

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION REGULAR MEETING Monday, August 11, 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 Planning Secretary at the meeting for individuals with hearing impairments.

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

1. **CALL TO ORDER**
2. **ROLL CALL**
 - Commissioner Cuiilty
 - Commissioner Daniel
 - Commissioner DeBolt
 - Commissioner Grose
 - Commissioner Riley
 - Vice-Chair Sofelkanik
 - Chair Loe
3. **PLEDGE OF ALLEGIANCE**

4. ORAL COMMUNICATIONS

At this time any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. 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 of the Planning Commission Meeting of June 9, 2014.
Approve the Minutes of the Planning Commission Meeting of July 14, 2014.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Conditional Use Permit (CUP) 14-05

Consideration to allow an Athletic Attribute Development and Training Service in the Planned Light Industrial Zone

Continued consideration of a Conditional Use Permit to allow an Athletic Attribute Development and Training Service (Indoor Recreation) at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone, APN 242-151-18 (Applicant: Preston A. Rawlings – PARperformance).

Recommendation:

1. Continue the Public Hearing; and, if appropriate:
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305– minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,
3. Adoption of Resolution No. 14-17, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE).”

B. Site Plan Review (SPR) 02-03M & Site Development Permit (SDP) 14-01

Faux Clock Towers Added to an Existing Building for New Stealth Wireless Installation

A request to allow the building of two faux towers on an existing commercial office building at 4622 Katella Avenue, adding no interior square footage, for a stealth cell tower in the Commercial-Professional Office (C-O) Zone.

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305– minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,
3. Adopt Resolution No. 14-18, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION TO SITE PLAN REVIEW (SPR) 02-03 FOR THE ADDITION OF A STEALTH WIRELESS TELECOMMUNICATIONS FACILITY ON A 3,237 SQUARE FOOT EXISTING COMMERCIAL OFFICE BUILDING AT 4622 KATELLA AVENUE IN THE COMMERCIAL-PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 222-165-05 (APPLICANT: ROSS MILETICH, CORE COMMUNICATIONS).”

C. Modification to Conditional Use Permit (CUP) 00-01

Request for a Reduction in Parking Requirements for the Los Alamitos Plaza (Town Center). This is for an Outside Seating Area that is proposed to be added to 10900 Los Alamitos Boulevard

Conditional Use Permit (CUP) 14-06

Request for Alcoholic Beverage Sales, On- or Off-Site Consumption, and Outside Seating Area at the Los Alamitos Plaza (Town Center)

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 10900 Los Alamitos Boulevard, Suite 101 (Applicant: Mike Mendelsohn - Baja Sonora); and for the modification of a parking management plan for the existing parking lot at 10900 Los Alamitos

Boulevard where the restaurant will be located, APN 242-171-08 (Applicant: Shahriar Afshani – N.S.P.S. Partnership).

Recommendation:

1. Open the Public Hearing; and, if appropriate:
2. Require a new Parking Study to be submitted to allow the Planning Commission to determine whether there is sufficient parking to support the intensification of the Shopping Center use by 860 square feet of outdoor dining; or alternatively,
3. Determine that there is sufficient parking for the expansion; or alternatively,
4. Establish a special standard within the Town Center Overlay Zone, under Los Alamitos Municipal Code section 17.12.010C; and,
5. Determine that Outdoor Dining project is a Class 1 Categorical Exemption (CEQA Guidelines Section 15301(e)) – Existing Facilities – the proposed use relates to an existing building with no proposed alterations or expansion of more than 2,500 square feet; and,
6. Determine that the Alcohol Sales project is exempted from CEQA – General Rule (CEQA Guidelines Section 15061(b)(3)) – CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity may have a significant effect, the activity is not subject to CEQA. Alcohol sales create no environmental impacts; and,
7. Adopt Resolution 14-19, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-06 TO ALLOW BOTH ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION AND AN 860 SQUARE FOOT OUTSIDE SEATING AREA FOR A 1,895 SQUARE FOOT RESTAURANT AT 10900 LOS ALAMITOS BOULEVARD, SUITE 101 IN THE TOWN CENTER (-TC) OVERLAY OF THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE MENDELSON - BAJA SONORA).”

D. Modification of alcohol related conditions allowing for the sale of single beers and pints of spirits

This is a request for 7-Eleven at 3951 Ball Road to alter their conditions allowing the sale of single beers and pints of spirits.

Recommendation:

1. Conduct a public hearing; and, if appropriate:
2. Determine that the proposed modification is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,
3. Adopt Resolution No. 14-20, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MODIFYING CONDITIONAL USE PERMIT (CUP) NO. 12-06, TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION IN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 (CUP 12-06M) AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ANAMIKA PATEL)”.

E. Consideration of Zoning Ordinance Amendment (ZOA) 14-03 to Allow Retail Uses in the Planned Light Industrial Zone (Citywide) (City initiated)

Consideration of a Zoning Ordinance Amendment to allow more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine that the proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,
3. Adoption of Resolution No. 14-21, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL

APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-03 TO AMEND SECTION 17.10.020 OF THE LOS ALAMITOS MUNICIPAL CODE TO ALLOW "RETAIL SALES, GENERAL" AS A PERMITTED USE IN THE INDUSTRIAL STOREFRONTS FACING KATELLA AVENUE, LOS ALAMITOS BOULEVARD, AND CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE OF THE CITY WITHOUT A CONDITIONAL USE PERMIT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITY INITIATED)."

F. Continued Consideration of Zoning Ordinance Amendments Relating to Allowable Uses in the Planned Light Industrial Zone (Citywide) (City initiated)

Continued consideration of a Zoning Ordinance Amendment to allow more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

Recommendation:

1. Direct Staff to draft an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion; or alternatively,
2. Continue discussion of this subject to a later date.

8. STAFF REPORTS

None.

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Attendance and registration for the American Planning Association annual conference.

10. COMMISSIONER REPORTS

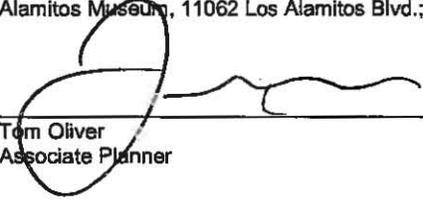
At this time, Commissioners may report on items not included on the agenda, but no such matter may be discussed, nor may any action be taken in which there is interest to the community, except as to provide staff direction to report back or to place the item on a future agenda.

11. ADJOURNMENT

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
Associate Planner

8/7/14

Date

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

June 9, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 p.m., Monday, June 9, 2014, in the Council Chamber, 3191 Katella Avenue; Chair Loe presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Loe.

3. ROLL CALL

Present: Commissioners: Mary Anne Cuiilty
Will Daniel
Wendy Grose
Gary Loe
Victor Sofelkanik

Absent: Commissioners: Art Debolt

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

Late: John Riley (7:05 p.m.)

4. ORAL COMMUNICATIONS

Chair Loe opened the meeting for Oral Communications.

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

5. APPROVAL OF MINUTES

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Review of Zoning Ordinance Amendment (ZOA) 14-03 Relating to Allowable Uses in the Planned Light Industrial Zone (Citywide) (City initiated)

Consideration of a Zoning Ordinance Amendment to allow more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

Staff recommended drafting an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion.

Community Development Director Mendoza summarized the Staff report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Loe opened the Public Hearing.

Motion/Second: Grose/Solfelkanik

Carried: 6/0/0: The Planning Commission continued the Public Hearing to July 14, 2014.

8. STAFF REPORTS

A. Resolution of Intention 14-14

Consider amending Los Alamitos Municipal Code Chapter 17.08.020, Table 2-02 concerning the requirement of a conditional use permit for affordable housing (ZOA 14-04) (Citywide) (City initiated).

Planning Aide Oliver summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Commissioner Culty inquired if the requirement from the State Department of Housing and Community Development was only to allow affordable housing without a conditional use permit, not to create affordable housing.

Community Development Director Mendoza answered in the affirmative. He clarified that anyone desiring to build affordable housing would still have to go through the site plan review process.

Commissioner Riley inquired if this applies to only new construction, or to anyone buying an existing housing structure.

Community Development Director Mendoza replied that it applies to existing housing structures, but the likelihood is low that an existing housing structure would be converted to affordable housing, since the cost to purchase an existing structure would not allow for affordable housing.

Commissioner Riley reiterated his question whether this applies to only new construction, or to anyone buying an existing housing structure.

Planning Aide Oliver replied it is possible for an existing housing owner to turn their unit into an affordable housing unit.

Community Development Director Mendoza added that the purpose of the State's requirement is to take away the power of the City to deny affordable housing based on outcry against it from the residents.

Commissioner Cuijly clarified that existing owners would not likely be turning their smaller housing units into affordable housing because of the cost.

Community Development Director Mendoza agreed. He added that builders of affordable housing are not looking for small properties with 2 to 4 units, like is common in Los Alamitos. They are looking for 2 or 3 acre sites where multiple units can be built, so they can be profitable. He stated that the City likely has many people who would live in affordable housing already living in the City, citing that the number of apartments exceeds the number of single family homes. He added that the City receives approximately \$100,000 per year in CDBG funds due to the median income in the area.

Commissioner Riley inquired if Section 8 is available in Los Alamitos.

Community Development Director Mendoza replied that Section 8 occurs in Los Alamitos, but it is not a very high number. He believed there were approximately 8 vouchers given to tenants in Los Alamitos.

Commissioner Riley and Community Development Director Mendoza discussed Section 8 housing.

Community Development Director Mendoza stated that the Commission can approve a Resolution of Intention to open the discussion at the next meeting and hold a Public Hearing.

Motion/Second: Grose/Cuijly

Carried: 6/0: The Planning Commission adopted Resolution No. 14-14, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO AMEND LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.08.020, TABLE 2-02 CONCERNING THE REQUIREMENT OF A CONDITIONAL USE PERMIT FOR AFFORDABLE HOUSING (ZOA 14-04) (CITYWIDE) (CITY INITIATED)."

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza stated an application has been filed to build 133 apartments on Los Alamitos Blvd. on a vacant lot. The applicant has met with Traffic Commission and attended a scoping meeting for the Environmental Impact Report (EIR), then decided to put the project on hold for a while. The applicant received feedback from neighboring business owners who are against having residential land use near the industrial businesses. The developer will be meeting with Community Development Director Mendoza tomorrow to give an update on the project.

Commissioner Riley inquired if the project is housing only.

Community Development Director Mendoza replied the project is housing and 4,600 square feet of retail. He stated the project is not ready to come to the Planning Commission yet.

Commissioner Riley inquired who the developer is.

Community Development Director Mendoza replied it is Steve Levenson. He stated the developer has been out meeting with the public trying to gain support.

Commissioner Daniel asked what his chances are.

Community Development Director Mendoza replied that he has received negative feedback thus far, from business owners and residents. He stated the industrial business owners are used to operating 24/7 and not needing to lower their noise levels. He talked about another case when a residential unit went in to an industrial area and the residents started complaining about the noise. He discussed the zoning according to the General Plan.

Planning Aide Oliver stated that in the zone in question, mixed use is acceptable, but this project is double density residential.

Community Development Director Mendoza stated that this applicant wants double the density of the City's most dense residential zone. He discussed the impacts this would have on the neighboring businesses. He added that the developer is aware of these concerns.

Community Development Director Mendoza discussed the Land Use Element. He said it will be on the next agenda and asked Commissioners to supply comments to him. He asked if they have copies of the document and stated he can deliver more copies to them if requested. Commissioner Daniel requested a copy.

Community Development Director Mendoza and the Commissioners discussed the meeting schedule for the next 2 months.

Commissioner Grose asked about the Super Media building.

Community Development Director Mendoza stated there was a housing developer interested in purchasing it, but the City's General Plan would not support residential use there.

Commissioner Grose inquired if City Hall could relocate.

Community Development Director Mendoza replied that there were some options for relocating, but moving the Public Works yard, the Police Department, and Recreation would be difficult.

10. COMMISSONER REPORTS

Commissioner Sofelkanik discussed the current problem with immigrant children entering the country. He advised that the Joint Forces Training Base may be a base where some of the children could be sent. He asked Community Development Director Mendoza to find out if that has been discussed.

11. ADJOURNMENT

The Planning Commission adjourned at 7:27 p.m.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

DRAFT

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

July 14, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:02 p.m., Monday, July 14, 2014, in the Council Chamber, 3191 Katella Avenue; Chair Loe presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Loe.

3. ROLL CALL

Present: Commissioners: Mary Anne Cuiilty
Will Daniel
Art DeBolt
Wendy Grose
Gary Loe
John Riley
Victor Sofelkanik

Staff: Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Part-Time Clerical Assistant Kirsten Spreitzer

Absent: Commissioners: None.

4. ORAL COMMUNICATIONS

Chair Loe opened the meeting for Oral Communications.

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

5. APPROVAL OF MINUTES

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Conditional Use Permit (CUP) 13-09

Request to Allow an Outdoor Generator to be Installed at 10851 Portal Drive

Consideration of a Conditional Use Permit to install an outdoor generator for a wireless tower installation in the Planned Light Industrial (P-M) Zone at 10851 Portal Drive.

Associate Planner Oliver summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Commissioner Grose declared a conflict of interest as she owns property within 300 feet of the property and excused herself from the Chamber.

Chair Loe opened the item for public comment.

Commissioner Debolt asked what the decibel level is after the mitigation.

Associate Planner Tom Oliver replied 50 decibels.

Commissioner Debolt asked what decibel level is allowed in the code.

Associate Planner Tom Oliver replied 55 decibels.

Commissioner Culty asked what time the testing will take place each week.

Associate Planner Tom Oliver stated no time has been set and Staff is open to feedback.

Chair Loe invited the applicant to speak.

Al Gamboa, Milestone Wireless, representing Verizon Wireless, came forward to speak. He stated he wants to meet the requirements of the ordinance, and that mitigation efforts have made the noise level acceptable.

Vice-Chair Sofelkanik asked how long construction will take place.

The applicant replied about a week, and that construction will only take place during normal business hours. Once it is constructed, the generator will operate only during diagnostics, during business hours.

Vice-Chair Sofelkanik asked again how long construction will take.

The applicant replied 1-2 weeks.

Vice-Chair Sofelkanik asked what the power source is.

The applicant replied diesel fuel.

Vice-Chair Sofelkanik asked where the fuel tank would be located.

The applicant replied above ground.

Commissioner Debolt asked if the generator will be used in emergencies only.

The applicant responded in the affirmative.

Commissioner Debolt asked if diagnostics will be run just to make sure it functions.

The applicant responded in the affirmative.

Chair Loe inquired as to the height of wall.

The applicant stated the wall is 8 feet tall.

Vice-Chair Sofelkanik pointed out that the noise analysis sites 6 feet tall.

The applicant referred to the report and stated it is 7 feet 4 inches tall.

Chair Loe asked what height of wall was used in the noise study.

The applicant replied 6 feet.

Chair Loe asked if the school is one or two stories.

Associate Planner Oliver stated it is single story.

Chair Loe asked if there were any two story buildings in the area.

Associate Planner Oliver replied there is a two story retirement home nearby, but it was far enough away it did not need any mitigation.

Chair Loe asked how long it would run during an emergency.

The applicant replied however long the emergency lasts.

Vice-Chair Sofelkanik referred to the noise analysis and asked where the study was done. He asked if it was at the western property line. He said the noise analysis shows that the noise is louder further away from the generator, and asked how that is possible.

The applicant referred to page 7 of the noise analysis and stated that the decibel level will not exceed 55 decibels at the property lines.

Vice-Chair Sofelkanik referred to page 6 of the noise analysis and again asked how the noise level can be higher at a further distance from the generator. He also asked if the wall height is 7' 4".

The applicant responded in the affirmative regarding the wall height.

Commissioner Culty referred to a letter received by Staff opposing the generator. She asked which property the letter writer occupies in relation to the location of the generator.

Associate Planner Oliver pointed to the point on the map indicating the letter writer's location.

Community Development Director Mendoza stated the letter writer is closer to the cell tower than the generator.

Chair Loe indicated the senior center is two stories, and the study was done with a 6' wall. He asked if the senior center will be more affected by noise.

Community Development Director Mendoza pointed to various effected sites.

Chair Loe reiterated concern for the senior center, and stated that the 7 foot high wall will possibly not protect the second story from noise.

Commissioner Riley reiterated Chair Loe's concern.

The applicant replied the engineer was aware of the multi-story building, and had based the findings on actual conditions surrounding the property. The second story was addressed by the engineer.

Commissioner Riley pointed out residential property is addressed on page 4. He asked if the applicant is responsible if noise standards are not met.

Community Development Director Mendoza responded yes, but the City want to be more proactive to ensure that the generator is not exceeding noise limits. He stated residents could be invited to a noise testing. We can bring the item back with conditions.

Commissioner Daniel asked if the Public Hearing is still open.

Community Development Director Mendoza answered in the affirmative.

Commissioner Daniel asked if it is supposed to be.

Community Development Director Mendoza answered in the affirmative.

Commissioner Daniel inquired if the generator will run for 15 minutes per week.

Community Development Director Mendoza answered in the affirmative.

Commissioner Daniel pointed out that the Commission might be over-thinking the issue if it is only running for 15 minutes per week.

Chair Loe closed the Public Hearing.

Commissioner Daniel asked if a roof can be installed over the generator.

Associate Planner Oliver replied the City has one with bars across the top because it needs ventilation.

Vice-Chair Sofelkanik stated the zoning code talks about property lines, not a second story. Decibel level requirements are only for property line. He stated he would like to see the resolution amended to include language regarding limiting testing to 15 minutes, recommending testing on Saturday to avoid interrupting school, and addressing frequency and duration of testing.

Chair Loe agreed.

Commissioner Debolt stated testing should not occur while classrooms are being utilized. He said that the sound is being tested at ground level, and something should show how noise expands going up and how high would the wall need to be to send the sound over a two story building.

Chair Loe asked how staff interprets "property line" concerning height.

Community Development Director Mendoza replied wherever the tester is standing holding the meter.

Commissioner Debolt reiterated he would like the height issue addressed for the benefit of residents who can't move.

Chair Loe stated he is happy with the fact that the generator will only run 15 minutes a week. He opened Public Hearing again and invited the applicant to return and speak.

The applicant stated the level of sound in Exhibit 3 is a minor level of sound, equal to a conversation, not loud spikes of sound. With mitigation and certification that the 55 decibel requirement is met at the property line in the study, that should be adequate.

William Phillips came forward to speak. He stated the noise at the intersection where the generator will be located is loud all the time. The generator running for 15 minutes could not possibly disturb residents more than the traffic.

There being no further speakers, Chair Loe closed the Public Hearing and brought it back to the Commission for their comments and action.

Chair Loe stated he is OK moving forward.

Vice-Chair Sofelkanik pointed out the ambient noise is between 50 and 60 decibels, and the Commission is requiring that the generator noise level come in under the ambient noise level.

Following a discussion with regard to excluding school hours for testing, the Commission took the following action:

Motion/Second: Cuiilty/Sofelkanik

Carried: 7/0: The Planning Commission adopted Resolution No. 14-16, entitled, "A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (CUP) 13-09 FOR THE INSTALLATION OF AN OUTDOOR GENERATOR FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT 10851 PORTAL DRIVE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 241-241-19 (APPLICANT: AL GAMBOA - MILESTONE WIRELESS, ON BEHALF OF VERIZON WIRELESS)," with the addition of a condition as stated below:

18. Testing shall be limited to 15 minutes a week and not during the hours of 8:00 am to 3:00 pm while school is in session.

Grose re-joined the dias at 7:36 pm.

B. Conditional Use Permit (CUP) 14-05

Consideration of a Conditional Use Permit to allow an Athletic Attribute Development and Training Service (Indoor Recreation) at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone, APN 242-151-18 (Applicant: Preston A. Rawlings – PARperformance).

Associate Planner Oliver summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Vice-Chair Sofelkanik pointed out most support is from the applicant's clients. He asked if proper notice was given.

Associate Planner Oliver responded in the affirmative.

Vice-Chair Sofelkanik asked if there was any feedback from the notices.

Associate Planner Oliver responded no.

Commissioner Daniel asked who is in suite A.

Associate Planner Oliver replied an orthotics manufacturer.

Commissioner Daniel asked who is across the street.

Associate Planner Oliver replied Deft Touch, an indoor soccer facility.

Commissioner Daniel asked what they do.

Associate Planner Oliver replied indoor soccer. He added that the applicant has clients who he trains and works with them building confidence.

Commissioner Daniel asked if the applicant has different clientele than the soccer facility.

Associate Planner Oliver replied his current clients are from Deft Touch.

Chair Loe opened the item for public comment.

The applicant came forward to speak. He noted that the purpose of a CUP is to allow a business to operate that does not fit in with zoning. He provided statements from neighboring businesses and clients in support of his application. He stated that he puts safety first, and children are not running freely. He will not have large groups of people, and often will work one-on-one. There will not be a lot of traffic. He referred to the comment from concerned citizen and stated he is not sure what the purpose of the statement was. He stated the program will be similar to what is across the street, but on a smaller scale. He wants to keep the business close to Deft Touch and close to the schools.

Vice-Chair Sofelkanik asked the applicant if he has tried to look anywhere else in the city, and if he is seeking this space because of the proximity to Deft Touch.

The applicant responded he has two reasons for choosing this location: one, the size and the cinder block walls; and two, the proximity to Deft Touch.

Vice-Chair Sofelkanik inquired whether there is a rule that children cannot walk, and must be picked up and dropped off.

The applicant responded no.

Commissioner Grose asked about the age of the clients.

The applicant responded age 5 to 72.

Commissioner Grose asked about the hours of operation.

The applicant responded primarily evenings.

Darby Kaiser came forward to speak. She stated she is a business owner and a client at Deft Touch. Her 3 children train with Preston and have been visiting Deft Touch for at least 5 years. She said there are never children running around. It is completely safe, she feels safe with her children there, and does not think it will be different across the street. Her kids have walked from McAuliffe to the facility and she does not see any concern. She thinks it is an excellent idea to have the business across the street from Deft Touch.

Jennifer Burrell came forward to speak. She has a 15 year-old who trains with Preston, who has been attending Deft Touch for several years. Preston teaches kids respect and will not let them do anything unsafe.

Angel McLean came forward to speak. She is a trainer at Deft Touch. She stated Preston has a huge support staff who will support him in keeping kids safe in the area. The kids listen to him, and this will help more people in the community.

