures, Municipal Code Sections 40.01.010 and 40.26.010. Listed below are definitions for various accessory structures, standards, and process.

Definitions

Accessory Building or Structure: A structure detached from a principal building located on the same lot and incidental and subordinate to the principal building or use, including, but not limited to, garages, carports, storage sheds, gazebos, guest houses, and second dwelling units ("granny" units; in-law units, etc.)

Arbor: A detached or attached archway or bower, not fully enclosed on the sides, intended for the use of supporting vines or climbing plants and/or for architectural interest.

Gazebo: A free standing structure, with a solid or trellis roof, usually open on the sides, used for outdoor living and not for storage purposes.

Play House: Structure with no electrical or plumbing connections that is enclosed (either with solid material, screening, cloth, or other material) on three or more sides for the use of children's play. Such structure shall not be used for storage.

Play Structure: Jungle gym, swing set, slide, platform, or other similar unenclosed structure or device intended for the use of children's play.

Shipping Container: Structure designed and intended for the movement of materials over long distances, typically constructed of corrugated steel, and commonly associated with ship, train or tractor trailer shipping. Not permitted in any single family or duplex residential district.

Solid: Enclosure by, or coverage of, 50 percent or more. For the purposes of this definition, coverage or enclosure may be of any material, transparent or otherwise.

Trellis: Patio cover with an open roof (less than 50 percent coverage) which is not enclosed on the sides except for required roof supports.

Performance Standards

All accessory structures must comply with the requirements of the Uniform Building Code in effect at the time of construction.

An accessory structure in any district may only be constructed on a lot containing a principal structure.

Accessory structures, and any accessory uses (including surfaced area for parking) may not exceed 30% of the square footage of the required rear yard.

All enclosed accessory structures larger than 120 square feet in area must either be substantially screened from public view or constructed of materials that are residential in character. Such screening or materials will be subject to review and approval by planning staff during the building permit review.

If Garages or Carports are attached to the house, their required setbacks become the same as the house.

A Conditional Use Permit may be applied for to reduce the rear setback for accessory structures from the required minimum 10 ft to a minimum of 5 ft.

A Conditional Use Permit may also be applied for to increase the height and/or size of accessory structures up to a maximum of 50% of the gross square footage of the primary structure.

Eaves or overhangs of accessory structures are subject to Section 40.27.060 unless noted otherwise.

One side yard shall remain unencumbered to provide access to the rear yard.

Permit Process

The reverse side of this handout indicates which accessory structures require building permits. For further building permit information contact the Building Division at (530) 757-5610.

Notes: 1) Zoning standards on individual parcels always override any standards set forth by this accessory structure ordinance.

2) Refer to separate handout for information about 2nd Units and Guest Houses.



**CITY OF
MENLO PARK**



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

701 Laurel Street
Menlo Park, CA 94025
phone: (650) 330-6702
fax: (650) 327-1653
planning@menlopark.org
<http://www.menlopark.org>

ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings and structures are subordinate buildings and structures, the use of which is incidental to that of the main building or buildings on the same lot or building site. The regulations for accessory buildings and structures are located in Sections 16.04.110 and 16.68.030 of the Zoning Ordinance.

Examples of accessory buildings and structures include garages and carports, storage sheds, built-in barbeque grills, play structures, and detached arbors. Secondary dwelling units are not considered accessory buildings, and are regulated separately under Chapter 16.79 of the Zoning Ordinance. In addition, garden features as defined in Section 16.04.322 of the Zoning Ordinance are not considered accessory structures.

If structurally attached to the main building, accessory buildings and structures must comply with all development regulations that apply to the main building, with the additional requirement that all garage or carport entrances facing a property line must be located at least 20 feet from that property line.