Tony DeMarco came forward to speak. He stated that his whole family is here to support Preston. He said his kids have been working out with Preston for a few years. He drops his kids off at the corner at Deft Touch, and there have not been any issues there. Preston has secured parking which will make a big difference. He pointed out that kids don't have energy to wander around after their time with Preston; they just get in the car and go home.

William Phillips came forward to speak. He stated he has never seen a kid running into the street there. He pointed out that Trend Offset Printing has crosswalks, and that people are already cautious when driving there. He said he thinks the project will be a positive addition to the community.

Al Smith came forward to speak. He said his son has trained with Preston for 3 years. He said Preston does a great job of managing the kids and not letting them stray outside. He stated that as a parent, he is the one responsible for watching his own child. He pointed out that the hours and the structure will limit safety concerns. He said there are several training facilities in the area, but the responsibility is with the parents. He said that as a responsible and caring parent, he thinks this facility is good.

Commissioner Grose asked what time the business will close.

The applicant replied no later than 9:00 p.m.

Chair Loe asked Staff how late the business can stay open.

Associate Planner Oliver replied that the Commission can set a time. In the industrial zone, it's 24 hours a day.

Chair Loe asked what time would be approved.

Associate Planner Oliver replied a time was not set because Staff recommended denial.

Vice-Chair Sofelkanik asked if there were written agreements for the parking spaces.

The applicant responded in the affirmative.

Vice-Chair Sofelkanik asked what time the parking spaces are available.

The applicant responded after 5:00 p.m., and added that he also works with employees from Trend Offset Printing.

Vice-Chair Sofelkanik inquired if the hours will depend on the hours of the other businesses.

The applicant responded 5:00 pm and later.

Commissioner Debolt asked what hours of operation are.

The applicant replied he will be open during the day, but most of the business is after 5:00 p.m.

Commissioner Debolt asked if training is one-on-one during the day.

The applicant replied it is one on one or sometimes 3 or 4 students in a class.

Vice Chair Sofelkanik asked the applicant if he is aware the City is trying to carve out a zone where recreational uses will be in one area, where there are existing sidewalks and crosswalks. He asked if the applicant has looked at those areas. He stated there is a safety issue with children being in an industrial zone.

The applicant replied the reason for the location is the close proximity to Deft Touch, and being able to work with smaller groups.

Heather Paige came forward to speak. She stated she trains with Preston, and it would be helpful if her daughter can go to Deft Touch at the same time she trains with Preston. He trains kids at 3:00 p.m. and 4:00 p.m., so the kids have to get there right after school.

Chair Loe asked Assistant City Attorney Kranitz whether this presents a liability for the city.

Assistant City Attorney Kranitz replied there should not be a liability for the City. Chair Loe asked Staff if there had been any feedback from neighboring businesses.

Associate Planner Oliver replied no.

Vice-Chair Sofelkanik stated he has heard much testimony about Preston's character, all positive, but said the Commission is losing the sight of the fact that the issue is location. That is the focus. The City is trying to carve out a zone where these facilities can be located in a safer area. He pointed out that other business owners could come in and not be as safety conscious as Preston. He

said industrial businesses are a revenue producer, and this space should be reserved for industrial business. It's not about Preston; it's about where the business should be located. He added that Preston has been there since 2007 without incident. He stated he was there today and it appears that the Deft Touch location is more dangerous than this proposed location. He said the building for the proposed business is in bad shape and Preston's business would likely have a positive effect. He said the Commission does not want to change the use from industrial to recreational. Whatever the decision, there will be good reason for it. He added that the hours of operation should be concrete.

Commissioner Grose stated that with the hospital's new entrance for ambulances, Kaylor will be shut down, and ambulances will enter on Kyle and Catalina. She stated that we have to think about the future: ambulances will be traveling on Catalina, which increases current traffic and causes concern for that location. She added that the General Plan shows this area is zoned for medical. We have an expanding hospital and we have to think of what's best for everyone and what fits with the General Plan.

Commissioner Debolt asked where parking structure is located.

Commissioner Grose replied it is on Kaylor, and the next phase includes a tower and another parking structure.

Commissioner Debolt stated it is not a good idea for ambulances to have to take a longer route in emergencies. He said getting back to the issue tonight, he drives in that area and knows there are kids there. He thinks this is a dangerous area for this type of business, but has never seen a child running into the street. He said the CUP runs with the property, not with the person operating it, and that we are stuck with the use if we approve it. He said he's not concerned about the parking structure. He stated he is leaning toward approval with more definition of hours. He said he understands the nature of the area, but that building has been empty for a long time.

Commissioner Daniel asked whether there was a CUP for Deft Touch. Community Development Director Mendoza responded in the affirmative.

Commissioner Daniel asked if Community Development Director Mendoza was present at the time it was approved.

Community Development Director Mendoza replied no.

Commissioner Daniel stated just because one business is here that shouldn't be here, doesn't mean the new one shouldn't go in, and two wrongs don't make a right. He asked the applicant how long the lease is at Deft Touch.

The applicant replied that he doesn't own Deft Touch; he runs a business in Deft Touch.

Commissioner Daniel reiterated his prior statement.

Chair Loe stated if Deft Touch applied today, it would be declined. He said we are trying to take away hodge-podge areas now. He added it is a hard decision, and that Deft Touch poses more risk than the proposed business. This business has the parking required. He said he likes this project.

Commissioner Daniel asked if we can limit the amount of time that the CUP is approved.

Assistant City Attorney Kranitz replied we have done it before in a couple of cases. Case law indicates it's possible, but it could be challenged.

Commissioner Daniel stated if Deft Touch vacated, we would not allow another similar business there. He said it is hard to say no, and it is hard to say yes; but Deft Touch is a bigger problem.

Commissioner Grose stated we have a positive role model and great potential, and some conflicts. She said that the applicant is trying to reduce safety risks. She pointed out there are no days and hours of operation, and asked if the applicant can work with staff to work something out that would reduce safety concerns based on the operating hours and traffic.

Commissioner Daniel stated it won't matter what the hours of operation are. It won't have an impact. The issue is the use.

Commissioner Debolt stated the responsibility lies with the parents. He said if safety was a real issue, the business' clientele would suffer. He said it is a bit safer than Deft Touch and fits with what Commissioner Grose was talking about. He added that Deft Touch would be pushed out before this business because of its proximity to the hospital and the ambulances. He stated he does not think the use is totally incompatible and that he is inclined to approve it.

Vice-Chair Sofelkanik called the applicant back up for questions. He stated he was under the impression the applicant owns Deft Touch. He asked the applicant if he would still work at Deft Touch if his project is approved.

The applicant responded in the affirmative. He stated he is there all day and he trains groups off site throughout the day as well. He said he would like the hours of operation to be as extensive as possible. He added he works with employees from Trend Offset Printing at all hours of the day or night.

Commissioner Grose pointed out there is the hospital across the street that is open 24 hours too.

Vice-Chair Sofelkanik asked Staff if Deft Touch is located in an industrial zone. He asked where specifically the industrial zone is located.

Community Development Director Mendoza responded it is located in an industrial zone, and described the limits of that zone.

Commissioner Daniel asked Community Development Director Mendoza for his opinion of the project.

Community Development Director Mendoza replied his opinion is in the staff report. It is an assessment of the site. If this project is approved, there will be another person wanting a similar approval next month.

Commissioner Riley asked if other locations were looked at.

Community Development Director Mendoza replied applicants are already hooked on a certain site in every CUP application.

Commissioner Riley asked if there is a precedent for a CUP to be approved because a similar one was approved in the past.

Assistant City Attorney Kranitz replied no; each CUP is unique.

Commissioner Riley stated this is not intended to be a family-friendly area, and a machine shop would not be approved in a residential area. Just because the Commission approved it in the past does not mean it should be approved now. He said we are all on the fence, because the owner brings value, but we are trying to do the right thing. He advised the Commissioners need to think with their heads, not their hearts. He stated this does not fit with the general plan, and it is difficult to say, but it should be denied.

Commissioner Daniel agreed.

Vice-Chair Sofelkanik stated he was on the commission in 2007. He said he did not recall whether he voted for or against Deft Touch, but the decision is based on what is presented.

Chair Loe stated someone wants to use the site, no one has spoken against it, and there have been no safety issues there. He said if they can contain their patrons and their parking on their parcel, then the use is fine. He said that today he would not approve Deft Touch, but he would approve this use.

Commissioner Cuiilty asked if the CUP could be tied to the length of the lease.

Assistant City Attorney Kranitz replied that was done with Cross Fit. She said that condition should not be done on all CUPs because the law is not clear. She added that land use cases have gone in several different directions.

Vice-Chair Sofelkanik asked if the property owner's consent would be needed to put the condition on the CUP.

Assistant City Attorney Kranitz responded in the affirmative.

Commissioner Debolt asked if the property owner could be asked to agree to the condition.

Assistant City Attorney Kranitz responded yes; that would help, however, in that case the decision is not based on the land use, but the character of the applicant.

Commissioner Riley stated it would not be a land use decision then.

Assistant City Attorney Kranitz stated she is more cautious to use that condition.

Vice-Chair Sofelkanik asked if the City can impose the condition that the CUP lasts only as long as it takes to establish a recreational zone.

Commissioner Daniel stated if the Commission is not comfortable having the business there long term, then they are not comfortable having the business there.

Vice-Chair Sofelkanik stated we are hearing information on the character of the applicant, not the land use.

Commissioner Daniel stated the land use is the issue. Even though the applicant is a respected business owner, that should not be an issue.

Commissioner Grose asked if there anything else available in that area.

Community Development Director Mendoza replied not now, but there may be something with potential.

Commissioner Debolt asked if the same concerns would be here if there was an application for medical use.

Commissioner Riley stated he had asked himself that same question, since the same age group of people would be traveling in and out of the area.

Commissioner Debolt stated that the area is going to be zoned for medical use with the new General Plan.

Community Development Director Mendoza clarified the area is an industrial zone with approved medical overlay.

Commissioner Debolt asked if that preclude other uses.

Community Development Director Mendoza stated that a medical business would not have to go through a CUP process.

Commissioner Debolt stated the applicant is a destination and he would succeed anywhere he located.

Chair Loe stated the Commission should approve the application if the applicant returns with agreements regarding the parking and the lease. He asked for a motion.

Vice-Chair Sofelkanik asked what the motion is.

Commissioner Daniel asked if we want this business there.

Vice-Chair Sofelkanik stated the resolution is to deny the application.

The Commission engaged in discussion regarding whether the application should be denied, approved, or continued.

Motion/Second: Sofelkanik/Debolt

Carried: 4/3: The Planning Commission continued Resolution No. 14-17, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE); and directed Staff to draft a Resolution recommending approval of CUP 14-05 for the next meeting.

RECESS

The Planning Commission took a brief recess at 9:10 p.m.

RECONVENE

The Planning Commission reconvened in Regular Session at 9:20 p.m.

C. Zoning Ordinance Amendment 14-05

The Planning Commission has been asked by City Council to draft the appropriate Zoning Code amendments to facilitate "Remote Caller Bingo" within the Community Facilities (C-F) Zone (Zoning Ordinance Amendment 14-05) (City initiated). The Ordinance also clarifies that regular Bingo is allowed in the CO, CG, PM, and C-F zones.

Community Development Director Mendoza summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Assistant City Attorney Kranitz discussed zoning ordinance wording. She stated hours of operation should be in sections 5.16 and 5.18.

Commissioner Daniel asked if the Commission is choosing a location for remote caller bingo.

Assistant City Attorney Kranitz stated the Commission is putting remote caller bingo in CF zone as permitted use.

Community Development Director Mendoza stated there are currently several zones, and said the City does not want to take away the current uses.

Commissioner Debolt asked where bingo is permitted in the code.

Assistant City Attorney Kranitz replied section 5.16. She read Zoning Ordinance Amendment 14-05.

Commissioner Riley asked what zone is in question.

Community Development Director Mendoza replied the CF zone.

Commissioner Grose asked if remote caller bingo would be allowed during the same hours as regular bingo.

Community Development Director Mendoza replied the hours would be decided by Council.

Commissioner Debolt asked if the groups who can conduct remote caller bingo are non-profit.

Assistant City Attorney Kranitz replied one recommendation is for groups associated with schools would conduct remote caller bingo.

A discussion ensued regarding wording.

Commissioner Riley asked what days of the week are currently approved for bingo.

Assistant City Attorney Kranitz replied the maximum is 5 hours per 24 hours, once every 7 days. Bingo is not allowed between midnight and 10:00 a.m., and no games are allowed before 6:00 p.m. except on weekends or holidays.

Commissioner Daniel asked why there are such limits for remote caller bingo.

Community Development Director Mendoza replied the proceeds are shared with exponentially more people.

Commissioner Riley stated remote caller bingo can be played with more people state-wide, and times are limited because it is a big business in some locations.

Assistant City Attorney Kranitz stated there has recently been talk among City attorneys regarding bingo. Millions of dollars were stolen within a bingo organization, and there are huge sums of money involved in bingo.

Vice-Chair Sofelkanik asked if there is any revenue the City can realize.

Community Development Director Mendoza replied no.

Commissioner Riley stated the intent is for non-profits to make money, but there is potential to make money on renting the space, sales of supplies, etc.

Vice-Chair Sofelkanik asked if the City is requiring a permit.

Community Development Director Mendoza replied yes.

Commissioner Riley stated the organization will have to apply for a permit.

Community Development Director Mendoza stated this is similar to other things the City Manager would approve.

Chair Loe opened the Public Hearing.

Bruce Murphy, President of St. Isidore Historical Plaza, came forward to speak. He stated the State closed down the whole process for about a year and a half due to abuses. He said there are more rules now and the State decides when games can be played.

Assistant City Attorney Kranitz stated tonight's decision is only for zoning.

Commissioner Debolt asked if the Commission can make a distinction between regular bingo and remote caller bingo in regards to location.

Assistant City Attorney Kranitz replied that is what the ordinance says.

Mr. Murphy explained remote caller bingo and stated it should have same zoning as regular bingo.

Commissioner Riley asked how the charities get paid.

Mr. Murphy replied the charity makes 43% of what they bring in.

Commissioner Riley asked if they play all night.

Mr. Murphy replied remote caller bingo is typically played from 4:30 p.m. to 10:00 p.m., but usually no start time is stipulated. The end time is usually stipulated.

Motion/Second: Grose/Cuilty

Carried: 7/0: The Planning Commission adopted Resolution No. 14-15, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-05 TO ADD "BINGO" TO LOS ALAMITOS MUNICIPAL CODE SECTION 17.10.020, TABLE 2-04, AS PERMITTED USE IN THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, TO ADD BOTH "BINGO" AND "REMOTE CALLER BINGO" TO LOS ALAMITOS MUNICIPAL CODE SECTION 17.12.020, TABLE 2-06, AS PERMITTED USES IN THE COMMUNITY FACILITIES (C-F) ZONING DISTRICT, AND TO ADD THEIR RESPECTIVE DEFINITIONS TO SECTION 17.76, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITY INITIATED)."

D. Zoning Ordinance Amendment 14-04

A Municipal Code Amendment to allow Affordable Housing in the Residential Zoning Districts (R-1, R-2 & R-3) of the City without a Conditional Use Permit, as required by the State Department of Housing and Community Development (Citywide) (City initiated).

Community Development Director Mendoza summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Loe opened the Public Hearing.

Commissioner Debolt asked if this affects development standards.

Community Development Director Mendoza replied there is no special zoning.

Chair Loe closed the Public Hearing.

Motion/Second: Grose/Sofelkanik:

Carried: 7/0: The Planning Commission adopted of Resolution No. 14-14, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-04 TO ALLOW AFFORDABLE HOUSING AS A PERMITTED USE IN THE RESIDENTIAL ZONING DISTRICTS (R-1, R-2 & R-3) OF THE CITY WITHOUT A CONDITIONAL USE PERMIT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITY INITIATED)."

E. Continued Consideration of Zoning Ordinance Amendment (ZOA) 14-03

Continued consideration of a Zoning Ordinance Amendment to allow more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

Community Development Director Mendoza summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Loe opened the public hearing. He stated this will make the process easier.

Commissioner Debolt stated there is a change in demographics in applicants, and that we are not getting a lot light industrial. The space is there and we have new uses. We need to start considering different uses.

Commissioner Grose asked if there is a demographic makeup of how businesses are changing.

Community Development Director Mendoza stated the applicants we see are restaurants and Crossfits. He said that is what occupies most of our time, along with massage businesses. In addition, residential applicants want to build everywhere. Nationally, massage parlors, tattoo parlors, vapor shops, and restaurants are the majority of the applicants.

Commissioner Riley asked if industrial zones are suffering.

Community Development Director Mendoza replied no, but the larger ones are lacking. He asked the Commission if the industrial zone is worth protecting.

Several Commissioners stated we should protect the industrial zone.

Community Development Director Mendoza stated Staff will draft a resolution that amends the code to permit retail uses that front Katella or have a Katella address.

A discussion ensued regarding where retail businesses should be located and the different types and definitions of zoning areas. Commission discussed allowing uses other than retail.

Community Development Director Mendoza discussed the recreational uses in an industrial area on Reagan.

Vice-Chair Sofelkanik asked if applicants would have to improve industrial areas with crosswalks and parking.

Community Development Director Mendoza answered in the affirmative.

Commissioner Grose asked if the Commission can define what types of exercise or recreational facilities can go into the industrial area.

Community Development Director Mendoza replies that when an applicant comes to the counter, they look for other CUPs that will support their business going in.

Commissioner Daniel stated we should be discouraging that, and making decisions that support the General Plan.

More discussion ensued regarding definitions and what types of businesses could be allowed in particular areas.

Vice-Chair Sofelkanik asked if applicants are directed to look at areas where their proposed business would fit with the recommended use.

Community Development Director Mendoza responded in the affirmative, but added that when an applicant comes to the counter, it's too late. The applicant has their mind made up about where they want their business to be located.

Associate Planner Oliver added that often, the applicant has already signed a lease.

A discussion ensued regarding the industrial zones, descriptions of the zones, the possible effects of allowing other uses into industrial zones, and the possibility of defining two different industrial zones. Scenarios which would negatively affect neighboring businesses were discussed at length.

Community Development Director Mendoza stated he would like to let applicants know he has the authority to bring a CUP back to the Commission if there are code issues at the business. After much discussion, he stated he would bring back the item next month after splitting it into two different items.

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

None.

10. COMMISSONER REPORTS

None.

11. ADJOURNMENT

The Planning Commission was adjourned at 10:30 P.M.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

August 11, 2014
Item No: 7A

To: Chair Loe and Members of the Planning Commission

Via: Steven Mendoza, Community Development/Public Works Director

From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 14-05
Consideration to allow an Athletic Attribute Development and Training Service in the Planned Light Industrial Zone

Summary: Continued consideration of a Conditional Use Permit to allow an Athletic Attribute Development and Training Service (Indoor Recreation) at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone, APN 242-151-18 (Applicant: Preston A. Rawlings – PARperformance).

Recommendation:

1. Continue the Public Hearing; and, if appropriate:
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305–minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,
3. Adoption of Resolution No. 14-17, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE)."

Applicant: Applicant: Preston A. Rawlings – PARperformance

Location: 3831 Catalina Street in the Planned Light Industrial (P-M) Zone, APN 242-151-18

Environmental: A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, will be 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.

Noticing: Notices announcing the Public Hearing on July 14, 2014, were mailed to all property owners and commercial occupants within 500 feet of the proposed location on July 2, 2014. A Public Hearing notice regarding this meeting was also published in the News Enterprise on July 2, 2014. The July 14, 2014 hearing was continued to August 11, 2014.

Background

Preston A. Rawlings, the owner of PARperformance, has submitted an application for a Conditional Use Permit (CUP) 14-05 asking that the City allow his business, an athletic attribute development and training service, to be located in a 961 square foot unit at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone.

Tonight's Public Hearing is a continuation from the July 14, 2014 Planning Commission meeting. Through public and Applicant testimony during the July 14th hearing it was determined by the Planning Commission that the Applicant can be required, through added conditions, to have certain restrictions that can mitigate concerns that would otherwise give rise to reservations concerning this approval. It is also noted that letters of support were received from the neighboring businesses and none of the neighboring industrial businesses felt that there would be a conflict with their uses. Therefore, at that meeting, the Commission directed Staff to prepare a resolution of approval, with conditions in the resolution that would improve the safety of this business for customers, and then return to the Planning Commission on August 11, 2014. Conditions 10 through 23 address these safety issue.

Recommendation

Based upon the evidence submitted to the Commission, including the evidence presented in the Staff Report, and oral and written evidence presented at the Public Hearing (unless additional or contrary information is received during the meeting), Staff has drafted a resolution of approval for CUP 14-05, which includes findings as well as added conditions.

*Attachments: 1) Draft Planning Commission Resolution 14-17 and Exhibits
2) Staff Report from 7/14/2014 and Attachments*

ATTACHMENT 1

RESOLUTION NO. 14-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE).

WHEREAS, the application is for a Conditional Use Permit to allow an indoor recreation establishment (athletic attribute development and training service) in an existing 961 square foot space at 3831 Catalina Street, Units B & C, 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, at the Planning Commission meeting of December 9, 2013, the Planning Commission determined that fitness classes 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 Planning Commission considered said application at a duly noticed Public Hearing on July 14, 2014, which was continued to August 11, 2014; and,

WHEREAS, the Planning Commission continued consideration of said application on August 11, 2014; and,

WHEREAS, at these Public Hearings, the applicant, applicant's representatives, and members of the public were provided the opportunity to present written and oral testimony. Through public and Applicant testimony during the July 14th hearing it was determined by the Planning Commission that the Applicant can be required, through conditions, to mitigate concerns that would give rise to reservations concerning this approval.

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 athletic attribute development and training service classes are similar to other indoor recreational uses which have been approved by the Planning Commission and should be considered a use that is allowed by a CUP in this zone.