If detached from the main building, accessory buildings and structures must comply with the following development regulations:

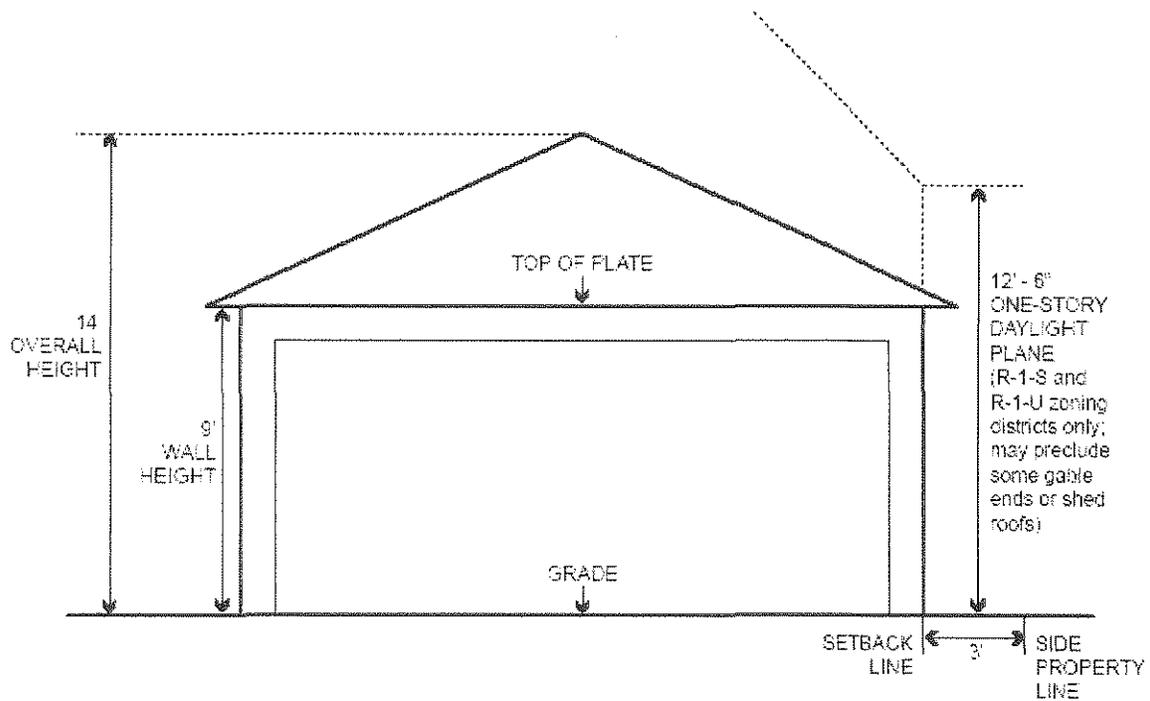
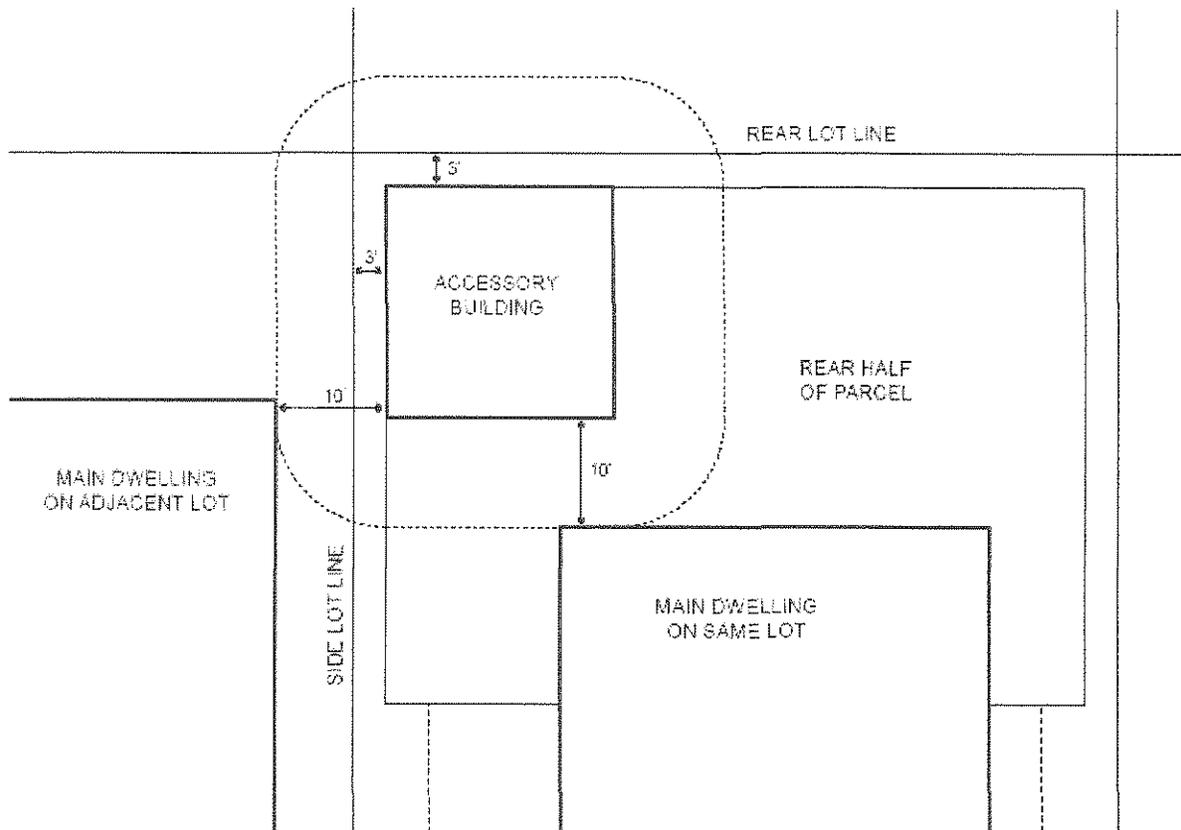
Gross Square Footage Limit (Total per Parcel)	700 square feet or 25 percent of the gross square footage of the main building (whichever is greater) ¹
Location	Rear half of lot
Setback, Side (Interior)	3 feet ^{2,3}
Setback, Side (Corner)	Equal to the required main building setback of adjacent street-facing lot
Setback, Rear	3 feet ²
Setback, Alley	5 feet ⁴
Setback from Any Dwelling Building	10 feet
Height, Overall	14 feet
Height, Wall	9 feet
Daylight Plane (One Story)	See Section 16.67.020 of the Zoning Ordinance (R-1-U and R-1-S zoning districts only)

¹ Higher gross square footage limits may be allowed, subject to use permit approval by the Planning Commission.

² Some parcels have public utility or other easements along rear and/or side property lines that prohibit the construction of structures within them. If you are not certain whether such easements exist on your property, please review the parcel's title report and ask to see the original subdivision or parcel map at City offices.

³ Parking is not permitted within the main building side yards, so detached garages and carports are required to meet the main building setback requirements, unless the garage or carport is located at its absolute rear-most location.

⁴ If the garage or carport entrance faces the alley, a greater setback may be required to meet Transportation Division guidelines regarding total backup distance.



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**CITY OF
MOUNTAIN
VIEW**

ACCESSORY STRUCTURE

What Is an Accessory Structure?

Accessory structures are buildings that are attached or detached and subordinate in use from the main house. Examples of accessory structures are gazebos, trellises, greenhouses, storage buildings, enclosures for pool equipment, detached garages and detached carports. All accessory structures are counted toward the total FAR for your lot.

How Large an Accessory Structure Can I Have?

The maximum size of an accessory structure is 500 square feet. The maximum size may be limited based on your lot width and required rear yard area. An accessory structure cannot cover more than 30 percent of your required rear yard area and the width of the accessory structure cannot exceed 33 percent of the width of your lot to have a zero setback from the rear and side property lines (see Figure 6). The width of the structure can increase up to 50 percent of the width of the lot if it is located at least 7' from the property lines (see Figure 7). These limitations are to maintain a level of privacy in the rear yards of adjacent neighbors, while still permitting additional floor area for the homeowner. (Section A36.12.040.G)

Where Can I Put An Accessory Structure(s)?

Accessory structures are permitted in the rear or side yards in compliance

with required setbacks. They are prohibited in front yards. All detached accessory structures used as garages may have a zero setback from the side property line; required rear setbacks depend on the width of the structure. Other accessory structures may have a zero setback from the rear or side property line, if they comply with the maximum size, rear yard coverage, and width requirements. A zero setback is only permitted if roof drainage from the structure does not drain onto the neighboring property. Additionally, an accessory structure must be located at least 10' from the house and any other structure on the property.

How Tall Can an Accessory Structure Be?

They can only be one-story with a maximum building height of 16', measured to the top of roof, and a 9' maximum wall plate height, measured from adjacent grade.

How Many Accessory Structures Can I Have?

There is no limit to the number of accessory structures you are permitted so long as they comply with the accessory structure requirements of Section A36.12.040.G and do not exceed your maximum permitted FAR.

Can My Accessory Structure Have Plumbing and Electricity?

An accessory structure can have electricity and a maximum of 3 plumbing fixtures, not including a water

heater. However, an accessory structure cannot have a kitchen and cannot be used as a separate dwelling unit.

Can I Have An Accessory Structure Attached To My House?

An accessory structure can be attached to the main house, but must be architecturally compatible with and structurally a part of the house. Attached accessory structures must comply with the setback requirements of the house.

Does an Accessory Structure Require Permits?

Accessory structures less than 120 square feet in size do not need to obtain building permits, unless plumbing or electricity is being added or a foundation is poured. All other accessory structures require building permits. Contact the Community Development Department with questions.

Can I Add a Porch to My Accessory Structure?

Porches are permitted on accessory structures, but the porch counts towards the maximum 30 percent coverage of the required rear yard area. The porch can encroach no more than 2' into the required side setback and 6' into the required rear setback. (Section A36.12.040.I.(4))