SECTION 3. Conditional Use Permit 14-05 is hereby approved to allow athletic attribute development and training service as an indoor recreation establishment in an existing 961 square foot space at 3831 Catalina Street, Units B & C, 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. The use, for indoor recreation (athletic attribute development and training service), as conditioned, 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 itself would 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 since the classes are small and are often individualized. 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. Conditions have been added to improve the safety of the operations and mitigate the fact that there is little infrastructure in this location to separate customers, and in particular children, from possible harmful or negative effects of the surrounding industrial businesses.
2. 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). Although it is an industrial building surrounded by industrial buildings on all sides, it is across Bloomfield Street from Deft Touch Soccer (a fitness business) that exists in an industrial building to the South. Indoor recreational uses are specifically allowed in this zone with a CUP. Conditions have been added to mitigate problems of conflicts between different types of uses and improve the safety of the area.
3. The proposed indoor recreation establishment, as conditioned, will be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District and with the Los Alamitos General Plan. This use is in an industrial area, and would be in a unit that is set up like a storefront office and is across the street from Deft Touch Soccer where the applicant currently performs similar duties to this business and from which students would often come over to this business. Although the area is industrial with none of the amenities that should accompany a recreational business, conditions have been added to mitigate this concern. It is additionally noted that the surrounding industrial businesses supported the use and did not express concerns about potential incompatibility with the existing uses.

4. The decision to approve the application for a Conditional Use Permit is 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.
5. A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities will be 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.

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

Planning

1. Approval of this application is to allow an indoor recreation establishment (PARperformance - athletic attribute development and training service) at 3831 Catalina Street, Units B & C, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 14-05 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 applicant shall be required to maintain access to no less than eleven (11) parking spaces for use by this business.
11. The pothole on the North side of the building must be repaired before a business license is issued.
12. All business activities shall be located inside the building.
13. Children under 12 shall be discouraged from walking to or from this business from home or school. Signs shall be posted in the business so stating.
14. Cars delivering students shall park in a designated parking spot of this business before students can be dropped off.
15. Students shall be directed to cross Catalina and Kyle at proper crosswalks. Signs shall be posted in the business so stating.
16. Children must be supervised by a staff member of this business at all times when waiting for pick up out of doors on the property.
17. All exterior lighting on the building must operate or be supplemented to the satisfaction of the Director during all after-dark activities of this business.
18. Applicant shall install a "Children Present" sign in a location agreeable to the Director.
19. A railing shall be installed to direct students in a safe direction when exiting the entryway patio area, to the satisfaction of the Director.
20. A demarcation line shall be painted along the front property line.
21. Parking blocks shall be installed in the spaces of this business, to include those that are next to the neighboring structure to the West.
22. The doors to the business shall remain shut when no person is entering or leaving.

Building Department

23. The applicant shall obtain City permits for all tenant improvements.
24. 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.

25. All exits must stay clear.

Orange County Fire Authority

26. 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 alarm system (service code PR500-PR520), if modified, provided voluntarily, or required by code.
- fire sprinkler system (service codes PR430-PR455), if the 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 11th day of August, 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 11th day of August, 2014, by the following vote, to wit:

AYES:

NOES:

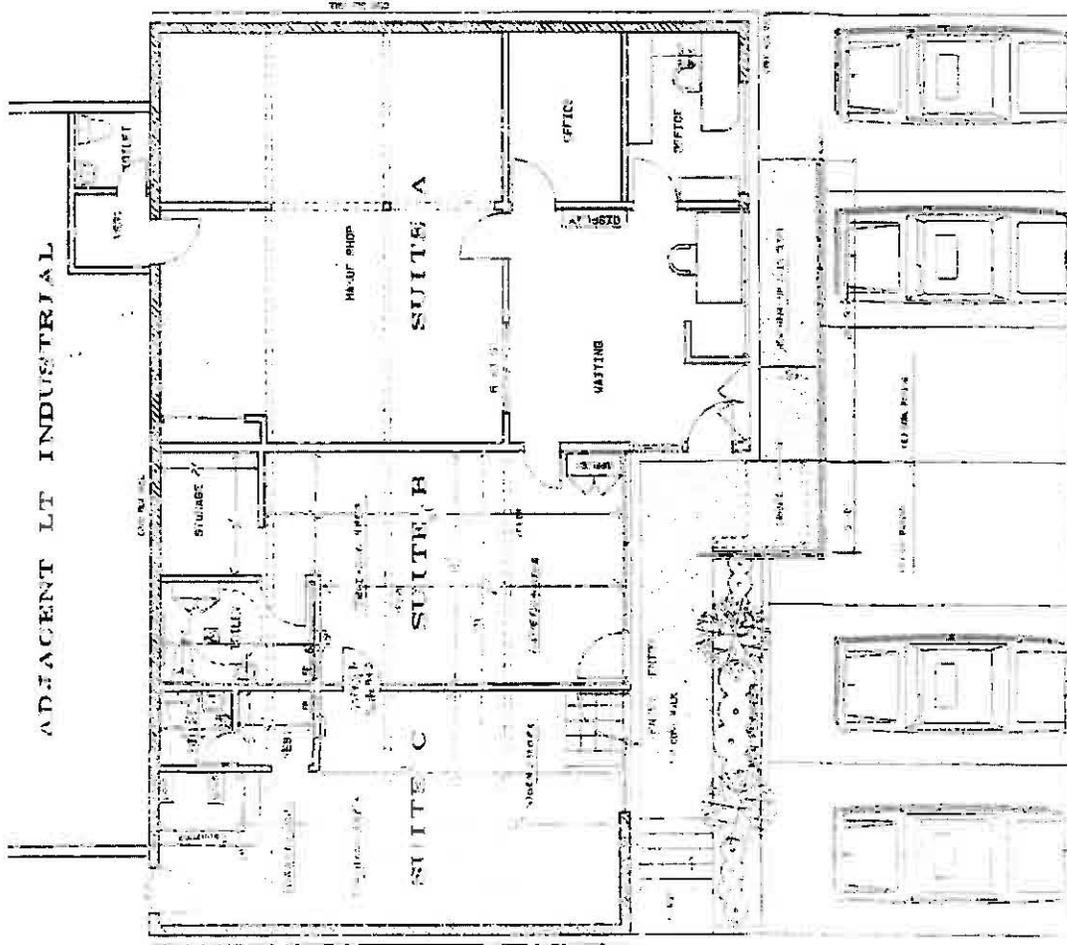
ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

UNITS B & C

EXHIBIT A



PRELIMINARY

1. This plan is preliminary and is subject to change without notice. It is not to be used for construction purposes.

2. The owner is responsible for obtaining all necessary permits and approvals from the appropriate authorities.

3. The architect is not responsible for the accuracy of the information provided by the owner or other third parties.

4. The architect is not responsible for the construction of the building or the performance of the building.

5. The architect is not responsible for the safety of the building or the safety of the occupants.

6. The architect is not responsible for the environmental impact of the building.

7. The architect is not responsible for the fire safety of the building.

8. The architect is not responsible for the seismic safety of the building.

9. The architect is not responsible for the accessibility of the building.

10. The architect is not responsible for the energy efficiency of the building.

SCALE 1/4" = 1'-0"

FLOOR PLAN

CATALINA STREET

THIS DOCUMENT IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



PRESTON
RAWLINGS
COACH

May 12, 2014

Hello neighbors, this is Preston Rawlings II with ParPerformance. I am located at 3831 Catalina St, Suite B & C. I would like to use up to 10 spaces after 5:00PM, Monday - Friday.

I'm notifying each of you to see if this will be of any conflict to you or your business.

Please sign below if this will be acceptable for you.

Thank you for your time and consideration.
Preston Rawlings II
ParPerformance

Business Name and Printed Name:

Signature:

Preston Rawlings II

Date:

5-20-14

City of Los Alamitos
Planning Commission

ATTACHMENT 2

Agenda Report
Public Hearing

July 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, Associate Planner

Subject: Conditional Use Permit (CUP) 14-05
Athletic Attribute Development and Training Service (Indoor Recreation) at 3831 Catalina Street in the Planned Light Industrial (P-M) Zone, APN 242-151-18

Summary: Consideration of a Conditional Use Permit to allow an Athletic Attribute Development and Training Service (Indoor Recreation) at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone, APN 242-151-18 (Applicant: Preston A. Rawlings – PARperformance).

Recommendation:

1. Open the Public Hearing; and, if appropriate;
2. Adopt Resolution No. 14-17, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE);" and/or,
3. Other direction deemed appropriate by the Commission

Applicant: Applicant: Preston A. Rawlings – PARperformance

Location: 3831 Catalina Street in the Planned Light Industrial (P-M) Zone, APN 242-151-18

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

Preston A. Rawlings, the owner of PARperformance, has submitted an application for a Conditional Use Permit (CUP) 14-05 asking that the City allow his business, an athletic attribute development and training service, to be located in a 961 square foot unit at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone.



Discussion

The subject tenant space is approximately 961 square feet, located in a unit that is part of a larger Industrial building. Here is what the applicant has said that the use will involve at this location:

“PARperformance is owned and operated by Preston A. Rawlings II. We are an athletic attribute development and training service. We are committed to guiding young athletes along the path to success by building self-confidence. Our athletes will learn more about themselves and their surroundings while becoming mature and well-disciplined athletes as well as outstanding individuals. With over 30 years of experience, we are committed to developing in the areas of speed, balance, agility, strength and life skills. Life coaching is a large part of what we provide in our location at 3831 Catalina St., Suite B & C. In addition to providing high-level training for our youth athletes we also provide adult training, CRUX (core resistance ultimate crossover). The program is designed to provide an alternative to the large unsupervised workout facilities. CRUX focuses on the client’s specific needs as well as educating the client on proper technique, form and nutrition. Each class is tailored toward attendee’s specific capabilities and their personal goals.”

The Applicant says he will not have a set schedule, but most sessions would primarily be between 5:00 p.m. and 9:00 p.m. The classes will comprise up to 10 students, but 8 or less students will be the average.

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. These classes are another type of class which would be considered as an indoor recreational use. This application continues the blurring of lines that has occurred between recreation and instructional classes. This current request would continue the trend of these types of businesses moving into Industrial buildings in the Planned Light Industrial Zone that was not necessarily designed for these recreational tenants.

The permit decision is a question of whether a Conditional Use Permit should be approved for this use in this particular space. Although similar uses have been approved in the Industrial zone, those approvals are adjacent to lighter Industrial uses that are generally more compatible with Indoor Recreation. These other like uses are within orderly, master-planned, business parks. In comparison, this area is more intense and caters to heavier uses such as auto repair, towing, trucking and manufacturing uses.

Staff remains concerned about the proliferation of non Industrial business in the Industrial zone, however, this particular application brings with it, additional compatibility and safety related concerns based upon its location.

Staff has compiled a list of concerns related to the Industrial area.

Preservation of Industrial Area

- *The Industrial zone is valuable to the City and should be reserved for Industrial uses, jobs and industry.*
- *The Industrial area of the City consists of both master planned Industrial parks and other Industrial areas that are grittier. The grittier areas lack sidewalks, defined parking and curb, gutters and parkways.*
- *Existing zoning should be preserved for future Industrial type uses where light and heavy Industrial businesses can thrive uninterrupted by uses not as gritty as their own.*
- *The introduction of recreational uses may constrain future use of the subject site for Industrial purposes. While many recreation uses desire to be in the Industrial area, the existing tow companies, distribution facilities, and manufacturers enjoy the freedoms of being separated from such uses.*

Compatibility

- *A large portion of the City's Industrial area is incompatible with businesses catering to recreational uses for children.*
- *The Industrial area includes construction yards, lumber yards, large-scale printing firms, and two tow yards.*
- *This area is intended for Industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from recreational uses.*
- *Industrial uses are more intense and are not always compatible with businesses that cater to children such as batting cages, dance & cheer, or sports related training facilities.*

- *Recreational uses may restrict or preclude the ability of surrounding Heavy Industrial uses from realizing the full enjoyment of their properties by introducing sensitive receptors (children) into the area.*

Safety

- *Recreation uses have a different traffic generator and the area was not designed to support this type of use.*
- *Speed limits established within the Industrial area do not take into consideration the loading and unloading of children.*
- *The Industrial zone has been subject to review and consideration in regards to the uses that are traditionally within the Industrial zones. The Industrial area has never been evaluated as a place for children to hang out, explore, and wait for parent pickup.*
- *Truckers do not normally expect to be dodging children or adult joggers in an Industrial area.*

Consequently, staff received a recent comment from a concerned citizen:

"Today at 9:30am another girl in soccer uniform, earphones in ears, walking on the street just west of Soccer Place. She had NO idea what was going on around her. She was walking in the street as the cars work around her. Children should be taught better but the City also needs to THINK before they approve children-type businesses in an Industrial Park. Youth Sports belong near a school, park or Youth Center. I am concerned for the children's safety. Children DO NOT belong walking on a street full of Commercial trucks".

In summary, it is difficult to make a case for this business to be allowed in this area of the P-M zone. Heavier industrial businesses surround this location. This is possibly the most "Industrial" of the Industrial zones in the City. Truck traffic abounds here, especially since it is between Trend Offset Printing and two towing businesses. There are no curbs, parkways or sidewalks to clearly delineate where traffic should be. Drivers can drive freely without impediment, especially with this being a corner where trucks have to make wide turns. It is problematic that there are no crosswalks at this corner and difficult in general for children who might cross the street from Deft Touch Soccer to this business, or are dropped off nearby. Industrial hours of operation are 24 hours a day and this business intends to be open from 5:00 p.m. to 10:00 p.m.

That said, the existing location of Deft Touch Soccer (across the street) and its success makes the suitability question of this type of business being here a tough call. Deft Touch has existed next to this location without incident since 2007, and the building looks a bit cleaner and has no code violations since the current business, Deft Touch, took over. Deft Touch Soccer was approved in 2007. Its hours were limited to 5:00 p.m. to 10:00 p.m., Monday through Friday, and 7:00 a.m. to 10:00 p.m. on Saturday and Sunday.

Location



The adjacent properties are developed and zoned as follows:

- North:** Developed with the rest of the same light Industrial building as the proposed business in the Planned Light Industrial (P-M) Zoning District. Automotive Electric Industries (AEI) is located next door in this same building.

- South:** Developed with another light Industrial building across Catalina in which is located Deft Touch Soccer, another indoor recreation use in the Planned Light Industrial (P-M) Zoning District.

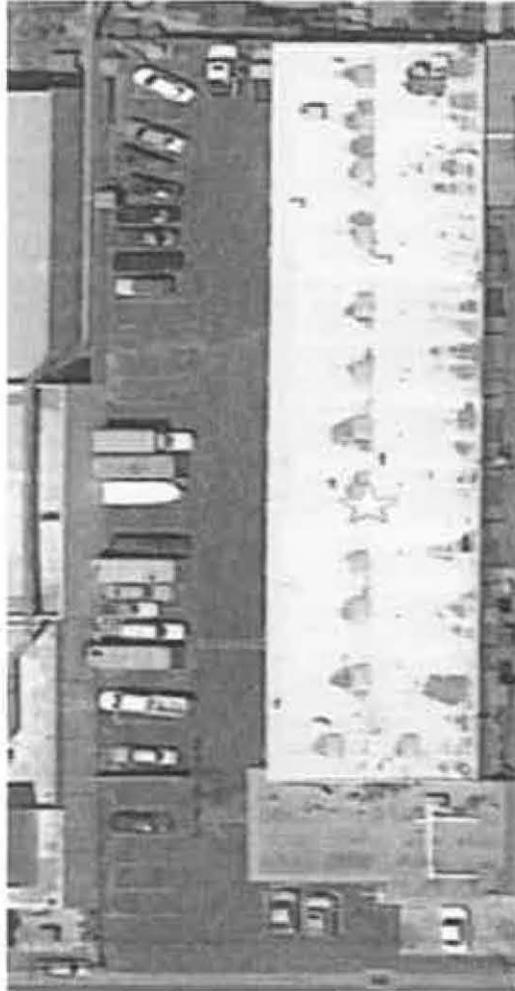
- East:** Developed with industrial buildings in the Planned Light Industrial (P-M) Zoning District. Pro System Orthotics is next door in the same building and beyond that are the Mr. C's Towing and Rossmoor Towing Service, including their tow yards.

- West:** Developed with another light Industrial building in the Planned Light Industrial (P-M) Zoning District. Trend Offset Printing's nine building campus is next door.

Parking

According to the applicant, he will be allowed to use all 11 parking spaces after 5:00 p.m., but they are shared before this time. The business plans to open only between 5:00 p.m. and 10:00 p.m. Right now, people who are visiting the hospital are filling the lot without permission, and it is difficult to park here. Below is a plan of parking for the unit, as provided by the property owner. The hospital parking is a 24 hour a day occurrence.

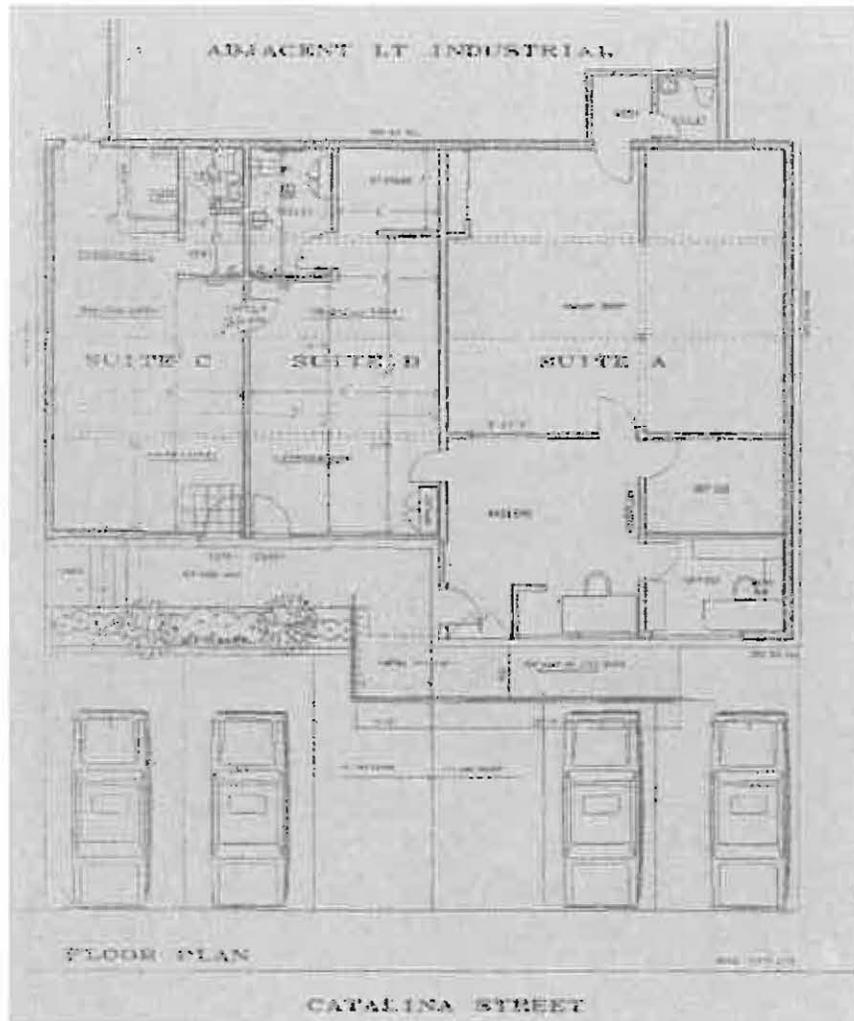
*For performance
3831 Cutler
St
Suites B & C*



*Red dots indicate 11 After 5p parking spaces
For Performance*

The Unit Space

The units to be combined are much like office units in they have no Industrial doors and have office type layouts with one bathroom per suite. This space is the public face of the remainder of the Industrial building behind it. The exterior walls of the building are made of concrete block as well as the walls between these subject units and other tenants of the building. Below is a floor plan of the B & C units that will be combined:



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 (athletic attribute development and training service), 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 itself would 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 since the classes are small and are often individualized. This type of use would, in fact, contribute favorably to the health and welfare of City residents in that this recreational use is a form of exercise. However, there is little infrastructure in this location to separate customers, and in particular children, from the harmful or negative effects of the surrounding Industrial businesses. Truck deliveries and general manufacturing uses are more dangerous uses that should probably not occur around children.

Second, 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, although it is across Bloomfield Street from Deft Touch Soccer (a fitness business) that exists in an Industrial building to the South. Indoor recreational uses are specifically allowed in this zone with a CUP, but this particular area would not be appropriate for such a business. There are many of the negative aspects of an Industrial area that exist in this area and would conflict or need to be buffered from this business. This would continue the loss of Industrial space. Existing Planned Light Industrial zoning should be preserved for future Industrial type uses.

Third, the proposed indoor recreation establishment should be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District and with the Los Alamitos General Plan. This use would be in an Industrial area in a unit that is set up like a storefront office and is across the street from Deft Touch Soccer where the applicant currently performs similar functions to this business and from which students would often come over to this business. The area is clearly industrial with none of the amenities that should accompany a business such as this, such as sidewalks, curbs, crosswalks, a buffer between uses, and a safe area where children would be separated from cars and trucks.

The decision to deny or 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.).

Recommendation

There is a hard case to make for this type business to be allowed in this section of the Planned Light Industrial (P-M) Zone. The City wears many hats. As ambassadors for business we seek out new businesses to join our community. Often times, business persons select sites that fit their needs but are not necessarily compatible. This is the reasoning for requiring a Conditional Use Permit, because all sites have their own characteristics and must be evaluated based upon site conditions and the surrounding area. Industrial businesses surround this location and this is possibly the corner with the most Industrial-type atmosphere in the City. Truck and other traffic abound on this street. It is situated between Trend Offset Printing and two towing businesses. There are no curbs, parkways or sidewalks to provide an impediment to trucks driving freely onto private property. It is problematic that there are no crosswalks at this corner and problematic for the children who may cross the street from Deft Touch Soccer to this business or be dropped off by parents on the opposite side of the street.

It is reasonable to conclude this application should not be approved due to its location and the conditions of the surrounding area. Due to our inability to reconcile the use with the surrounding areas, Staff recommends denial of the application as presented.

While staff feels that the use has the potential to be compatible within a master planned Industrial park, if insulated (buffered) from such intense uses or traffic, this is not the case for this site.

Staff is recommending denial of the application, as presented, 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 14-17
2) Site Plan
3) Parking Support Letter*

RESOLUTION NO. 14-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE).

WHEREAS, the application is for a Conditional Use Permit to allow an indoor recreation establishment (athletic attribute development and training service) in an existing 961 square foot space at 3831 Catalina Street, Units B & C, 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 July 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 athletic attribute development and training service 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. The Los Alamitos Municipal Code recognizes that the uses requiring conditional use permits are not appropriate in all circumstances and gives the Planning Commission the discretion to disapprove such proposed uses. Conditional Use Permit 14-05 is hereby denied to allow athletic attribute development and training service as an indoor recreation establishment in an existing 961 square foot space at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zoning District based upon the following findings, each and every one of which constitutes separate and independent grounds for denial:

1. The use, as indoor recreation (athletic attribute development and training service), may endanger the public health or general welfare of its participants if located at 3831 Catalina Street. The use itself would 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 since the classes are small and are often individualized. However, the area's infrastructure does not protect PARperformance participants from conditions generated by the Industrial neighbors as there is no buffer to separate customers, and in particular children, from the harmful or negative effects of the surrounding Industrial businesses. This industrial area in particular has heavy truck traffic 24 hours a day, during all hours of proposed use. There are no curbs, crosswalks, warning signs, traffic lights, etc. to provide a safe environment for pedestrians.
2. 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). However this is an Industrial building surrounded by Industrial buildings on all sides, although it is across Bloomfield Street from Deft Touch Soccer (a fitness business) that exists in an Industrial building to the South. Indoor recreational uses are specifically allowed in this zone with a CUP, but this particular area would not be appropriate for such a business. There are many negative aspects of an Industrial area that would conflict or need to be buffered from this business. This would continue the loss of Industrial space. Existing Planned Light Industrial zoning should be preserved for future Industrial type uses, especially in one of the most intensely industrial areas of the City.
3. The proposed indoor recreation establishment will not be compatible with other uses located in the Planned Light Industrial (P-M) Zoning District and with the Los Alamitos General Plan. This use would be in an Industrial area in a unit that is set up like a storefront office and is across the street from Deft Touch Soccer where the applicant currently performs similar functions to this business and from which students would often come over to this business. The area is clearly industrial with none of the amenities that should accompany a business of this nature, such as sidewalks, curbs, crosswalks, a buffer between uses, and a safe area where children would be separated from cars and trucks.
4. The decision to deny the application for a Conditional Use Permit is based on substantial evidence in view of the record as a whole before the Planning Commission (LAMC Section 17.42.050A.4.).

SECTION 4. The Custodian of Record for this matter is Steven Mendoza, Community Development Director, whose office is located at Los Alamitos City Hall, 3191 Katella Avenue, Los Alamitos, California.

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

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

ATTEST:

Gary Loe, Chair

Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

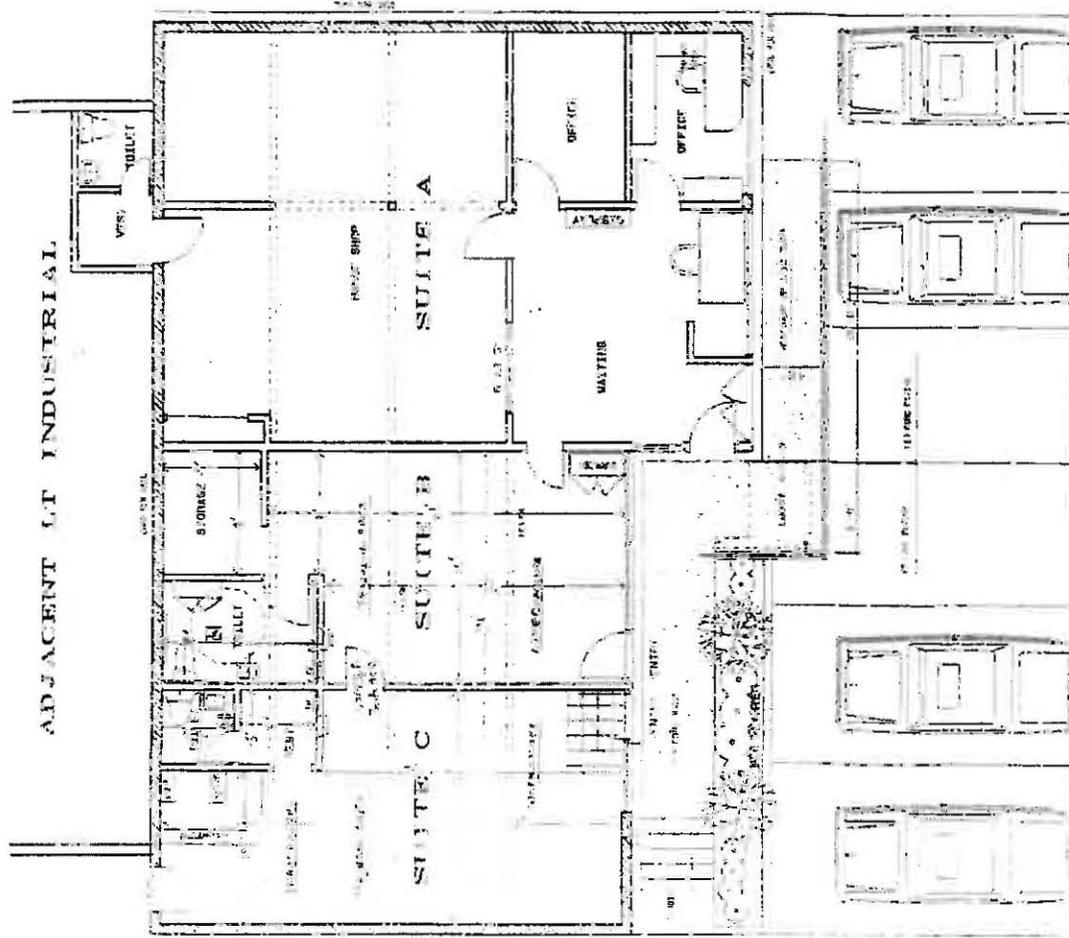
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

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 Planning Commission held on the 14th day of July, 2014, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven A. Mendoza, Secretary

UNITS B & C



FLOOR PLAN

CATALINA STREET

The Applicant:

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.

The Applicant is a duly licensed contractor, duly bonded, and duly insured, and is qualified to perform the work herein contemplated. The Applicant is a resident of the State of California, and is a citizen of the United States of America.



May 12, 2014

Hello neighbors, this is Preston Rawlings II with ParPerformance. I am located at 3831 Catalina St, Suite B & C. I would like to use up to 10 spaces after 5:00PM, Monday - Friday.

I'm notifying each of you to see if this will be of any conflict to you or your business.

Please sign below if this will be acceptable for you.

Thank you for your time and consideration.

Preston Rawlings II
ParPerformance

Business Name and Printed Name:

Signature:

Preston Rawlings II

Date:

5-20-14

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

August 11, 2014
Item No: 7B

To: Chair Loe and Members of the Planning Commission

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

From: Tom Oliver, Associate Planner

Subject: Site Plan Review (SPR) 02-03M
Faux Clock Towers Added to Existing Building for New Stealth Wireless Installation

Summary: A request to allow the building of two faux towers on an existing commercial office building at 4622 Katella Avenue, adding no interior square footage, for a stealth cell tower in the Commercial-Professional Office (C-O) Zone.

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305–minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment; and,
3. Adopt Resolution No. 14-18, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION TO SITE PLAN REVIEW (SPR) 02-03 FOR THE ADDITION OF TWO FAUX TOWERS TO HOUSE A STEALTH WIRELESS TELECOMMUNICATIONS FACILITY ON A 3,237 SQUARE FOOT EXISTING COMMERCIAL OFFICE BUILDING AT 4622 KATELLA AVENUE IN THE COMMERCIAL-PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 222-165-05 (APPLICANT: ROSS MILETICH, CORE COMMUNICATIONS) (SPR 02-03M)."

- Applicant:** Ross Miletich – Core Communications
- Location:** 4622 Katella Avenue, APN 222-165-05
- Environmental:** A Class 1 Categorical Exemption, pursuant to Section 15301 – *Existing Facilities*, concerning a minor expansion of an existing private structure – has been prepared for the proposed project in accordance with the California Environmental Quality Act.
- Approval Criteria:** Site Plan Review 02-03, Resolution 02-23, requires that a modification be acquired for any substantial changes to the original plans for this building.
- Noticing:** Notices announcing the Public Hearing were mailed to all property owners and commercial occupants within 500 feet of the proposed location on July 30, 2014. A Public Hearing notice regarding this meeting was also published in the News Enterprise on July 30, 2014.
- Permitting History:** 4622 Katella Avenue
- 2002 Site Plan Review to construct the building
 - 2002 Mitigated Negative Declaration for construction

Background

This application requests approval to allow the construction of two towers to house two cell towers which would be installed on the roof of an existing 3,237 square foot office building at 4622 Katella Avenue in the Commercial-Professional Office (C-O) zoning district. Staff recommends approval of the installation with an added condition that the new towers shall have Spanish tile parapets and gable vents designed to the satisfaction of the Community Development Director.

If the modification is approved and the towers are allowed, the Community Development Director will be able to administratively approve Site Development Permit (SDP 14-01) which will allow the antenna arrays to be placed inside the towers and two air conditioner condenser units to be placed behind an existing parapet on the roof. The operational equipment will be placed inside a leased office on the second floor of the building.

The subject parcel is owned by Don Hudietz, who has given permission to Core Communications for the installation. Here is how the Applicant describes the project:

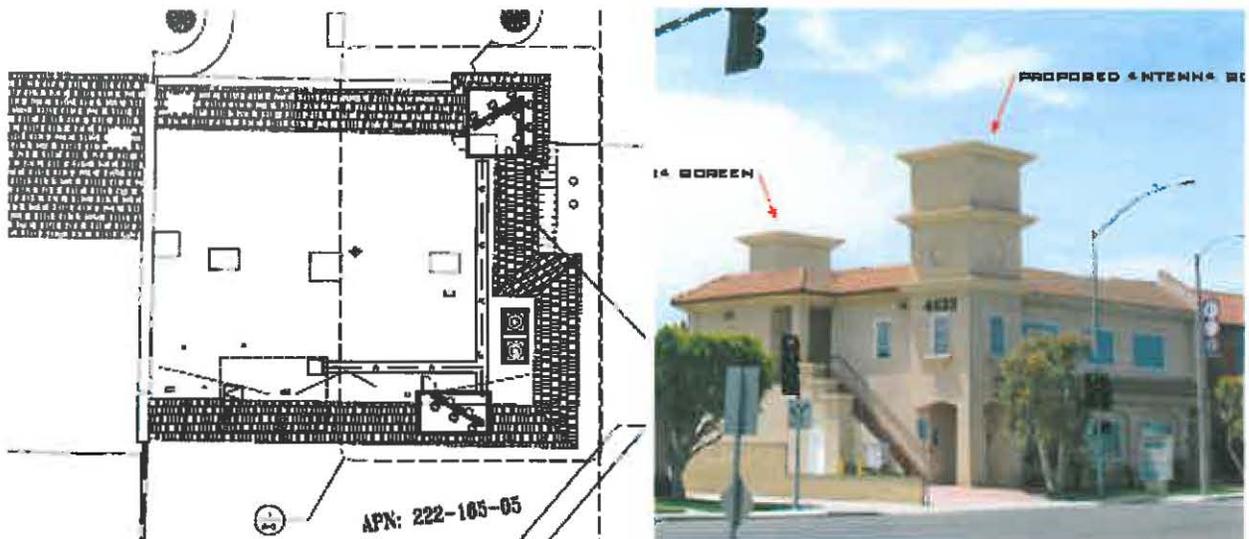
“As part of the project, AT&T proposes to construct the following elements: nine (9) 6’-tall panel antennas arranged in three sectors of three antennas each, twenty four (24) Remote Radio Units (RRUs) to boost site signal strength, six (6) DC surge suppressors in the equipment shelter, eight (8) radio equipment cabinets for additional site functionality, and one (1) GPS antenna. AT&T will lease 293 sq-ft of overall lease space, and will effectively screen the proposed antennas on all four sides with reinforced fiberglass paneling. AT&T will paint and texture the proposed fiberglass paneling to match the existing building. In order to make the facility accommodate AT&T’s antennas, we propose to raise the existing tower element to 40’ and add an additional element that will top out at 34’. As shown on the attached photosimulations, the proposed tower elements will effectively screen the facility from public view and will help minimize the aesthetic impacts from the site.”



Discussion

Mr. Miletich has submitted an application for a Site Development Permit for a Wireless Telecommunications Facility and for a modification of a Site Plan Review to add two tower elements in order to house a Wireless Telecommunications Facility on the roof of an office building. Please see the attached plans (Exhibit A to Attachment 1). The Planning Commission is only considering the modification to the previous Site Plan Review as the Site Development Permit is administratively approved by the Community Development Director pursuant to Chapter 17.30 of the LAMC.

Two sections of the parapet part of roof would be removed and replaced with taller tower structures as shown on page no. 4:





Site Plan Review 02-03, which gave the entitlement to build this structure, required that a modification be acquired for any substantial changes to the original plans for this building. The Community Development Director felt that the addition of the two towers required Commission approval.

The adjacent properties are:

- South: Homes in Single-Family Residential (R-1) Zoning District.
- East: An office building in the Commercial-Professional Office (C-O) Zoning District with Computer Power Solutions, Inc. as a tenant.
- West: Office Building in the Professional Office (C-O) Zoning District with Dr. Chang's office inside.
- North: Across Katella is Cottonwood Church in the City of Cypress.

Below is an aerial view of the building and parcel where the expansion would be constructed:



Required Site Plan Review Findings

The following findings are required by LAMC 17.50.040, and have been noted in the attached Resolution:

The design and layout of the additional tower elements on the building at 4622 Katella Avenue is consistent with the development and design standards/guidelines of the Commercial-Professional Office (C-O) Zoning District. The design and layout meet all applicable standards.

The design and layout of the additional tower elements would not interfere with the use and enjoyment of neighboring commercial or any residential developments and a wireless telecommunications facility, which will be housed in these elements, is permitted in the Commercial-Professional Office (C-O) Zoning District.

The design of the towers to house the Wireless Telecommunications Facility would maintain and enhance the attractive, harmonious, and orderly development of the

property. The design is in harmony with surrounding commercial development and has been conditioned so that the towers will match the architecture of the existing building on the parcel.

The addition of the tower elements for the Wireless Telecommunications Facility will continue to provide a desirable environment for the occupants of the building and the proposed changes, as conditioned, will remain aesthetically appealing for the visiting public and surrounding neighbors. Maintenance of the existing building has not been a problem and there is no reason to expect that it will not continue to be well-maintained.

The proposed towers will not be detrimental to the public health, safety, and welfare of the surrounding community as the building will continue to be used for the purposes for which it was intended. Additionally, the wireless facility that will be housed in the towers will be unmanned and will not generate any additional traffic other than a monthly maintenance visit to ensure property operation of the site.

The proposed towers will not depreciate property values in the vicinity as the building modifications meet all of the requirements of the C-O zone.

Recommendation

The decision is whether the addition of the towers to the existing building meets the requirements of site plan review. Staff has determined that as proposed, the towers are uninspired and clearly appear to be present for the sole purpose of concealment. In keeping with the theme of the building as it exists today, Staff shows an example of how the towers could be improved, in the second picture below:





Staff has added a condition to the resolution that the new towers shall have Spanish tile parapets and gable vents designed to the satisfaction of the Community Development Director as in Condition #12 in the attached resolution. Following a period for public comments, and provided that there are no dissenting voices present at this meeting, Staff recommends approval of SPR 02-03 M with conditions.

The Site Development Permit (SDP) 14-01 is a decision (ministerial) by the Community Development Director that is dependent on passage of this Site Plan Review modification.

Attachment: 1) Draft Resolution 14-18 with Exhibit A

RESOLUTION NO. 14-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION TO SITE PLAN REVIEW (SPR) 02-03 FOR THE ADDITION OF A STEALTH WIRELESS TELECOMMUNICATIONS FACILITY ON A 3,237 SQUARE FOOT EXISTING COMMERCIAL OFFICE BUILDING AT 4622 KATELLA AVENUE IN THE COMMERCIAL-PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 222-165-05 (APPLICANT: ROSS MILETICH, CORE COMMUNICATIONS) (SPR 02-03M).

WHEREAS, an application for a Site Development Permit for a Wireless Telecommunications Facility and for a modification of a Site Plan Review to add two tower elements in order to house a Wireless Telecommunications Facility on the roof of an office building was submitted by Ross Miletich on April 28, 2014, relating to a 3,237 square foot existing commercial office building at 4622 Katella Avenue in the Commercial-Professional Office (C-O) Zoning District. APN 222-165-05; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on August 11, 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 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. Site Plan Review Modification 02-03M is hereby approved for the for the addition of two faux towers to house a stealth Wireless Telecommunications Facility on an 3,237 square foot existing commercial office building at 4622 Katella Avenue in the Commercial-Professional Office (C-O) Zoning District, APN 222-165-05, based upon the following findings in accordance with Section 17.50.040 of the Los Alamitos Municipal Code and subject to the findings set forth below. This approval is NOT for the Site Development Permit required for installation of the wireless facilities.

1. The design and layout of the towers elements proposed to house the Wireless Telecommunications Facility project at 4622 Katella Avenue is consistent with the development and design standards/guidelines of the

Commercial-Professional Office (C-O) Zoning District. The design and layout meet all applicable standards.

2. The design and layout of the tower elements proposed to house the Wireless Telecommunications Facility project would not interfere with the use and enjoyment of neighboring commercial or residential developments, as the tower elements meet the development and design standards/guidelines and the towers will allow a wireless facility which is permitted in the Commercial-Professional Office (C-O) Zoning District. The tower elements, which will support the Wireless Telecommunications Facility, will not create traffic or pedestrian hazards as the tower is unmanned and there will only be monthly maintenance visits.
3. The design of the tower elements which will house the Wireless Telecommunications Facility project, as conditioned, will maintain and enhance the attractive, harmonious, and orderly development of the property. The design will be in harmony with surrounding commercial development and expands upon the architecture of the existing building on the parcel.
4. The design of the tower elements for the Wireless Telecommunications Facility will continue to provide a desirable environment for its occupants and its neighbors through use of similar materials, texture, and color of the existing structure. Such changes will not conflict with the existing structure, will remain aesthetically pleasant, and retain an appropriate level of maintenance based on the condition of the existing building.
5. The tower elements for the Wireless Telecommunications Facility will not be detrimental to the public health, safety, and welfare of the residential community as it will continue the orderly development of the Commercial Office (C-O) Zoning District as it was intended under the General Plan. .
6. The towers for the Wireless Telecommunications Facility would not depreciate property values in the vicinity as this is an allowed use which meets all development standards and will be consistent with the existing, well-maintained building that already exists on the parcel.
7. A Class 1 Categorical Exemption, pursuant to Section 15301 – *Existing Facilities*, concerning a negligible expansion of an existing private structure -- has been prepared for the proposed project in accordance with the California Environmental Quality Act.

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

Planning

1. Approval of this application is for the addition of two faux towers, one which will be 40 feet and one which will be 34' on a 3,237 square foot existing commercial office building at 4622 Katella Avenue in the Commercial-Professional Office (C-O) Zoning District, APN 222-165-05, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of SPR 02-03M noted thereon, and on file in the Community Development Department (Exhibit A). 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. 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.
3. The applicant and the applicant's successors, in interest, shall be fully responsible for knowing and complying with all conditions of approval. California Government Code 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 California 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 |

4. 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.

5. 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 regarding 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.
6. 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.
7. Applicant shall comply with applicable City, County, and/or State regulations.
8. Periods of construction during which noise levels may have an adverse impact on nearby uses shall be limited as follows: 7:00 A.M. until 5:00 P.M. during the week; 8:00 A.M. until 5:00 P.M. on Saturday; and not at all on Sunday or Federal holidays.
9. The site shall be kept reasonably clean during construction and maintained in a safe, nuisance free, and hazard free condition. Dust control measures shall be employed to include spraying water on dry soil to ensure dust does not migrate onto adjacent properties.
10. The project shall comply with all requirements of Chapter 17.40, Noise Control, of the Los Alamitos Municipal Code.
11. The applicant will display a sign visible to the public with a contact number should any resident have any questions about the construction.
12. The new towers shall have Spanish tile parapets and gable vents added to the plans designed to the satisfaction of the Community Development Director.

Building Department

13. The applicant shall submit three sets of complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work.
14. The applicant shall obtain City permits for all improvements.

Orange County Fire Authority

15. 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:

- Battery system plan (service code PR375) NOTE: Only required if electrolyte totals or exceeds 50 gallons.

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instruction, and other information related to plans reviewed by the OCTA may be found by visiting ocfa.org and clicking on "fire prevention" and then "development services"

Traffic Pre-Exemption Devices: Prior to issuance of building permit the applicant or responsible party shall arrange with OCFA Strategic Services (714-573-6199) and the appropriate city, county, or state public works department or agency for installation of traffic pre-emption devices on each traffic signal installed as part of this project.

Preconstruction Meeting: Before commencement of construction, the applicant or responsible party shall attend a pre-construction meeting with an OCFA inspector. Call OCFA Inspection Scheduling at 714-573-6150 at least two days in advance to schedule and pay for the construction meeting.

Lumber-drop inspection: After installation of required fire access roadways and hydrants, the applicant shall receive clearance from the OCFA prior to bringing combustible building material on-site. Call OCFA Inspection scheduling at 714-573-6150 with the Service Request number of the approved fire master plan at least two days in advance to schedule the lumber drop inspection.

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 11th day of August, 2014.

ATTEST:

Gary Loe, Chair

Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

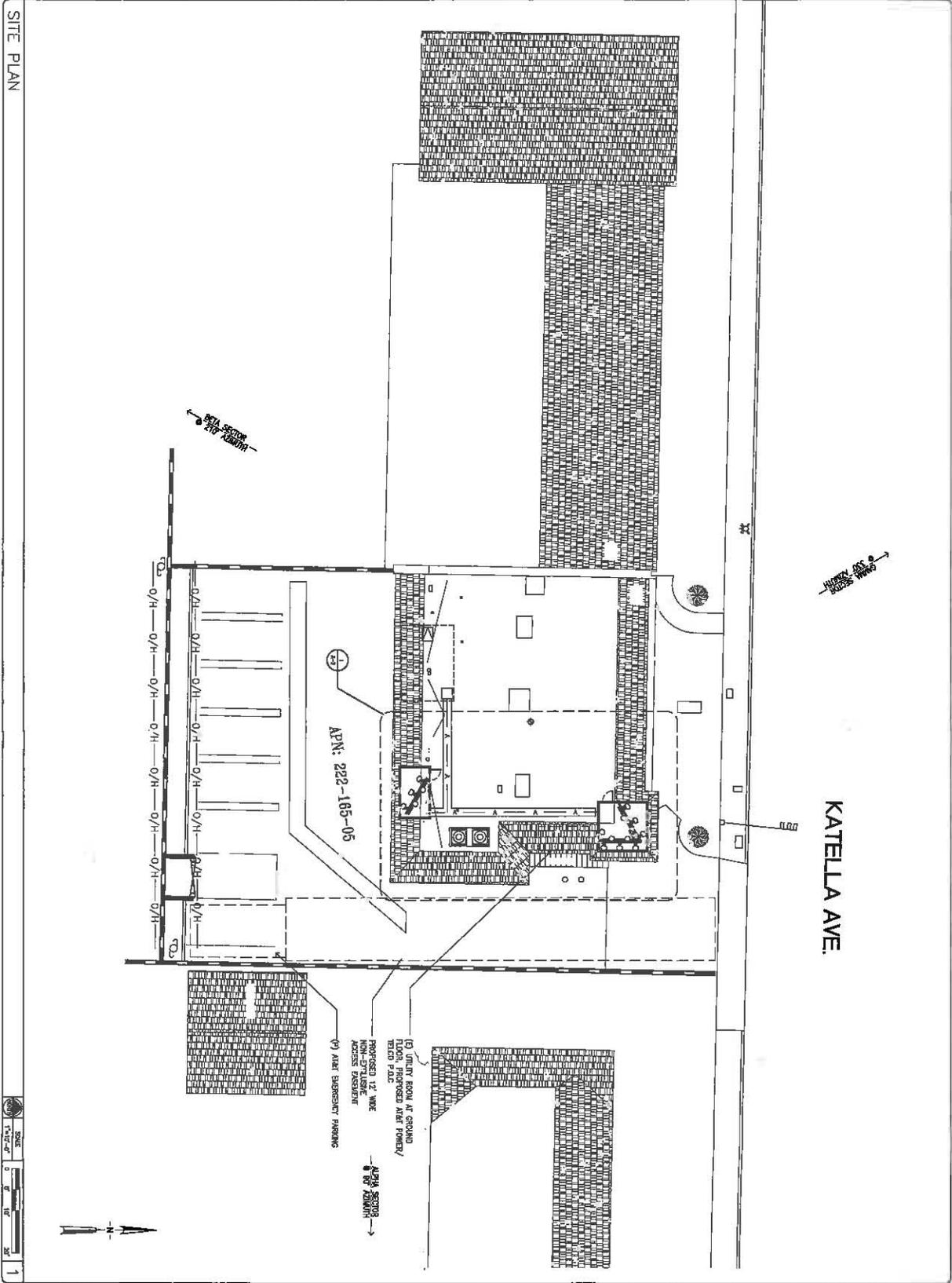
Lisa Kranitz, Assistant City Attorney

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 11th day of August 2014, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven Mendoza, Secretary



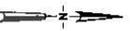
KATELLA AVE.

APN: 222-185-05

(C) 12' WIDE NON-STANDARD ACCESS EASEMENT
 PROPOSED 12' WIDE NON-STANDARD ACCESS EASEMENT
 (P) ASSET SURVEYOR MARKING

ASPH. SECTIONS BY ADJACENT

SITE PLAN



CONSULTANT

core

DEVELOPMENT SERVICES
 2745 Sabin Street
 Suite 100
 San Francisco, CA 94115
 (415) 774-8888
 www.coredevelopment.com

DATE: 02/21/14



CONNELL DESIGN GROUP, LLC
 2040 G Street, Suite 200
 San Francisco, CA 94133
 (415) 774-8888
 www.connell-design.com

STAMP/SEAL

REVISIONS

| REV | DATE/BY | DESCRIPTION |
|-----|----------|--------------------|
| 0 | 02/21/14 | ISSUED FOR PERMITS |
| 1 | 02/21/14 | ISSUED FOR PERMITS |

SITE INFORMATION

| |
|-----------------------|
| CLV1067 |
| 4622 KATELLA |
| 4622 KATELLA AVE |
| LOS ANGELES, CA 90720 |
| ORANGE COUNTY |

SHEET TITLE

SITE PLAN

DRAWING INFORMATION

DRAWN BY: [Name]

CHECKED BY: [Name]

ISSUE DATE: 02/21/14

SHEET NUMBER: A-1

DATE: 02/21/14

SCALE: 1"=20'-0"



CLV1067

4622 KATELLA

4622 KATELLA AVENUE LOS ALAMITOS CA 90720



View 1



LOCATION

©2014 Google Maps



EXISTING



PROPOSED

LOOKING SOUTHWEST FROM KATELLA AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.



GLV1067
4622 KATELLA
4622 KATELLA AVENUE LOS ALAMITOS CA 90720



LOOKING SOUTHEAST FROM KATELLA AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROSPECT APPLICANT.



CLV1067
4622 KATELLA
4622 KATELLA AVENUE LOS ALAMITOS CA 90720



VIEW 3



PROPOSED
LOOKING NORTH FROM GREEN AVENUE

ACCURACY OF PHOTO SIMULATION BASED UPON INFORMATION PROVIDED BY PROJECT APPLICANT.

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

August 11, 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, Associate Planner

Subject: **Modification to Conditional Use Permit (CUP) 00-01**
Request for a Reduction in Parking Requirements for the Los Alamitos Plaza (Town Center) to Accommodate an Outside Seating Area that is proposed to be added to 10900 Los Alamitos Boulevard

Conditional Use Permit (CUP) 14-06
Request for Alcoholic Beverage Sales, On- or Off-Site Consumption, and Outside Seating Area at the Los Alamitos Plaza (Town Center) at 10900 Los Alamitos Boulevard, Suite 101

Summary: This is a multi-part request to allow outdoor seating and alcohol sales for a new restaurant at 10900 Los Alamitos Boulevard, Suite 101 (Applicant: Mike Mendelsohn - Baja Sonora). In order to approve the outdoor seating, there needs to be modification to the existing parking management plan for the existing parking lot or the Commission must determine that the existing plan is adequate to accommodate the outdoor dining APN 242-171-08 (Applicant: Shahriar Afshani – N.S.P.S. Partnership).

Recommendation:

1. Open the Public Hearing; and, if appropriate:
2. Require a new Parking Study to be submitted to allow the Planning Commission to determine whether there is sufficient parking to support the intensification of the Shopping Center use by 860 square feet of outdoor dining; or alternatively,
3. Determine that there is sufficient parking for the expansion; or alternatively,
4. Establish a special standard within the Town Center Overlay Zone, under Los Alamitos Municipal Code section 17.12.010C; and,
5. Determine that the Outdoor Dining project is a Class 1 Categorical Exemption

(CEQA Guidelines Section 15301(e)) – Existing Facilities – the proposed use relates to an existing building with no proposed alterations or expansion of more than 2,500 square feet; and,

6. Determine that the Alcohol Sales project is exempted from CEQA – General Rule (CEQA Guidelines Section 15061(b)(3)) – CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity may have a significant effect, the activity is not subject to CEQA. Alcohol sales create no environmental impacts; and,
7. Adopt Resolution 14-19, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-06 TO ALLOW BOTH ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION AND AN 860 SQUARE FOOT OUTSIDE SEATING AREA FOR A 1,895 SQUARE FOOT RESTAURANT AT 10900 LOS ALAMITOS BOULEVARD, SUITE 101 IN THE TOWN CENTER (-TC) OVERLAY OF THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE MENDELSON - BAJA SONORA).”

Applicants: CUP 14-06: Mike Mendelsohn – Baja Sonora Restaurant
CUP 00-01M: Shahriar Afshani – N.S.P.S. Partnership

Location: CUP 14-06: Town Center Plaza 10900 Los Alamitos Blvd., Suite 101, APN 242-171-08 & CUP 00-01M: Town Center Plaza 10900 Los Alamitos Blvd., APN 242-171-08

Zoning: General Commercial (G-C) with Town Center Overlay (-TC)

Environmental: Outdoor Dining – Class 1 Categorical Exemption (CEQA Guidelines Section 15301(e)) – Existing Facilities – the proposed use relates to an existing building with no proposed alterations or expansion of more than 2,500 square feet.

Alcohol Sales – General Rule (CEQA Guidelines Section 15061(b)(3)) – CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity may have a significant effect, the activity is not subject to CEQA. Alcohol sales create no environmental impacts.

Parking Management Plan Modification – General Rule (CEQA Guidelines Section 15061(b)(3)) – CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity may have a significant effect, the activity is not subject to CEQA.

Approval Criteria:

Section 17.10.020 (Uses Permitted Subject to Conditional Use Permit) of the Los Alamitos Municipal Code (LAMC) requires Planning Commission approval of a Conditional Use Permit for both outside seating in conjunction with a permitted restaurant use, and for Alcoholic Beverage Sales, On-Site Consumption.

Section 17.42.060 provides that if there are changes in uses of the land, structures or the premises, an application should be made for a subsequent conditional use permit, which would be a modification to the existing conditional use permit.

Noticing:

Notices announcing the Public Hearing were mailed to all property owners and commercial occupants within 500 feet of the proposed location on July 30, 2014. A Public Hearing notice regarding this meeting was also published in the News Enterprise on July 30, 2014.

Background



The Shopping Center site surrounds a small mini-mall (Shoe City) at the Northeast corner of Los Alamitos Boulevard and Katella Avenue at 10900 Los Alamitos Blvd. The project site has five (5) existing commercial buildings located in the Town Center (-TC) Zoning District. The restaurant site is located at the West end of the Northwestern building at 10900 Los Alamitos Blvd, Suite 101. The adjacent properties are developed and zoned as follows:

North: VCA Animal Hospital is across Florista Street, in the General Commercial (C-G) Zoning District.

East: Nick's Deli and Kampai Sushi are in the same building as this proposed use in the Town Center (-TC) Overlay Zone.

South: The rest of this same commercial building is in the Town Center (-TC) Overlay Zone. Beach Vision Center is next door in the building.

West: Sunrise Glass & Mirror and Radio Shack are across Los Alamitos Blvd. in the General Commercial (C-G) Zoning District.



Mr. Mendelsohn has submitted an application for a Conditional Use Permit (CUP 14-06) asking that the City allow outside seating and alcoholic beverage sales at a new location of his Baja Sonora chain to be located next to Nick's Deli in the Los Alamitos Plaza (Town Center) Shopping Center.

The subject tenant space is approximately 1,895 square feet, located in a 58,946 square foot shopping center. The alcohol served would include beer and wine-based drinks. The outdoor seating area would be achieved by the use of 860 square feet of existing sidewalk area, enclosed by a wrought-iron fence installed on the privately-owned sidewalk at the North and West sides of the unit. Staff reviewed the applications and researched the surrounding area and recommends that the proposed Conditional Use Permit for alcohol sales and an outdoor seating area be approved as conditioned provided that the Commission determines that there is adequate parking as the addition of outdoor dining is an expansion of the use which triggers the need for additional parking as the property has been subject to a Parking Management Plan as it does not meet code requirements.



Under Section 17.26.040, the parking requirements for shopping centers are 1 space per 250 square feet, unless the parking requirement is reduced in conjunction with a conditional use permit. Based on these standards, the Shopping Center would require 236 spaces, plus an additional 6 spaces for the proposed outdoor dining. As explained in detail further on, this property is subject to a Parking Management Plan that was approved for 203 spaces and there are now 193 spaces due to ADA requirements.

Discussion

There are three issues to be determined by the Planning Commission based on the applications:

1. Should a conditional use permit be granted for alcohol sales at this location;
2. Should a conditional use permit be granted for outdoor dining at this location; and
3. Is there sufficient parking to approve a modification to the previous conditional use permits for outdoor dining at this location or is a new parking study required to justify such modification?

Conditional use permit findings would have to be made for all three approvals.

Alcoholic Beverage Sales and Outdoor Dining Area

The restaurant, Baja Sonora, requests approval of Conditional Use Permit No. 14-06 for on-site consumption of alcoholic beverage sales (Beer and Wine Type #41). Staff feels that there are no problems with the sales of alcoholic beverages inside, or within the outside seating area, of the restaurant. Further, with the appropriate fencing that has been proposed, Staff feels that alcohol service on the patio area would not be problematic or create any public safety or nuisance issues. Restaurants such as Preveza and Hof's Hut both currently have Conditional Use Permits for outside dining as well as beer and wine. Nearby businesses that sell alcohol are: Kampai Sushi,

Thailusion, Hof's Hut, and across the street is Preveza. Conditions are included in the Draft Resolution to insure that alcohol consumption does not become problematic.

The CUP for alcohol sales can technically be approved with or without the associated request for outdoor dining; however, the applicant has stated that he needs both of these approvals for the restaurant to be feasible with his current business plan, as shown by the success of his existing Long Beach Restaurants.

The proposed outside dining area will be located on the Northwest corner of the restaurant within the private sidewalk of the Town Center. The applicant's architect has designed a serviceable dining area with a concrete floor and decorative fencing. Staff has included Condition 27 to prohibit televisions and banners. The applicant has plans to install speakers outside with low-volume, ambient music playing; however, outdoor live music or outdoor events will not be approved for this location through this Conditional Use Permit, but would be accomplished through the use of a separate Conditional Use Permit or Special Event Permit (Condition 28).

The patio will consist of an area measuring approximately 860 square feet and will accommodate ten tables and approximately forty patrons (Exhibit A to the restaurant resolution). The applicant proposes an outdoor seating area on the existing private sidewalk bordered with a 42 inch tall wrought iron guardrail, having one exterior emergency exit gate, and the area will be entered through an entry gate that also serves as the front entry of the restaurant. The building has existing eave-mounted exterior lighting. There are plans for the installation of wall-mounted heating units in the area, and they will run gas lines for these.

The proposed outside seating area is not anticipated to generate substantial, additional noise due to the outdoor dining area's location next to Los Alamitos Boulevard. The patio area would be surrounded by parking, sidewalks, landscaping, and the Boulevard. The closest residential structure is approximately 270 feet away, buffered by Los Alamitos Boulevard.

Although a neighboring business owner has expressed concern about access to his business due to the outdoor dining, staff notes that access is still available via the public sidewalk.

The outdoor dining cannot be approved without a parking Modification to the original parking plan for the center (CUP) 00-01.

CUP Findings for Alcohol Sales and Outside Dining

Certain findings are required to approve a CUP as set forth in Municipal Code Section 17.42.050:

The use as conditioned, will not endanger the public health or general welfare:

Alcohol sales: The on-site sale of beer and wine will not endanger the public health or general welfare. Alcohol sales in conjunction with a restaurant are a common occurrence. Alcohol sales on the outdoor patio should not create any problems with the fencing that has been proposed. Conditions have been added to help insure that the alcohol sales do not become problematic.

Outdoor dining: Outside dining, including the consumption of alcohol, will not foster circumstances that tend to generate a nuisance condition because the site is located two-hundred and seventy (270) feet away from the nearest residential zoned area to the West. The residential area to the West is buffered by the 120' wide Los Alamitos Boulevard and other commercial properties that are compatible with the proposed use. Conditions have been added to help insure that outdoor dining does not become problematic.

The use meets the required conditions and specifications set forth in the zoning district where it proposes to locate:

Alcohol sales: On-site alcohol sales can be permitted on the first floor areas of the Town Center (-TC) Overlay area since they are a conditionally permitted use in the General Commercial (C-G) zone.

Outdoor dining: Restaurants with outside seating can be permitted on the first floor of the Town Center (-TC) Overlay area since they are a conditionally permitted use in the General Commercial (C-G) zone.

The location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos general plan:

Alcohol sales: The Los Alamitos General Plan designates this site for *Retail Business* which is consistent with the Town Center overlay of the General Commercial Zone. The sale of alcohol in conjunction with a restaurant is harmonious with the other uses in the shopping center as well as in the general neighborhood. The site is located two-hundred and seventy (270) feet away from the nearest residence to the West. The residential area to the West is buffered by the 120' wide Los Alamitos Boulevard. Outdoor consumption of alcohol will be contained by the proposed fencing and by conditions of approval. Additionally, approving a CUP for alcohol sales with the development of a restaurant is consistent with the current General Plan and, in particular, Land Use Element Implementation 1-6.6.2, which states that the City should "Define and promote uses which afford Los Alamitos residents a variety of shopping, dining, and entertaining alternatives within the context of the small-scale, low profile character of Los Alamitos."

Outdoor dining: The Los Alamitos General Plan designates this site for *Retail Business* which is consistent with the General Commercial Zone. Allowing

outdoor dining in this location is harmonious with the other uses in the commercial shopping center that contains restaurant and retail uses. Outdoor dining would not create any problems for the uses surrounding the shopping center. Residential uses are far enough away from the site that they will not be impacted by such use. Allowing outdoor seating is also consistent with other similar uses in the C-G zone on Los Alamitos Boulevard such as Preveza and Hof's Hut. Additionally, approving a CUP for outdoor dining will allow the promotion of Land Use Element Implementation 1-6.6.2, which states that the City should "Define and promote uses which afford Los Alamitos residents a variety of shopping, dining, and entertaining alternatives within the context of the small-scale, low profile character of Los Alamitos."

Staff reviewed the applications and researched the surrounding area and finds that the proposed Conditional Use Permit for alcohol sales and an outdoor seating area as conditioned can be approved if the use is located at 10900 Los Alamitos Boulevard, Suite 100. The uses will not foster circumstances that tend to generate a nuisance condition because the site is located two-hundred and seventy (270) feet away from the nearest residential zoned area to the West. The residential area to the West is buffered by the 120' wide Los Alamitos Boulevard and other commercial properties compatible with the proposed use.

Parking

In 2000 the Planning Commission approved Conditional Use Permit 00-01 for a Parking Management Plan for the Shopping Center based on parking study ("Study") prepared by Hartzog & Crabill, Inc. Approval of the Parking Management Plan overrode the specified code parking requirements and permitted a restaurant to be located therein. The Study determined that there were 203 spaces and a peak demand of 142 parking spaces with the proposed restaurant. At the time the Parking Management Plan was approved, the breakdown of uses was as follows:

- Office 23,553 s.f.
 - Retail 20,148 s.f.
 - Restaurant 12,214 s.f.
 - School 1,781 s.f
- TOTAL 57,696 s.f.

A complete breakdown is in Attachment 3.

Condition 1 of the Conditional Use Permit required that subsequent submittals for the project were to be consistent with the Parking Management Plan documents and in compliance with the Los Alamitos Municipal Code. Condition 3 required that changes or modifications have to be submitted to the Community Development Director and no public hearing would be required if the Director determined that the proposed change was consistent with the approval.

In 2006 documentation was submitted for a coffee house to be added and the Parking Engineer determined that there was still sufficient parking, most likely due to the requirement that employees use the northeast parking lot and the availability of street parking around the Shopping Center. Hartzog & Crabill provided documentation stating that the 2000 assumptions should still be valid, but noted that they had not confirmed the current building occupancies with those listed in the study. The Planning Commission approved Conditional use Permit 06-11 allowing the addition of 1,250 square feet for a Starbucks with an outdoor dining area of 1,400 square feet. Condition number 14 provided that a minimum of 245 parking spaces would be maintained at all times and any future uses that generate greater demand would require analysis and update to determine if there was adequate on-site parking to accommodate the proposed use. The staff report makes clear that the reference to 245 parking spaces is what would have been required under the 1:250 parking standards. Although the staff report also indicates that there are 286 spaces provided, it is clear that this is a typographical error as if that were the case, there would have been no need for modifications. Further, the parking study which was relied upon clearly provided that there were only 203 spaces.

With the new application for Baja Sonora, staff has determined that current breakdown of uses would be as follows:

| | |
|-----------------|---------------------------------|
| • Office | 18, 527 s.f. (-5,027 s.f.) |
| • Retail | 20,148 s.f (no change) |
| • Restaurant | 18,906 s.f (+6,692 s.f.) |
| • <u>School</u> | <u>3,781 s.f. (+2,000 s.f.)</u> |
| TOTAL | 59,467 s.f. (+1,771 s.f.) |

A complete breakdown can be found on Attachment 7.

Additionally, there are now only 193 parking spaces. Staff believes the loss of 10 parking spaces is due to installing ADA required handicapped spaces. Some customers have reported that there does not seem to be adequate parking for the existing uses; this may be due to the fact that employees are no longer using the northeast parking lot as required.

Based on the above, the Community Development Director could not reach the conclusion that the proposed change to add outdoor dining would be consistent with the previous approval and requested the property owner, Mr. Afshani, to submit a new parking study. The Property Owner declined to provide a new study and submitted the letter attached hereto as Attachment 6.

Below is the existing parking as shown on the site plan of the Town Center and an aerial overview. The street parking spaces shown on the site plan are not counted as part of the Town Center's required off-street parking.



Letter from Shahriar Afshani

The property owner of the Los Alamitos Plaza sent Staff a letter on July 28th that explains his thoughts on the subject of parking at the shopping center. This letter is attached to this staff report (Attachment 6). In the letter Mr. Afshani notes that in 1982 the property was noted as having 337 total parking spaces that included on-street parking.

During the 1982 Planning Commission, the Commissioners noted that the parking for the Los Alamitos Plaza was adequate at that time but that if the Plaza were built at that time, it would require 388 parking spaces, and that it had a 112 space deficit, meaning there were only 276 spaces provided. The Commission further noted that study was counting spaces on the street, which was not allowed according to the code of that time (Attachment 8). In any event, the 2000 and 2006 CUPs reflect more current parking counts

Mr. Afshani noted that in 2006 the parking was noted to be 286 spaces.

The 2006 report did conduct a parking count throughout three days and agreed with the finding of adequate parking that the year 2000 parking study found. It noted that there were only 203 spaces at the Plaza. There is no reference to 286 spaces in that study.

Mr. Afshani asks that the Commission give him flexibility to accept new tenants without having to perform a parking study. Mr. Afshani correctly notes that this Shopping Center is in the Town Center (-TC) Overlay Zone, and that the 2010 General Plan asks that the City provide incentives to implement the Town Center plan as shown in the Zoning Code. The Zoning Code for this overlay does say that it is an objective of the overlay to reduce or eliminate delays that are designed for small parcels. Mr. Afshani would like us to wave future parking studies to fulfill this objective.

Several matters need to be noted with regard to this request. The first is that it is not the addition of new restaurants which triggers the need for a new parking study; it is the expansion of the shopping center to allow outdoor dining or other additional square footage. Simply changing tenants without adding square footage would not trigger a requirement for a new parking study. Second, to the extent that Mr. Afshani seeks blanket permission to expand the existing square footage of the Shopping Center, including through the inclusion of outdoor dining, staff cannot support this request. Although there are to be flexible standards, it is to no one's benefit to have a Shopping Center that is under parked. Staff would recommend that a new parking study be conducted establishing how much square footage can be supported in the Shopping Center with the current parking. If the Planning Commission deemed it appropriate for this property in the Town Center Overlay Zone, street parking – or a portion thereof – could be taken into account.

Summary

Staff recommends that the Planning Commission:

- Approve the Conditional Use Permit for alcohol sales;
- Approve the Conditional Use Permit for outdoor dining, conditioned upon a determination by the Planning Commission that there is sufficient parking; and
- Require a new Parking Study to be submitted to allow the Planning Commission to determine whether there is sufficient parking to support the intensification of the Shopping Center use by 860 square feet of outdoor dining.
 - Alternatively, the Planning Commission may want to determine on its own accord that there is sufficient parking for the expansion.
 - Under either alternative, given that the property lies within the Town Center Overlay Zone, the Commission may want to establish a special standard, under Los Alamitos Municipal Code section 17.12.010C.

Attachments:

- 1) *Draft Planning Commission Resolution 14-19 to allow alcohol sales and to allow outdoor dining if it is determined there is sufficient parking, with Exhibit A - Site Plan & Floor Plan*
- 2) *Resolution No. 00-03, approving CUP 00-01*
- 3) *Year 2000 Parking Study*
- 4) *Year 2006 Parking Study*
- 5) *Resolution No. 06-16, approving CUP 06-11*
- 6) *Letter from Property Owner about the Parking situation in Los Alamitos Plaza dated July 25, 2014*
- 7) *2014 Tenants*
- 8) *Staff Report & Minutes from the August 14, 2006 Planning Commission Meeting*

RESOLUTION 14-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-06 TO ALLOW BOTH ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION AND AN 860 SQUARE FOOT OUTSIDE SEATING AREA FOR A 1,895 SQUARE FOOT RESTAURANT AT 10900 LOS ALAMITOS BOULEVARD, SUITE 101 IN THE TOWN CENTER (-TC) OVERLAY OF THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MIKE MENDELSON – BAJA SONORA).

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted by Mike Mendelsohn on behalf of Baja Sonora Restaurant to allow alcoholic beverage sales of beer and wine and an outside seating area at a new restaurant to be located at 10900 Los Alamitos Boulevard, Suite 101 of the Los Alamitos Plaza (Town Center), which is in the Town Center (-TC) overlay of the General Commercial (C-G) zoning district; and,

WHEREAS, both outside seating and alcohol sales for on-site consumption are uses allowed by a CUP in accordance with Section 17.10.020, Table 2-04 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on this matter on August 11, 2014, at which time it considered all evidence presented, whether written or oral.

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

SECTION 1. Conditional Use Permit 14-06 for the sale of alcoholic beverages, specifically beer and wine, is hereby approved based upon the following findings and subject to the conditions listed in SECTION 3 below:

1. The use as conditioned will not endanger the public health or general welfare:

The on-site sale of beer and wine will not endanger the public health or general welfare. Alcohol sales in conjunction with a restaurant are a common occurrence. Alcohol sales on the outdoor patio should not create any problems with the fencing that has been proposed. Conditions have been added to help insure that the alcohol sales do not become problematic.

2. The use meets the required conditions and specifications set forth in the zoning district where it proposes to locate:

On-site alcohol sales can be permitted on the first floor areas of the Town Center (-TC) Overlay area since they are a conditionally permitted use in the General Commercial (C-G) zone.

3. The location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos general plan:

The Los Alamitos General Plan designates this site for *Retail Business* which is consistent with the Town Center overlay of the General Commercial Zone. The sale of alcohol in conjunction with a restaurant is harmonious with the other uses in the shopping center as well as in the general neighborhood. The site is located two-hundred and seventy (270) feet away from the nearest residence to the West. The residential area to the West is buffered by the 120' wide Los Alamitos Boulevard. Outdoor consumption of alcohol will be contained by the proposed fencing and by conditions of approval. Additionally, approving a CUP for alcohol sales with the development of a restaurant is consistent with the current General Plan and, in particular, Land Use Element Implementation 1-6.6.2, which states that the City should "Define and promote uses which afford Los Alamitos residents a variety of shopping, dining, and entertaining alternatives within the context of the small-scale, low profile character of Los Alamitos."

4. The decision to approve the Conditional Use Permit is based on substantial evidence: The plans and specifications submitted for the proposed project and the written and oral testimony constitute substantial evidence for both portions of the CUP.

SECTION 2. Conditional Use Permit 14-06 for an 860 square foot outside seating area is hereby approved based upon the following findings and subject to the conditions listed in SECTION 3 below; this approval for outside seating shall only be effective if Conditional Use Permit Modification 00-01M is also approved for a Modification to a Parking Management Plan concerning the amount of parking required for outside seating at 10900 Los Alamitos Boulevard.

1. The use, as conditioned, will not endanger the public health or general welfare:

Outside dining, including the consumption of alcohol, will not foster circumstances that tend to generate a nuisance condition because the site is located two-hundred and seventy (270) feet away from the nearest residential zoned area to the West. The residential area to the West is buffered by the 120' wide Los Alamitos Boulevard and other commercial properties that are

compatible with the proposed use. Conditions have been added to help insure that outdoor dining does not become problematic.

2. The use meets the required conditions and specifications set forth in the zoning district where it proposes to locate:

Restaurants with outside seating areas can be permitted on the first floor areas of the Town Center (-TC) Overlay area since they are a conditionally permitted use in the General Commercial (C-G) zone.

3. The location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan:

The Los Alamitos General Plan designates this site for *Retail Business* which is consistent with the General Commercial Zone. Allowing outdoor dining in this location is harmonious with the other uses in the commercial shopping center that contains restaurants and retail uses. Outdoor dining would not create any problems for the uses surrounding the shopping center. Residential uses are far enough away from the site that they will not be impacted by such use. Allowing outdoor seating is also consistent with other similar uses in the C-G zone on Los Alamitos Boulevard such as Preveza and Hof's Hut. Additionally, approving a CUP for outdoor dining will allow the promotion of Land Use Element Implementation 1-6.6.2, which states that the City should "Define and promote uses which afford Los Alamitos residents a variety of shopping, dining, and entertaining alternatives within the context of the small-scale, low profile character of Los Alamitos."

4. The decision to approve the Conditional Use Permit is based on substantial evidence: The plans and specifications submitted for the proposed project and the written and oral testimony constitute substantial evidence for both portions of the CUP.

SECTION 3. Conditional Use Permit 14-01 is subject to the following conditions:

1. This approval is contingent upon approval of a modification to the Parking Management Plan that was approved in the year 2000 through Conditional Use Permit (CUP) 00-01.

Planning Division

GENERAL CONDITIONS APPLICABLE TO BOTH ALCOHOL SALES AND OUTSIDE SEATING

2. 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 regarding 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.

3. Any signs or banners shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code and/or any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Director.
4. Approval of the Conditional Use Permit shall be valid for a period of eighteen (18) months from the date of determination. Each use approved by this action must be established within such time period or such approval shall be terminated and shall thereafter be null and void.
5. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of the approval of the alcohol sales and/or outside seating as applicable.
6. Prior to permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
7. Prior to permit issuance, the property owner and applicant shall file an Agreement Accepting Conditions of Approval with the Community Development Department. The property owner and applicant shall be required to record the agreement with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Community Development Department.
8. The applicant shall comply with applicable City, County, and/or State regulations.

CONDITIONS APPLICABLE TO ALCOHOL SALES

9. Approval of this application is to permit alcohol sales in conjunction with a Type #41 ABC license (On-Sale Beer and Wine for Bona Fide Public Eating Place) within a 1,865 square foot restaurant with an 860 square foot outside

seating area at 10900 Los Alamitos Boulevard in conjunction with a bona fide eating establishment.

10. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.
11. The display of alcoholic beverages shall be interior only (no outside display) at any time.
12. Consumption of permitted alcoholic beverages in the outside eating area shall take place only in the area delineated by the barrier or fence which must completely enclose the designated alcohol consumption area except for ingress and egress.
13. Restaurant employees shall prevent alcohol from being carried out of or passed out of the outside seating area.
14. Serving of alcohol to obviously intoxicated individuals is prohibited.
15. Applicant shall provide a reasonable number of signs indicating that drinking alcoholic beverages is prohibited on city streets and public ways, and that City Ordinances prohibit carrying out open containers containing alcohol from designated areas.
16. Food establishments serving alcoholic beverages shall have a supervisor, at least 21 years of age, on-site at all times of operation.
17. Any alcohol-induced behavior that disturbs customers or passersby shall constitute grounds for revocation of any permit(s) for the on-premise sale of alcohol.
18. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.
19. Applicant shall comply with the Municipal Code and Alcoholic Beverage Control laws regarding outside alcohol sales. (Los Alamitos Police Department)

CONDITIONS APPLICABLE TO OUTSIDE SEATING

20. The 860 square foot outside seating area, for a restaurant at 10900 Los Alamitos Blvd., Suite 101, shall be as shown on the drawings submitted by the applicant and on file in the Community Development Department (Exhibit A). Subsequent submittals for this project shall be consistent with such plans,

subject to such additions, revisions, changes, or modifications as required by the Planning Commission, and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.

21. The alteration is approved exclusively as precise plans for the structures, materials, and features as shown on the relevant drawings referenced above. Any relocation, alteration, addition to, and/or use of any building or property contrary to the conditions hereunder nullifies this approving action. If any changes are proposed regarding the structure, a request for an amendment of this approval must be submitted to the Director of Community Development. If the Director determines that the proposed change(s) is/are consistent with the provisions, spirit, and intent of this approval action, and that such action would have been the same with the proposed change(s) for the proposal approved herein, the amendment may be approved by the Director of Community Development.
22. The utilities on the exterior of the building that fall within the outside seating area shall be covered with a structure that shall be constructed to the satisfaction of the Community Development Director.
23. Bollards or other safety devices shall be installed to prevent cars from driving into the outside seating area.
24. The ADA path of travel to surrounding businesses shall be maintained or created as a part of this construction.
25. The applicant shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements. (Building Division)
26. Periods of construction during which noise levels may have an adverse impact on nearby uses shall be limited as follows: 7:00 AM until 5:00 PM during the week; 8:00 AM until 5:00 PM on Saturday; and not at all on Sunday or Federal holidays. (Building Division)
27. 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)
- fire sprinkler system (service codes PR400-PR465), if required by code or installed voluntarily

Prior to concealing interior construction:

- fire alarm system (service code PR500-PR520), if modified, provided voluntarily, or required by code.

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting www.ocfa.org and clicking on "Fire Prevention" and then "Planning & Development Services."

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

28. The outside seating area must provide a permanent barrier of at least 3-1/2 feet in height separating the outside seating area from the Shopping Center property and the public right-of-way.
29. Permanent live entertainment and outdoor events shall only be permitted through the issuance of a Conditional Use Permit for live entertainment. Occasional live entertainment shall be permitted through the Special Event Permit process.
30. Televisions and banners shall not be permitted in the outside seating area.
31. Amplified music shall not exceed decibel level requirements of Los Alamitos Municipal Code Section 17.24.
32. Lighting shall be required for outside seating areas where food will be consumed during the evening hours. The lighting fixtures must be decorative and complement the architectural character of the existing building and area.
33. Lights mounted on the building shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.
34. Portable umbrellas may be permitted provided they do not obstruct foot traffic and do not contain advertising.
35. Establishments are required to maintain all areas in and around the outside seating area in a manner which is clean and free of litter and debris.
36. The outside seating hours of operation shall be limited to the hours of operation of the associated food or beverage establishment, which hours are

- limited to 10:00 PM unless a conditional use permit for extended hours is approved.
37. All plans and permits for the outside seating area approved by the City must be kept on the premises for public inspection at all times during which the associated establishment is open for business.
 38. The outside seating area shall be operated in a manner that meets all requirements of the Health Department of Orange County and all other applicable regulations, laws, ordinances and standards.
 39. The design, material, and colors used for barriers, chairs, tables, umbrellas, awnings and other fixtures shall compliment the architectural style and colors of the existing building facade to the approval of the Community Development Director. Any changes shall be subject to the approval of the Community Development Director and shall not require a public meeting.
 40. Furniture used in this outside seating area shall be able to withstand inclement weather.
 41. The applicant agrees to maintain the site per Section 17.14.070 of the Los Alamitos Municipal Code.
 42. Behavior that disturbs customers or passersby shall constitute grounds for revocation of any permit(s) for the on-premise sale of alcohol.
 43. Any runoff from washing and/or rinsing of restaurant equipment, including floor mats, food preparation utensils and other coverings in the outside seating area shall drain to the sewer system only; under no circumstances shall gray water from the site drain to the storm water system.
 44. ADA Accessibility shall be preserved for the neighboring businesses, as determined by the Building Department.

Building & Safety Division

45. New Use of the outside area would trigger a review of the outside area and a Building Plan Check/Permit.

Rossmoor/Los Alamitos Sewer District

46. The applicant shall submit plans and plan check fees (\$370.00), paid ahead of time, for the Rossmoor/Los Alamitos Sewer District.

SECTION 4. The approval of the Conditional Use Permit for the outside seating is exempt from CEQA pursuant to CEQA Guidelines Section 15301(e) which provides a

categorical exemption for existing facilities where the proposed expansion is no more than 2,500 feet. The approval of the Conditional Use Permit for alcohol sales is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that allowing alcohol sales will not create any environmental impacts.

SECTION 5. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 11th day of August, 2014.

Gary Loe, Chair

ATTEST:

Steven A. 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 Planning Commission held on the 11th day of August 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:
ABSTAIN:

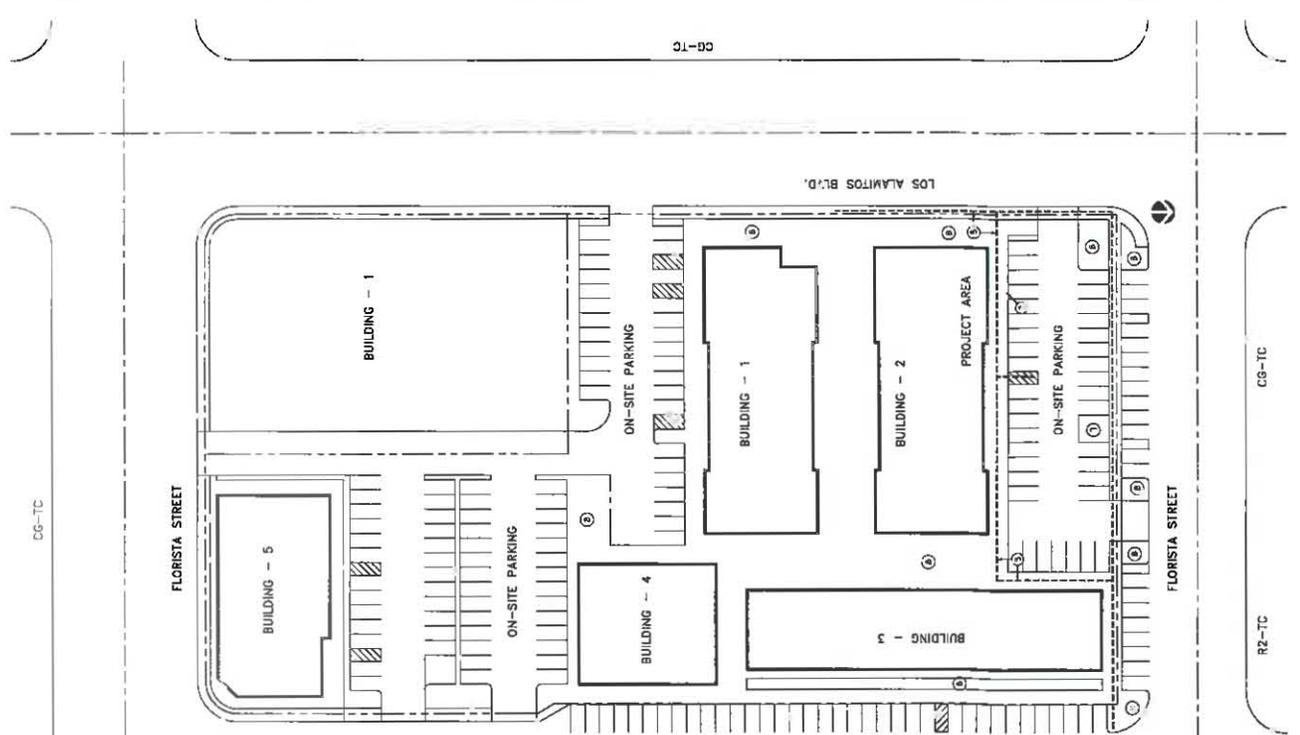
Steven Mendoza, Secretary



Issue and revision

| no. | date | description |
|------|-------|-------------------|
| 0-01 | 08/08 | ISSUE FOR PERMITS |
| 0-02 | 08/08 | ISSUE FOR PERMITS |

THIS SET OF PLANS IS A CONTRACT DOCUMENT. IT IS THE PROPERTY OF DATUM ARCHITECTS AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DATUM ARCHITECTS.



- SITE PLAN KEYNOTES**
1. PERMITS TO BE OBTAINED FOR ALL WORK
 2. ALL CONCRETE SHALL BE 4000 PSI WITH 4% SLUMP
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL CODE
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PLUMBING CODE
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE CODE
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LAND DEVELOPMENT CODE
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL CODE
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HEALTH AND SAFETY CODE
 11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LABOR CODE
 12. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PENAL CODE
 13. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL CODE
 14. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PROBATE CODE
 15. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EVIDENCE CODE
 16. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA GOVERNMENT CODE
 17. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EDUCATION CODE
 18. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FINANCIAL CODE
 19. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FOOD AND DRUG CODE
 20. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HUMAN RESOURCES CODE
 21. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA JUDICIAL BRANCH CODE
 22. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LEGISLATIVE BRANCH CODE
 23. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EXECUTIVE BRANCH CODE
 24. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA JUDICIAL BRANCH CODE
 25. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LEGISLATIVE BRANCH CODE
 26. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EXECUTIVE BRANCH CODE

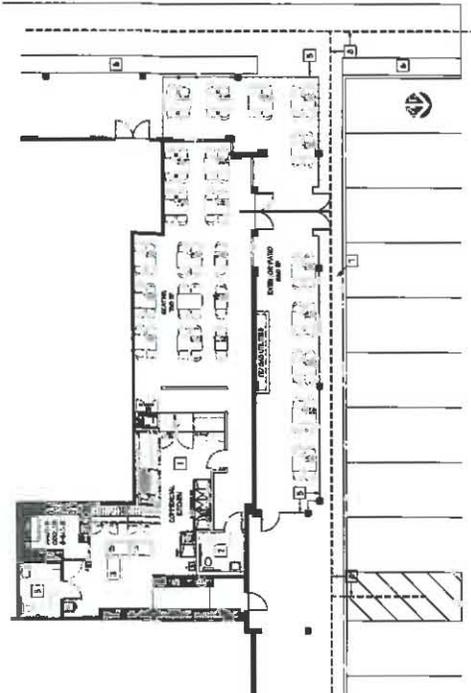
PROJECT CONTACTS
 BUILDING OWNER:
 SHAWKINS AFFAIRS
 8255 FARMERS ROAD, SUITE 971
 LOS ANGELES, CA 90044
 PHONE: 310.440.1234
 EMAIL: shawkinsaffairs.com

APPLICANT:
 T. J. LUX
 2040 CLARK AVE.
 COSTA MESA, CA 92626
 PHONE: 714.440.2115
 EMAIL: info@datumarch.com

ARCHITECT:
 T. J. LUX
 DATUM ARCHITECTS
 150 PAULINA AVENUE, SUITE 410
 COSTA MESA, CA 92626
 PHONE: 714.440.2115
 EMAIL: info@datumarch.com



- ENLARGED SITE PLAN**
1. ALL CONCRETE SHALL BE 4000 PSI WITH 4% SLUMP
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE
 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE
 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL CODE
 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PLUMBING CODE
 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FIRE CODE
 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LAND DEVELOPMENT CODE
 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL CODE
 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HEALTH AND SAFETY CODE
 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LABOR CODE
 11. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PENAL CODE
 12. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA CIVIL CODE
 13. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA PROBATE CODE
 14. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EVIDENCE CODE
 15. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA GOVERNMENT CODE
 16. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EDUCATION CODE
 17. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FINANCIAL CODE
 18. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA FOOD AND DRUG CODE
 19. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA HUMAN RESOURCES CODE
 20. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA JUDICIAL BRANCH CODE
 21. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA LEGISLATIVE BRANCH CODE
 22. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA EXECUTIVE BRANCH CODE



(A) SITE PLAN
SCALE: 1/8"=1'-0"

(E) ENLARGED SITE PLAN
SCALE: 1/8"=1'-0"

RESOLUTION NO 00-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT C00-01 FOR A PARKING MANAGEMENT PLAN AT 10900 LOS ALAMITOS BOULEVARD AND 10900 PINE STREET CONSISTENT WITH THE JOINT USE PARKING PROVISIONS IN THE LOS ALAMITOS MUNICIPAL CODE. (APPLICANT: SHAHRAM AFSHANI)

SECTION 1. The Planning Commission does hereby find, determine and declare as follows:

- A. That an application for a Conditional Use Permit was submitted by the owner of the properties at 10900 Los Alamitos Boulevard and 10900 Pine Street for approval of a Parking Management Plan to permit a restaurant with seating at 10900 Los Alamitos Boulevard, Suite 113 and consistent with the joint use parking provisions in the Los Alamitos Municipal Code; and,
- B. That said application is properly a matter for Planning Commission review pursuant to Section 17.54.050 (Conditional Use Permits) of the Los Alamitos Municipal Code; and
- C. That a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on February 7, 2000, and based upon the evidence presented, it was determined that the findings required by Section 17.54.050 of the Los Alamitos Municipal Code are:
 1. The Parking Management Plan, as conditioned, will not endanger the public health, or general welfare if the project is located where proposed and the Parking Management Plan will not foster circumstances that tend to generate nuisance conditions as follows:
 - a. The proposed Parking Management Plan will ensure that adequate off-street parking facilities are provided for all uses on the subject properties in light of the establishment of new restaurant in a former retail tenant space at 10900 Los Alamitos Boulevard.
 2. The Parking Management Plan will be implemented in the General Commercial District, which allows with approval of a Conditional Use Permit, joint use parking.
 3. The Parking Management Plan, implemented according to the submitted plans and as conditioned below will maintain consistency with and complement adjoining uses, and ensure operation compatible in character with the facilities in the adjacent area. Off-street parking facilities provided in parking Zone 3 as indicated in the parking study dated January 31, 2000, on the subject property exceed the peak parking demand,

determined through a parking study, for all uses served by the Zone 3 parking lot.

4. The decision to approve Conditional Use Permit C00-01 is based on review by the Planning Commission of the parking study submitted for the Parking Management Plan and on testimony given at the public hearing before the Planning Commission.
 5. The proposed project is Categorically Exempt pursuant to Section 15301, (Class 1) of the California Environmental Quality Act (CEQA) and the City's Local Guidelines for implementing the California Environmental Quality Act.
- D. That during the hearing it was determined, based on the evidence presented, that the findings required by Section 17.36.080 (Joint Use Parking) of the Los Alamitos Municipal Code are:
1. Sufficient parking will be available at all times for employees and patrons of the proposed use only if located where indicated on the plans accompanying this application pursuant to the parking study dated January 31, 2000.
 2. Approval of this Joint Use Parking Plan will not adversely affect surrounding property owners, residents, and businesses because parking should be accommodated on site.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves C00-01, subject to the following conditions:

Planning

1. Approval of this application is for joint use parking at 10900 Los Alamitos Boulevard and at 10900 Pine Street as represented in the parking study dated January 31, 2000, prepared by Hartzog and Crabill and in plans dated November 23, 1999, submitted by the applicant as part of C00-01, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of C00-01 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with the Parking Management Plan documents and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.
2. Approval of Conditional Use Permit C00-01 shall be valid for a period of eighteen (18) months from the date of determination. If the Parking Management Plan approved by this action is not instituted within such time period, such approval shall be terminated and shall thereafter be null and void.
3. Conditional Use Permit C00-01 is approved exclusively as a Parking Management Plan for joint use parking at 10900 Los Alamitos Boulevard

and 10900 Pine Street as shown in the relevant parking plan documents referenced in No. 1, above. Any relocation, alteration, addition to, or use of any building or property contrary to the conditions hereunder nullifies this approving action. If any changes are proposed regarding the Parking Management Plan, or if the uses identified therewith are changed, an amendment to this permit 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 and 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.

4. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation 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. 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 66060(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 |

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. The City reserves the right to modify the amount of fees on or after January 1998.

6. The applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.

7. 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.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. The site shall be kept reasonably clean and maintained in a safe, nuisance and hazard free condition.
10. Parking for all employees of tenants at the shopping center shall continue to be limited to satellite parking lot at the southeast corner of Florista and Pine Streets (10900 Pine Street) as required in Conditional Use Permit 421-97.
11. Two hundred and three (203) parking spaces as indicated in the parking study, herewith must be maintained at all times. Any proposed future use(s) which, pursuant to Los Alamitos Municipal Code Section 17.36.030.A generates greater demand than the previous use at such location in the Los Alamitos Plaza, requires analysis and update of the Parking Management Plan to determine if adequate on-site parking will be available to accommodate the proposed use. An amendment to this Conditional Use Permit is required.
12. No use requiring on-site parking at a rate greater than one (1) space for every 250 square feet of gross floor area, as indicated in the Los Alamitos Municipal Code, may be established in building four or in the west side of building five as indicated in Exhibit 2, unless the City's traffic engineer determines that adequate parking will be available to accommodate the projected parking demand of the proposed use consistent with the Parking Management Plan approved herewith.
13. Approval of this Parking Management Plan is subject to the provisions and requirements of Section 17.36.080 of the Los Alamitos Municipal Code.

SECTION 3. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant, and any person requesting the same.

PASSED AND APPROVED this 7th day of February, 2000, by the following vote:

AYES: Bernal, Carr, Kjoss, Lee, Legere, Nehrenberg, Sutherlin

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST:



David Lepo, Secretary

LOS ALAMITOS PLANNING COMMISSION

G:\Planning Commission\Resolutions\Resos\Res 00-03

PARCEL 1:

LOTS 1 THROUGH 7 AND LOTS 13 THROUGH 24 INCLUSIVE IN BLOCK 31 OF THE TOWN OF LOS ALAMITOS, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1, PAGE 25 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:

LOTS 1, 2 AND 3 IN BLOCK 30 OF THE TOWN OF LOS ALAMITOS, IN THE CITY OF LOS ALAMITOS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1, PAGE 24 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL OIL, GAS AND OTHER HYDROCARBON SUBSTANCES LYING IN AND UNDER SAID LAND THAT MAY BE PRODUCED FROM A DEPTH BELOW 500 FEET BENEATH THE SURFACE THEREOF, WITHOUT THE RIGHT OF ANY NATURE WHATSOEVER IN AND TO SAID REAL PROPERTY, AT A DEPTH ABOVE SAID 500 FOOT LEVEL AND WITHOUT RIGHT OF ENTRY UPON THE SURFACE THEREOF FOR THE PURPOSE OF MINING, DRILLING, EXPLORING, OR EXTRACTING SUCH OIL, GAS AND OTHER HYDROCARBON SUBSTANCES, BUT WITH THE RIGHT TO DRILL INTO, BOTTOM WELLS AND PRODUCE OIL, GAS AND OTHER HYDROCARBON SUBSTANCES FROM ANY PORTION OF SAID LAND WHICH LIES BELOW 500 FEET BENEATH SAID SURFACE, TOGETHER WITH THE RIGHT TO DRILL THROUGH SAID REAL PROPERTY AT ANY DEPTH BELOW SAID 500 FOOT LEVEL INTO OTHER REAL PROPERTIES WHEREVER SITUATED, UNDER WHICH WELLS OF A LIKE NATURE ARE OR MAY BE BOTTOMED, AS SET FORTH IN A DEED IN BOOK 9399, PAGE 260, OFFICIAL RECORDS.

EXHIBIT "A"

Handwritten notes at the top of the page, including a date "6.10.12" in the upper right corner.

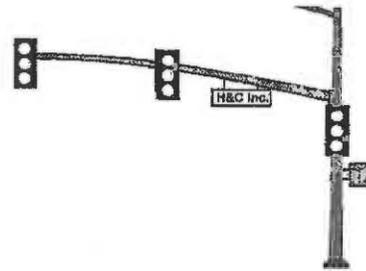
~~Handwritten scribble or text, possibly a signature or name, located in the lower middle section of the page.~~

**Hartzog &
Crabill, Inc.**

Tram Hartzog, President
Jerry Crabill, P.E., Principal

275 Centennial Way
Suite 208
Tustin, CA 92680

Phone (714) 731-9455
FAX (714) 731-9498



January 31, 2000

Mr. David Lepo
CITY OF LOS ALAMITOS
3191 Katella Avenue
Los Alamitos, CA 90720-5600

Subject: Los Alamitos Plaza Parking Study Report

Dear Mr. Lepo,

Pursuant to the City's authorization, we have completed the assessment of parking requirements for the Los Alamitos Plaza. Briefly, the parking study concludes that sufficient surplus parking exists to support the proposed 1,400 SF restaurant.

INTRODUCTION

The purpose of this report is to investigate the current parking demands associated with the Los Alamitos Plaza located at the northeast corner of Los Alamitos Boulevard and Katella Avenue in Los Alamitos, California. Given a business owners request of the City to incorporate a new restaurant within 1,400 existing square footage of the plaza, this evaluation adds the anticipated parking demand of that new use to that which currently exists. Those together are then compared to the overall site parking supply. The result will allow the city to decide whether or not the new use will be appropriate for the Plaza.

Mr. David Lepo
January 31, 2000
Page 2

PROJECT LOCATION AND DESCRIPTION

The project site is located within a commercial area at the northeast corner of Los Alamitos Boulevard and Katella Avenue. The project site is presented in Exhibit 1 and totals 57,696 SF of retail space. It should be noted that the commercial building located at the southwest corner of the parcel (and its associated parking) is not included as a part of the project site. Also not included is the parking that is associated with this section since its parking is either at or close to maximum during peak periods. Hence, that location is identified as "Not A Part". The project site consists of office, restaurant, and commercial uses. A detailed list of businesses is provided in Table 1 of this report. The "farmers market" operates on Fridays between 9:00 AM and 1:00 PM in the satellite parking facility at the southeast corner of Florista and Pine Streets.

The evaluation area is served by driveways on Los Alamitos Boulevard, Katella Avenue, Pine Street and Florista Street.

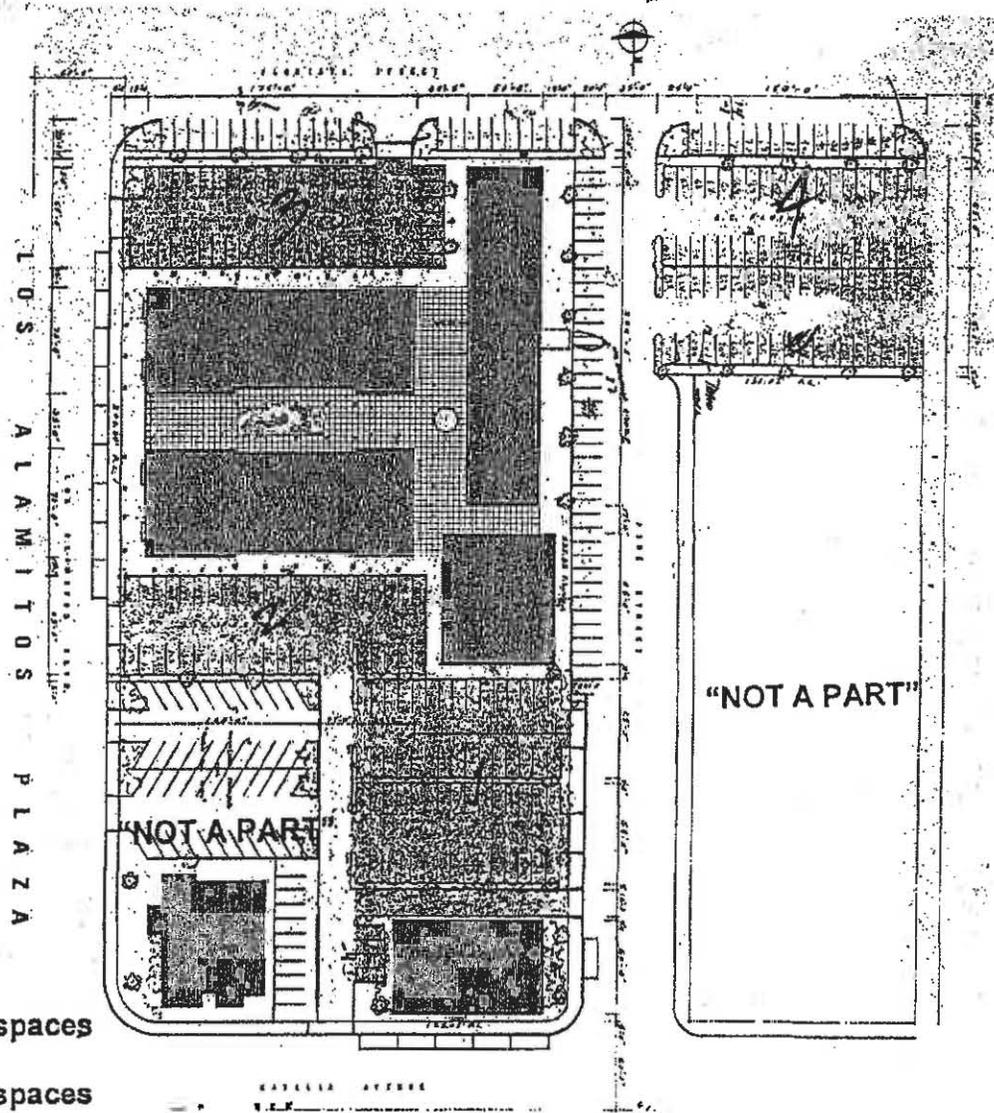
PARKING CONTROLS

A total of 203 spaces make up the overall parking supply. This includes a satellite parking lot located at the northwest corner of Florista Street and Pine Street. The satellite parking lot provides 75 spaces and is used primarily by employees of the shopping center.

It is noted that other parking is provided along Florista Street and Pine Street that is not a part of the shopping center parking supply (located in the public right-of-way). The on-street parking supply totals 24 spaces on Florista Street west of Pine Street, 15 spaces on Florista Street east of Pine Street and 38 spaces along the west side of Pine Street. Additional parallel parking is available on the east side of Pine Street.

EXISTING PARKING BY CITY CODE

Existing parking totals determined by city code are by use. A listing of the current uses are provided on Table 1. A Resolution approving the fine arts school in the shopping center, (CUP 421-97), dated, December 1, 1997, stipulated a parking supply of 325 spaces with 200 spaces available for the shopping center.



- Area 1 = 54 spaces
- Area 2 = 35 spaces
- Area 3 = 39 spaces
- Area 4 = 75 spaces
- Total = 203 spaces



NOT TO SCALE

SITE PLAN
LOS ALAMITOS PLAZA

TABLE 1
Los Alamitos Plaza
Existing Uses

| Suite | Business | Square Footage |
|-------------------------|------------------------------|-----------------------|
| 101 | Commercial | 1700SF |
| 102 | Medical Office | 3348 SF |
| 112 | Commercial | 3100 SF |
| 113 | Proposed Restaurant (Vacant) | 1400 SF |
| 115 | Office | 1551 SF |
| 118 | Restaurant | 9114 SF |
| 127 | Commercial | 1400 SF |
| 129 | Commercial | 1300 SF |
| 131 | Restaurant | 1700 SF |
| 132 | Commercial | 1300 SF |
| 133 | Medical | 2750 SF |
| 141 | Medical | 550 SF |
| 142 | Commercial | 950 SF |
| 145 | Office | 650 SF |
| 146 | Commercial | 650 SF |
| 148 | Office | 750 SF |
| 150 | School | 1781 SF |
| 152 | Office | 1250 SF |
| 160 | Office | 7200 SF |
| 200 | Office | 1050 SF |
| 201 | Office | 750 SF |
| 205 | Office | 402 SF |
| 206 | Office | 500 SF |
| 207 | Office | 250 SF |
| 208 | Office | 850 SF |
| 210 | Office | 450 SF |
| 211 | Office | 350 SF |
| 213 | Office | 400 SF |
| 214 | Storage | 500 SF |
| 215 | Commercial | 400 SF |
| 216 | Storage | 500 SF |
| 217 | Vacant | 400 SF |
| 219 | Office | 600 SF |
| 221 | Office | 300 SF |
| 223 | Office | 500 SF |
| 300 | Commercial | 7050 SF |
| Total Office | | = 23553 SF |
| Total Restaurant | | = 12214 SF |
| Total Commercial | | = 20148 SF |
| Total School | | = 1781 SF |
| TOTAL | | = 57696 SF |

METHODOLOGY

The process selected for analysis involved an iterative assessment of (1) how the shopping center is currently being parked in terms of the parking ratio relating to the existing/occupied uses on site. Since we know from experience that City code establishes baseline-parking rates for new developments, the use of this technique permits calculations of demand for existing development. This allows us to (2) "fine tune" the actual parking that would be required for future uses in existing retail centers. Other layers of the assessment involve (3) a look at the time differing nature of on-site parking based analysis of the types of uses and the peak parking demand times for each. That information allows us to "insert" a higher parking demand of one particular use, for example, into the parking supply of another nearby use that has different peak demand hours (i.e. Shared Parking).

The next layer of the analysis (4) adds the worst case parking demand of the other uses being considered and we simply "see what happens". If a problem occurs, then we either reduce the square footage of the anticipated use to lessen the parking demand or, we can use the above "shared parking demand concept" to make the parking work.

In this situation, we generated the amount of parking that from our experience would be required for the new use (i.e. we have recommended 12 sp/ksf) and added that parking demand to the existing demand at the site. As you can see from the following information, the results are favorable in that regardless of the time of day, it is our opinion that the proposed occupancy will not create a parking problem for the shopping center.

ANALYSIS

A) Existing Parking Space Usage

To determine the existing parking usage/rates, we performed standard/traditional-parking assessments that covered a weekday and a weekend day during the times the proposed use would be expected to have peak parking demands. On-site parking demand was tabulated in each parking zone that makes up the total on-site parking supply of 203 spaces. Those parking zone areas are shown on Exhibit 1 of this report. The tabulations were obtained between the hours of 11:30 AM and 1:30 PM and 4:30 to 7:30 PM each day. Weekday information is

Mr. David Lepo
January 31, 2000
Page 6

shown on the attached Table 2 revealing that the highest current mid-day demand materialized at 12:30 PM on a weekday (125 spaces occupied). Table 3 presents the weekend tabulations of existing parking zone demands.

B) **Existing Building Occupancy**

From a summation of total occupied square footage received from the applicant, we find that 55,896 SF is currently occupied. This means that 1,800 SF is unoccupied.

Evaluation of New Restaurant Use and Parking Demand

For a site such as the shopping center, we know that the driving force behind maximum parking demand will be a restaurant. We also know that the restaurant City Code of 10 spaces per thousand square feet is not sufficient to park such a use. From special studies, we have found that the appropriate rate (depending on the City involved) could range as high as 18 sp/ksf. For this case however, we recommend the use of a 12 sp/ksf parking rate for what we understand will be a 1,400 SF restaurant with 20 seats and a take-out business.

With occupancy of the restaurant, the 12 sp/ksf figure will generate a need for 17 parking spaces ($1.4 \times 12 \text{ sp/ksf} = 16.8$ or 17 spaces). The 17 spaces should be considered a "peak period" demand that will not apply at all times of the day. Specifically, it will apply roughly at the week day noon hour (about 12:30 PM) and the weekend evening at about 5:45 to 7:00 PM. The parking data shows that 125 spaces are required to serve the needs of the shopping center at noon while the weekend evening demand is 98 spaces at 5:45 PM. This produces a total peak weekday noon parking demand of 142 spaces ($125 + 17 = 142$ spaces) and an evening peak weekend demand of 115 spaces ($98 + 17 = 115$ spaces). The resulting surplus of parking spaces is 61 during the weekday and 88 spaces over the weekend.

It should be noted that with a significant take-out business, the restaurant parking demand would be of high turnover type and not the typical dining experience that consumes nearly an hour. We should note also that not all businesses are open during the noon time period and that the same condition exists during the evening period when the offices have closed.

**TABLE 2
JANUARY 20, 2000, THURSDAY
PARKING STUDY**

| LOS ALAMITOS PLAZA PARKING STUDY | | | | | | | |
|---|------------------------|------------------------|----------------------------------|------------------------|---------------------------|----------------------------|-----------------------------|
| Date: January 20, 2000 | | | (XX) = Number of stalls per area | | | | |
| TIME | Area 1 (54) | Area 2 (35) | Area 3 (39) | Area 4 (75) | Total Occupied | Total Available | Percent Occupied |
| 11:30 AM | 36 | 27 | 14 | 31 | 108 | 95 | 53.2 |
| 11:45 AM | 44 | 26 | 11 | 29 | 110 | 93 | 54.2 |
| 12:00 AM | 49 | 28 | 11 | 31 | 119 | 84 | 58.6 |
| 12:15 AM | 51 | 29 | 13 | 30 | 123 | 80 | 60.6 |
| 12:30 PM | 49 | 28 | 17 | 31 | 125 | 78 | 61.6 |
| 12:45 PM | 45 | 29 | 15 | 33 | 122 | 81 | 60.1 |
| 1:00 PM | 45 | 25 | 18 | 30 | 118 | 85 | 58.1 |
| 1:15 PM | 47 | 24 | 19 | 33 | 123 | 80 | 60.6 |
| 1:30 PM | 46 | 27 | 15 | 30 | 118 | 85 | 58.1 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 4:30 PM | 22 | 18 | 8 | 29 | 77 | 126 | 37.9 |
| 4:45 PM | 21 | 19 | 6 | 26 | 72 | 131 | 35.5 |
| 5:00 PM | 25 | 25 | 5 | 26 | 81 | 122 | 39.9 |
| 5:15 PM | 25 | 26 | 9 | 20 | 80 | 123 | 39.4 |
| 5:30 PM | 27 | 27 | 10 | 18 | 82 | 121 | 40.4 |
| 5:45 PM | 33 | 30 | 13 | 16 | 92 | 111 | 45.3 |
| 6:00 PM | 34 | 25 | 11 | 13 | 83 | 120 | 40.9 |
| 6:15 PM | 41 | 29 | 12 | 9 | 91 | 112 | 44.8 |
| 6:30 PM | 35 | 29 | 9 | 7 | 82 | 121 | 40.4 |
| 6:45 PM | 34 | 30 | 10 | 5 | 79 | 124 | 38.9 |
| 7:00 PM | 34 | 30 | 9 | 5 | 78 | 125 | 38.4 |
| 7:15 PM | 35 | 28 | 11 | 1 | 75 | 128 | 36.9 |
| 7:30 PM | 37 | 26 | 8 | 0 | 71 | 132 | 35.0 |

1. Total available parking supply = 203 spaces.

**TABLE 3
JANUARY 22, 2000, SATURDAY
PARKING STUDY**

| LOS ALAMITOS PLAZA PARKING STUDY | | | | | | | |
|---|----------------|----------------|----------------------------------|----------------|-------------------|--------------------|---------------------|
| Date: January 22, 2000 | | | (XX) = Number of stalls per area | | | | |
| TIME | Area 1 (54) | Area 2 (35) | Area 3 (39) | Area 4 (75) | Total Occupied | Total Available | Percent Occupied |
| 11:30 AM | 46 | 24 | 5 | 0 | 75 | 128 | 36.9 |
| 11:45 AM | 46 | 25 | 5 | 0 | 76 | 127 | 37.4 |
| 12:00 AM | 47 | 26 | 6 | 0 | 78 | 125 | 38.4 |
| 12:15 AM | 48 | 28 | 9 | 0 | 85 | 118 | 41.9 |
| 12:30 PM | 49 | 27 | 12 | 0 | 88 | 115 | 43.3 |
| 12:45 PM | 47 | 27 | 11 | 0 | 85 | 118 | 41.9 |
| 1:00 PM | 50 | 29 | 12 | 0 | 91 | 112 | 44.8 |
| 1:15 PM | 48 | 30 | 14 | 0 | 92 | 111 | 45.3 |
| 1:30 PM | 44 | 24 | 12 | 0 | 80 | 113 | 39.4 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| 4:30 PM | 26 | 25 | 6 | 0 | 57 | 146 | 28.1 |
| 4:45 PM | 30 | 26 | 6 | 0 | 62 | 141 | 30.5 |
| 5:00 PM | 43 | 30 | 6 | 0 | 79 | 124 | 38.9 |
| 5:15 PM | 45 | 28 | 6 | 0 | 79 | 124 | 38.9 |
| 5:30 PM | 39 | 29 | 9 | 0 | 77 | 126 | 37.9 |
| 5:45 PM | 43 | 33 | 8 | 0 | 84 | 119 | 41.4 |
| 6:00 PM | 44 | 36* | 11 | 0 | 91 | 112 | 44.8 |
| 6:15 PM | 51 | 30 | 8 | 0 | 89 | 114 | 43.8 |
| 6:30 PM | 59* | 29 | 10 | 0 | 98 | 105 | 48.3 |
| 6:45 PM | 47 | 31 | 6 | 0 | 84 | 119 | 41.4 |
| 7:00 PM | 35 | 28 | 7 | 0 | 70 | 133 | 34.5 |
| 7:15 PM | 37 | 29 | 5 | 0 | 71 | 132 | 35.0 |
| 7:30 PM | 39 | 28 | 5 | 0 | 72 | 131 | 35.5 |

1. Total available parking supply = 203 spaces.

* = Exceeds Zone parking capacity.

Existing Zonal Parking Demand (Parking Per Sectional Area)

Weekday Demand

Table 2 shows that the peak parking demand occurred at 12:30 PM with 62% of the spaces occupied. During that time period, Zone 1 was parked at 91%, Zone 2 at 80%, Zone 3 at 44% and Zone 4 at 41%. Zone 3, adjacent to the proposed restaurant, has more than half its capacity available at this peak 12:30 period (i.e. 22 available spaces). This value can handle peak restaurant demand of 17 required spaces.

During the evening peak at 5:45 PM, the total parking demand was 45% of capacity. Zone 1 was parked at 61% of capacity, Zone 2 at 86%, Zone 3 at 33% and Zone 4 at 21%. Again Zone 3 has available over 66% of its parking supply, or 26 vacant parking spaces which can handle the peak restaurant parking demand of 17 spaces.

Weekend Demand

The mid-day weekend parking demand shown in Table 3 peaks at 1:15 PM with 45% of the spaces occupied. The evening peak demand occurs at 6:30 PM when 48% of the spaces are occupied.

During the mid-day, peak demand of Zone 1 was parked at 89%, Zone 2 at 86%, Zone 3 at 36% and Zone 4 at 0%. The peak evening parking demand at that Zone 1 was parked at was 109% (5 illegally parked vehicles), Zone 2 at 83%, Zone 3 at 26% and 0.0% parked in Zone 4. During the mid-day and evening peak periods, Zone 3 had more than sufficient parking available to support the proposed use. Given a demand for 17 spaces, available parking during these times was 25 and 29 spaces, respectively

Week day and weekend parking tabulations show that during the peak parking demand periods, Zones 1 and 2 are parked near or at capacity while Zones 3 and 4 have excess capacity available. The general shopping center layout segregates the parking available to the uses. While the proposed use is adjacent to a parking zone that has available parking during peak periods, it is significant to note that it's parking needs could not be met if it were located adjacent to parking Zones 1 and 2.

Mr. David Lepo
January 31, 2000
Page 10

CONCLUSION

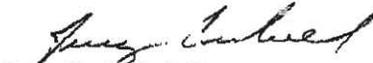
Our assessment is that the inclusion of the 1,400 SF restaurant into the shopping center will not create a deficient parking situation during the typical noon or evening time periods, whether a week day or weekend day. It should be understood that this is said with the understanding that all employees would be required to park in the satellite parking lot at the corner of Florista and Pine Streets.

SUMMARY

- The existing shopping center consisting of 203 parking spaces had a peak weekday parking demand at 12:30 PM with 125 spaces occupied (62%). Peak evening parking occurred at 5:45 PM with 92 spaces occupied (45%).
- Peak weekend daytime parking occurred at 1:15 PM with 92 spaces occupied (45%) and an evening peak parking demand of 98 spaces occupied at 6:30 PM (48%).
- The addition of a 1,400 SF restaurant is expected to have peak parking demands similar to the above times.
- At a 12 sp/ksf (as compared to City Code requirements of 10 sp/ksf), peak restaurant demand is projected at 17 spaces.
- The proposed use is adjacent to parking Zone 3, which has sufficient parking available during the mid-day and evening peak demand periods.
- For the weekend day, Zone 3 has available parking sufficient to meet the requirements of the proposed use.
- The addition of the 1,400 SF restaurant can be accommodated into the current parking supply.
- Use of the satellite parking lot at Florista and Pine Streets should continue to be used for shopping center employee parking as required by the CUP Resolution No. 738-97.
- The "farmers market" Friday use is not expected to be materially impacted by the restaurant parking demand.

As always, it has been a pleasure providing this analysis for the City's use. Should you have any questions or desire additional information, please phone me at (714) 731-9455.

Sincerely,


Jerry Crabill, P.E.
Principal

LOS ALAMITOS PLAZA RENT ROLL AS OF November 23, 1999

| UNIT | NAME | Hours of Operation | Square Footage | Uses |
|-------------|-----------------------------|---------------------------|-----------------------|---------------------|
| 101 | Creative Cakery | 9A-7P M-S | 1700 | Retail |
| 102 | Beach Vision Center | 10A-6P M-S | 3348 | Retail |
| 109 | Plaza Insta Print | 9am-5pm M-F | 3100 | Retail |
| 113 | Papa's Barbeque | 11:30a-10p M-S | 1400 | Restaurant/Takeout |
| 115 | Stevenson Travel | 9am-5pm M-F | 1551 | Office |
| 118 | Hof's Hut Restaurants | 6am-11pm | 9114 | Restaurant |
| 127 | Wedding World | 10am-5pm M-F | 1400 | Retail |
| 129 | Beauty Salon | 10am-6pm M-S | 1300 | Retail |
| 131 | Thai Restaurant | 11am-6pm M-S | 1700 | Restaurant |
| 132 | City Beauty Supply | 10am-6pm M-S | 1300 | Retail |
| 133 | Dr. Ashok Mehta | 9am-5pm M-F | 2750 | Office |
| 141 | Dr. Weidlich | 9am-5pm M-F | 550 | Office |
| 142 | Docia Drake | 10A-6P M-S | 950 | Retail |
| 145 | Sun Realty | 9am-5pm M-F | 650 | Office |
| 146 | Texel | 9am-5pm M-F | 650 | Office |
| 147 | Machit Enterprises | 9am-5pm M-F | 750 | Office - |
| 150 | Ines Bond | 9am-7pm M-S | 1781 | Art School for kids |
| 152 | News Enterprise | 9am-5pm M-F | 1250 | Office |
| 160 | Hof's Hut Corporate Office | 9am-5pm M-F | 7200 | Office |
| 200 | Helpnet | 9am-5pm M-F | 1050 | Office |
| 201 | Allstate | 9am-5pm M-F | 750 | Office |
| 205 | George Hajian | 10am-3pm M-F | 402 | Office |
| 206 | Jim Buchanan | 9am-5pm M-F | 500 | Office |
| 207 | Ben Bearley | 9am-5pm M-F | 250 | Office |
| 208 | Victor You | 9am-5pm M-F | 850 | Office |
| 210 | Len Han Lo | 9am-5pm M-F | 450 | Office |
| 211 | Carol Hogue | 9am-5pm M-F | 350 | Office |
| 213 | Greg Franco | 9am-5pm M-F | 400 | Office |
| 214 | Hof's Hut Corporate Office | Storage | 500 | Office |
| 215 | Man of the Soil | 9am-5pm M-F | 400 | Office |
| 216 | Hof's Hut Corporate Office | Storage | 500 | Office |
| 217 | Vacant | | 400 | Office |
| 219 | Robyn June Hooker | 9am-5pm M-F | 600 | Office |
| 221 | Orange Coast Realty | 9am-5pm M-F | 300 | Office |
| 223 | Peggy Aguirre | 9am-5pm M-F | 500 | Office |
| 300 | Antique Shop | 10am-6pm M-S | 7050 | Retail |
| | Total Square Footage | | 57696 | |
| | Total Office: | | 23553 | |
| | Total Retail: | | 20148 | |
| | Total Restaurant: | | 12214 | |
| | Total School: | | 1781 | |
| | Total Square Footage | | 57696 | |

INCO COMPANY

6621 E. Pacific Coast Hwy., #280
Long Beach, California 90803
(562) 498-3395
Fax: (562) 494-0154

June 7, 2006

Lisa Heep
Director of Community Development and Planning
City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA 90720

RE: Parking Study for Los Alamitos Plaza

Dear Lisa:

Thank you for taking the time yesterday to meet with me. Enclosed is the parking study that we discussed for Los Alamitos Plaza and proposed addition of a Starbucks Coffee House. I trust that this will help in your determining the feasibility of this project.

In addition would you please let me know what the time frame is for submission of the Conditional Use Permit? My client would like to have this done as an amendment to the 2000 CUP that was granted for Los Alamitos Plaza. He is anxious that the project be submitted for the July Planning Commission meeting.

Also, in my discussion with the owners of the property they indicated that they would be willing to improve the landscaping in the parking lot on Pine and Florista if needed.

I am certain that we can make this project work and I look forward to working with you and your staff.

Sincerely,
INCO Company



Brad Miles
Vice President

INCO Commercial Realty, Inc. dba INCO Company

INCO Commercial Realty, Inc. dba INCO Company

Ronald James Parking Engineers
2957 Honolulu Ave. La Crescent, CA 91214
Phone: (818) 259 5718 Fax: (818) 248 7114
email: RJPengineers@aol.com

May 31, 2006

Mr. Shahriar Afshari
N.S.P.S. Partnership
830 South Hill Street Suite 371
Los Angeles, CA 90014

Re: Parking capacity for Coffee house @ Los Alamitos Plaza

As Parking Engineers we have been asked to determine if it is feasible to add a Starbucks Coffee House to the Los Alamitos Plaza. We are asked to make this recommendation based upon the **Hartzog & Crabill Parking Study Report (dated 1-31-2000)**, as well as a current field survey of available stalls (See **Quality Parking Survey** attached under separate cover). Also available under separate cover is a time distribution for the coffee house parking demand which shows the overlapping time use of the coffee house (Shared Parking).

The previous report was written to determine the feasibility of adding a restaurant to an existing shopping center. The report was accepted and the restaurant was added under a conditional use permit. The acceptability of the added use was based upon the availability of stalls in the existing parking lots. The report successfully predicted the adequacy of the center to handle the added parking generated by the restaurant.

Since the addition, a field survey has shown that there is still excess parking capacity available in these existing lots. This appears to be due to the shopping centers management requirement that employees park in the north east parking lot of the project. This availability of stalls is also due to the street parking available in and around the center and the city parking lot to the West.

As previously stated, at this time it is desired to add a coffee house to the plaza. This facility would benefit the community and the Los Alamitos Plaza as a most likely location.

Based upon the conclusions of the previous comprehensive parking report, the success of the previous reports prediction of the suitability of the parking availability, the offset time demands for the various uses for parking need and the field surveys showing the availability of additional stalls on the site, it would be feasible to assume that the site has adequate parking for the proposed use.

The basis of this recommendation is the shared use of parking lot 1. The coffee house primary use is from 6am to 11:30 am. The **Quality Parking available parking survey** shows there is capacity to meet the city's parking requirement during this time.

Thank you for your time and consideration in this matter.

Ronald James Parking Engineers,

Ronald James, P.E.



ALSO CIVIL 17599



Trammell Hartzog, President
Jerry Crabill, P.E. (Retired)

275 Centennial Way
Suite 208
Tustin, CA 92780

Phone: (714) 731-9455
FAX: (714) 731-9498

www.hartzog-crabill.com

May 31, 2006

Mr. Shahriar Afshani
General Partner
N.S.P.S. Partnership
830 S. Hill Street, Suite 371
Los Angeles, CA 90014

Re: Los Alamitos Plaza Parking Study Report

Dear Mr. Afshani:

I have reviewed the original Los Alamitos Plaza Parking Study Report, prepared January 31, 2000, and find that the assumptions regarding the parking needs for a 1,400 SF fast-food restaurant are still valid based on our experience. As noted in the report, if the restaurant developed a significant take-out business, there would be a higher turnover in parking with shorter parking durations.

Although we have not confirmed the current building occupancies with those listed in the study, if the uses continue to remain similar, the parking demand is not likely to be much different than the original study results. This would, of course, include the operating hours of those businesses.

Given the weekday and weekend parking surplus during the expected restaurant peak-hour parking demands, the existing parking supply is expected to meet the restaurant demands and still have surplus parking spaces available to the public.

Should you have any questions or desire additional information, please phone me at (714) 731-9455.

Sincerely,
Hartzog & Crabill, Inc.

Don Barker, T.E.
Senior Engineer





May 19, 2006

Mr. Shahriar Afshani
General partner
N.S.P.S. Partnership

Dear Mr. Afshani:

Attached please find a car count taken on The Los Alamitos Plaza Parking Lot. The car count was conducted for a period of three days from April 5th through April 7th. This car count was taken on a per hour basis and is 99% accurate.

If you have any questions please feel free to contact the undersigned.

Sincerely,

Ben Akbary
President

LOS ALAMITOS PLAZA PARKING STUDY

04/07/2006

| TIME | AREA 1 (54) | AREA 2 (35) | AREA 3 (39) | AREA 4 (75) | TOTAL OCCUPIED | TOTAL AVAILABLE | PERCENT OCCUPIED |
|------------|----------------|----------------|----------------|----------------|-------------------|--------------------|---------------------|
| 06:30 a.m. | 2 | 8 | 1 | 3 | 14 | 189 | 6.89 |
| 07:00 a.m. | 4 | 20 | 8 | 6 | 38 | 165 | 18.72 |
| 07:30 a.m. | 6 | 23 | 11 | 8 | 48 | 155 | 23.64 |
| 08:00 a.m. | 9 | 30 | 15 | 10 | 64 | 139 | 31.52 |
| 08:30 a.m. | 13 | 25 | 18 | 15 | 71 | 132 | 34.97 |
| 09:00 a.m. | 20 | 27 | 20 | 20 | 87 | 116 | 42.85 |
| 09:30 a.m. | 27 | 28 | 18 | 25 | 98 | 105 | 48.27 |
| 10:00 a.m. | 32 | 30 | 16 | 35 | 113 | 90 | 55.66 |
| 10:30 a.m. | 30 | 30 | 16 | 36 | 112 | 91 | 55.17 |
| 11:00 a.m. | 25 | 27 | 18 | 40 | 110 | 93 | 54.18 |
| 11:30 a.m. | 33 | 28 | 17 | 39 | 117 | 86 | 57.63 |
| 12:00 a.m. | 44 | 30 | 16 | 39 | 129 | 74 | 63.54 |
| 12:30 a.m. | 44 | 30 | 15 | 38 | 127 | 76 | 62.56 |
| 01:00 a.m. | 46 | 30 | 38 | 37 | 151 | 52 | 74.38 |
| 01:30 a.m. | 20 | 24 | 15 | 36 | 95 | 108 | 46.79 |
| 02:00 a.m. | 15 | 24 | 9 | 36 | 84 | 119 | 41.37 |
| 02:30 a.m. | 13 | 21 | 10 | 32 | 76 | 127 | 37.43 |
| 03:00 a.m. | 12 | 20 | 8 | 30 | 70 | 133 | 34.48 |
| 03:30 a.m. | 12 | 18 | 9 | 29 | 68 | 135 | 33.49 |
| 04:00 a.m. | 11 | 17 | 10 | 30 | 68 | 135 | 33.49 |
| 04:30 a.m. | 13 | 25 | 15 | 32 | 85 | 118 | 41.87 |
| 05:00 a.m. | 16 | 23 | 20 | 30 | 89 | 114 | 43.84 |
| 05:30 a.m. | 8 | 16 | 15 | 22 | 61 | 142 | 30.04 |
| 06:00 a.m. | 12 | 16 | 13 | 10 | 51 | 152 | 25.12 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

RESOLUTION NO. 06-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT C06-11 A REQUEST TO ADD 1,250 SQUARE FEET TO AN EXISTING COMMERCIAL STRUCTURE (LOS ALAMTIOS PLAZA) AND UTILIZE 350 SQUARE FEET OF EXISTING TENANT SPACE AT 10900 LOS ALAMITOS BOULEVARD TO ACCOMMODATE A STARBUCKS WITH AN OUTDOOR DINING AREA OF 1,400 SQUARE FEET AND WHICH HAS OPERATING HOURS OF 4:30 A.M. TO 11:00 P.M. IN THE TOWN CENTER OVERLAY AREA OF THE GENERAL COMMERCIAL (C-G) DISTRICT (APPLICANT: N.S.P.S. PARTNERSHIP)

SECTION 1. The Planning Commission does hereby find, determine and declare as follows:

- A. That on July 7, 2006, an application for Conditional Use Permit C06-11 was submitted by the property owner, N.S.P.S. Partnership, on behalf of Starbucks for the addition of 1,250 square feet to an existing commercial structure (Los Alamitos Plaza) and utilize 350 square feet of existing tenant space at 10900 Los Alamitos Blvd. to accommodate a proposed Starbucks with an outdoor dining area of 1,400 square feet and which has operating hours of 4:30 a.m. to 11:00 p.m., located in the Town Center Overlay area of the General Commercial District; and,**
- B. That said verified application constitutes a request as required by Section 17.42.050 (Conditional Use Permits) and Section 17.50.040 (Site Plan Review) of the Los Alamitos Municipal Code; and,**
- C. That the proposed project was reviewed pursuant to the California Environmental Quality Act and the City's Local Guidelines for implementing CEQA and found to be categorically exempt under Section 15303, Class 3, "New Construction or Conversion of Small Structures"; and,**
- D. That a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on August 14, 2006, and based upon the evidence presented, it was determined that the findings required by Section 17.42.050 of the Los Alamitos Municipal Code are:**
 - 1. The requested Conditional Use Permit will not adversely affect the purpose and intent of this Chapter, and the proposed use is consistent with the General Plan.**

The project, as proposed and conditioned, is consistent with the General Plan Land Use designation General Commercial and the Zoning Code permits the proposed Starbucks with an outdoor dining area and hours of operation of 4:30 a.m. to 11:00 p.m. in the General Commercial District with the approval of a Conditional Use Permit.

2. The proposed use, activity and/or improvement(s) are consistent with the provisions of the Zoning Code for the City.

The proposed use complies with the standards for the General Commercial (C-G) District Section 17.10.030 Table 2.05, for height, setbacks, parcel coverage, off street parking, and location.

3. The proposed use will not have significant adverse effects on adjoining land uses and other allowed uses of the area in which it is proposed to be located.

The location of the proposed Starbucks, developed according to the submitted plans and as conditioned below, is consistent with the General Plan and complementary to adjoining uses, and compatible in character with the facilities in the adjacent area, which are predominately commercial in nature.

4. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

The proposed project has been reviewed based upon the California Environmental Quality Act and the City's Local Guidelines for CEQA and it has been determined to be in compliance. A Categorical Exemption, Section 15303, Class 3, was prepared in accordance with the California Environmental Quality Act (CEQA) and the City's Local Guidelines for Implementing the California Environmental Quality Act.

5. A determination that the use will or will not endanger the public health, safety or general welfare if located where proposed and developed, and that the use will or will not allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibrations.

Due to the location and type of use of the proposed project, it has been determined that it will not endanger the public health, or general welfare. The proposed Starbucks as conditioned is not expected to cause a nuisance, such as noise, glare, odor, or vibrations.

6. That the use does or does not meet the required conditions and specifications set forth in the zoning district where it proposes to locate.

The proposed use, as conditioned, complies with Section 17.10.030 Table 2-05 (Commercial/Industrial Zoning District General Development Standards) for height, setbacks, parcel coverage, and off street parking.

7. That the location and character of the use, if developed according to the plan as submitted for approval, will or will not be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan.

The location of the proposed Starbucks developed according to the submitted plans and as conditioned below is consistent with the General Plan and complementary to adjoining uses, and compatible in character with the commercial uses in the adjacent area.

8. That the decision to approve, conditionally approve, or disapprove the application for a Conditional Use Permit is based on substantial evidence in view of the record as a whole before the Commission, or Council on appeal.

The decision to approve Conditional Use Permit C06-11 is based upon the review by the Planning Commission of the staff report, plans and specifications submitted for the proposed project and on oral and written testimony given at the public hearing before the Planning Commission.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves C06-11, subject to the following conditions:

Planning

1. Approval of this application is for the addition of 1,250 square feet to an existing commercial structure (Los Alamitos Plaza) and utilize 350 square feet of existing tenant space in the Town Center Overlay (TC) area of the General Commercial (C-G) District located at 10900 Los Alamitos Boulevard to accommodate a proposed Starbucks with an outdoor dining area of 1,400 square feet and which has operating hours of 4:30 a.m. to 11:00 p.m., as represented in relevant drawings, submitted by the applicant as part of C06-11, on file in the Community Development Department.

Subsequent submittals for this project shall be consistent with such plans, subject to such additions, revisions, changes, or modifications as required by the Planning Commission, and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.

2. Approval of Conditional Use Permit C06-11 shall be valid for a period of eighteen (18) months from the date of determination. If the use approved by this action is not established within such time period, such approval shall be terminated and shall thereafter be null and void.
3. Conditional Use Permit C06-11 is approved exclusively as a precise plan for the location and configuration of the uses and for the structures, materials and features as shown on the relevant drawings referenced in No. 1, above, and subject to such additions, revisions, changes or modifications as may be required by the Planning Commission hereunder. Any relocation, alteration, addition to, or use of any building or property contrary to the conditions hereunder nullifies this approving action. If any changes are proposed regarding the location or alteration of a use or structure, an amendment to this permit 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 and intent of this approval action, and that action would have been the same for 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.
4. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation 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. 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 66060(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 |

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.

6. The applicant shall defend, indemnify and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City Attorney. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
7. The applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
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.
9. A building permit is required and all applicable conditions herein must appear on, and be noted on the final working drawing prior to the issuance of a building permit.

10. The applicant shall comply with applicable City, County, and/or State regulations.
11. The applicant shall upgrade the existing landscaped areas along with there irrigation systems as indicated in Exhibit A.
12. The applicant shall incorporate a new landscaped area off Katella Avenue along the store front of Bixby Carpets and the proposed Starbucks (see Exhibit A).
13. A landscaping plan shall be provided by the applicant (including both existing and proposed landscaped areas, see