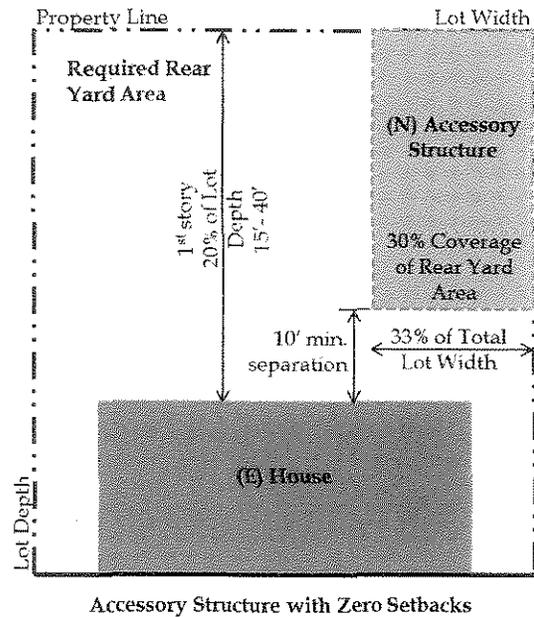


Figure 6

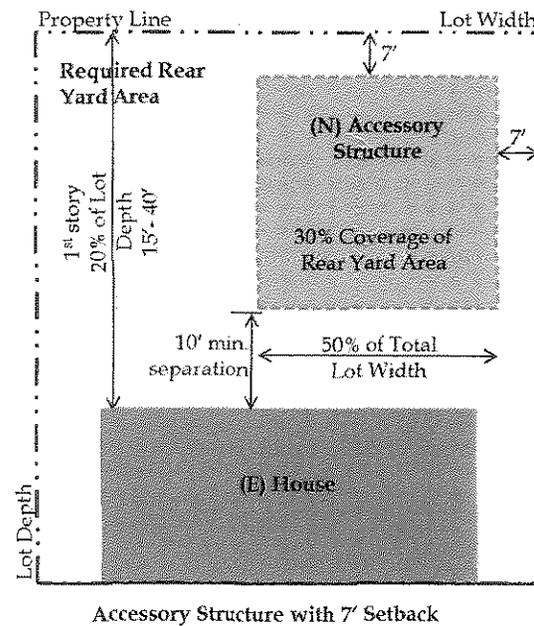


Figure 7

**CITY OF
BENICIA**



Community Development Department Planning Division

ACCESSORY STRUCTURES

WHAT IS AN ACCESSORY STRUCTURE?

An accessory structure is a detached structure, which provides for a secondary use on a site. The term includes detached garages, gazebos, covered detached decks, sheds and similar buildings. It does not include portable spas or swimming pools, unless some type of structure encloses them. It also does not include accessory dwelling units, which are governed by a separate set of regulations (see the "Accessory Dwelling Units" information sheet).

COMMERCIAL, INDUSTRIAL, AND PLANNED DEVELOPMENT ZONES

In all commercial and industrial zones, accessory structures are subject to the same standards and regulations as the primary structure. See the "Property Development Standards" summary sheet for a list of standards applicable to each zone. Off-site accessory uses may be possible with the approval of a staff-level use permit. All projects in commercial and industrial zones are subject to design review. The location of accessory structures in a PD zoning district is governed by the adopted PD plan for that specific PD district, and may be subject to design review. The remainder of this information sheet applies exclusively to accessory structures in residential zones.

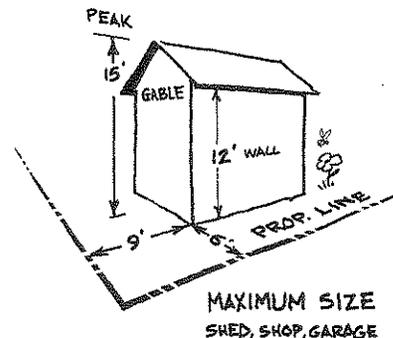
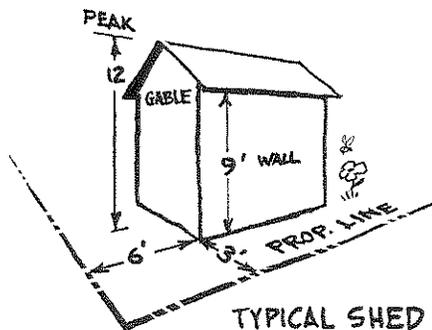
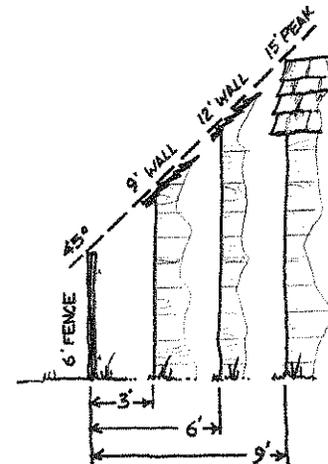
RESIDENTIAL ZONES

The following information pertains exclusively to accessory structures in residential (RS, RM, RH) zones.

WHERE CAN I PUT ONE ON MY LOT?

Accessory structures may be built behind the front wall of a primary structure in a rear yard, interior side yard, or corner side yard. In the RS zone, where the front yard area exceeds the 20-foot minimum setback, under certain circumstances a detached garage may be placed in front of the front wall of a residence. Overall, certain setbacks apply based on the height of the accessory structure, as listed below:

Accessory Structure Setbacks in Residential Zones	
IF...the wall height of the structure, closest to a property line, is:	THEN...the setback from a side or rear property line is:
6 feet or lower	Either 0 feet or 3 feet
7 to 9 feet	3 feet minimum
10 feet	4 feet minimum
11 feet	5 feet minimum
12 feet (max wall height)	6 feet minimum
BUT, IF...the peak of the structure is:	THEN...the minimum setback from a side or rear property line is:
13 feet	7 feet
14 feet	8 feet
15 feet	9 feet
16 feet to 20 feet (RS only)	10 feet to 14 feet (RS only)



HOW TALL CAN IT BE?

An accessory structure can have a maximum wall height of 12 feet. However, a pitched roof may extend to 15 feet in height. In RS (Single-Family Residential) zones only, a pitched roof may extend to 20 feet in height, but only where necessary to match the architectural features of a residence on the same lot. Overall, for each additional foot of roof height above 12 feet, the setback requirement is increased by one foot. No second story, other than an unfinished storage area, may be developed for any accessory structure in a residential district.

HOW BIG CAN IT BE?

The maximum size of an accessory building is governed by the size of the lot. The total amount of lot area covered by all roofed structures on the property cannot exceed 40 percent of the lot area (in the RS zoning district; the allowed lot coverage in RM zones is 45%, and 50% in RH zones). The percentage includes the house, garage, patio cover, or any other structures with roofs on the property, or decks more than 30 inches in height. In the RS zone, structures under 48 inches in height, such as doghouses or coops, and decks less than 30 inches in height, do not count toward that total. Also in the RS zone, the total area of any one accessory building on a lot cannot exceed the total area of the residence on the lot.

HOW CLOSE CAN IT BE TO OTHER BUILDINGS?

An accessory structure must be placed at least 3 feet away from the primary structure on the lot. It may be placed directly against another accessory building or a fence, but additional fire protection regulations may apply (check with the Building Division for more details). If an accessory structure is not placed directly against another structure, then it must be at least 3 feet away from that structure.

GARAGES OR CARPORTS ON ALLEYS

If you wish to construct a detached garage along an alley, then each garage door facing the alley must be placed at least 4 feet from the alley property line. A carport facing an alley must also be placed at least 4 feet from the property line. All regular setbacks listed above, based on the height of the structure, will still apply.

FREESTANDING DECKS

Freestanding, uncovered decks of less than 30 inches in height may be located anywhere in a rear yard or interior side yard, and may project into the corner side yard setback by 4 feet. The deck area is not included in lot coverage calculations. However, any deck which is over 30 inches in height must meet standard setback requirements, which for a single-family residence are: 15 feet from the rear property line, 5 feet from an interior side property line, and 10 feet from a street side property line. The setbacks in RM and RH districts are higher; see the "Property Development Standards" summary sheet for those setbacks. Refer to the "Building Additions" information sheet for more information about attached decks.

FREESTANDING DECKS ADJACENT TO OPEN SPACE

In the RS zone only, if a rear property line adjoins an area of permanent open space (such as the large open space areas in Southampton), a freestanding deck may be constructed closer to the property line than would normally be permitted. A detached deck which is between 30 inches and 48 inches high may be placed as close as 3 feet from the rear property line. However, a 5-foot side yard setback (or 10-foot corner side yard setback) is still required.

SWIMMING POOLS

An outdoor swimming pool or spa may be constructed in a side or rear yard, but the pool, spa, and any related mechanical equipment must be placed at least 5 feet from the side and rear property lines. Pools and in-ground spas are not included in lot coverage calculations.

WHAT DOES IT NEED TO LOOK LIKE?

Except in the historic districts, there are no design review requirements for accessory structures in the RS zone. Design review is required for all projects in RM and RH districts. It is always a good idea to be sensitive to the concerns of your neighbors when planning and locating an accessory building on your lot. In the Downtown and Arsenal Historic Conservation Districts, new accessory buildings on lots containing designated historic homes must undergo design review. See a member of the Planning staff for further information on design review in the historic districts.

DO I NEED A BUILDING PERMIT?

The need for a building permit is based on the requirements of the Uniform Building Code. The City's Building Division makes that determination. You should contact the Building Division at 746-4230 and discuss your project with them; they in turn can tell you if a permit is necessary. Although a permit may not always be needed, accessory buildings must always meet the requirement of the Zoning Ordinance with regard to setbacks, coverage, and height. Even if your accessory structure does not require a building permit, you may submit the plans to the Planning staff for review prior to construction to verify that the plans meet zoning requirements.

RELATED FORMS AND INFORMATION:

- Accessory Dwelling Units
- Property Development Standards
- Building Additions in the RS zone

***2013 California
Building Code
Pertaining to
Accessory
Structures***

shall be forwarded to the enforcement agency for review and approval.

The instruments shall be interconnected for common start and common timing. Each instrument shall be located so that access is maintained at all times and is unobstructed by room contents. A sign stating "MAINTAIN CLEAR ACCESS TO THIS INSTRUMENT" shall be posted in a conspicuous location.

The Owner of the building shall be responsible for the implementation of the instrumentation program. Maintenance of the instrumentation and removal/processing of the records shall be the responsibility of the enforcement agency or its designated agent.

SECTION 105 PERMITS

[A] 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

[A] 105.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

[A] 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 120 square feet (11 m²).
2. Fences not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

City of Los Alamitos

Planning Commission

Agenda Report Staff Report

April 14, 2014
Item No: 8

To: Chair Loe and Members of the Planning Commission
Via: Steven Mendoza, Community Development/Public Works Director
From: Tom Oliver, Planning Aide
Subject: Resolution of Intention 14-11

Summary: A Zoning Ordinance Amendment to allow commercial type uses along major thoroughfares in the Planned Light Industrial Zone (Citywide) (City initiated).

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 14-11, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION TO REEVALUATE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.10.020, CONCERNING COMMERCIAL USES IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT (ZOA 14-03) (CITYWIDE) (CITY INITIATED)."

Applicant: City Initiated

Location: Citywide

Approval Criteria: Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires any proposed amendment to be initiated by passage of a resolution of intention by the Planning Commission.

Discussion

The Planning Commission wishes to review the Los Alamitos Municipal Code (LAMC) section pertaining to the permitting of commercial land uses along major thoroughfares in the industrial zone as described in the land use table 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*. The Commission would like to discuss this possibility due to the visibility of these industrial buildings for viable retail operations.

Recommendation

Staff recommends that the Planning Commission direct Staff to bring back to its regular meeting of May 12, 2014, a Zoning Ordinance Amendment, recommending to the City Council modifications to the Los Alamitos Municipal Code, thereby improving the retail environment of Los Alamitos.

Attachment: 1) Planning Commission Resolution 14-11

RESOLUTION NO. 14-11

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO REEVALUATE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.10.020, CONCERNING COMMERCIAL USES IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT (ZOA 14-03) (CITYWIDE) (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating Section 17.10.020 of the Los Alamitos Municipal Code related to commercial land uses in the Planned Light Industrial (P-M) Zoning District; and,

WHEREAS, Los Alamitos Municipal Code Section 17.70.020 requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

WHEREAS, the Planning Commission met to discuss this matter on April 14, 2014.

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

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. The Planning Commission resolves to initiate consideration of a City-initiated Zoning Ordinance Amendment to modify LAMC Section 17.10.020, and directs City Staff to process such Zoning Ordinance Amendment according to applicable law and return to the Planning Commission with a recommendation regarding the approval, approval with modifications, or disapproval of the amendments.

PASSED, APPROVED, AND ADOPTED this 14th day of April, 2014.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz
Assistant City Attorney

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

I, Steven Mendoza, 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 14th day of April, 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary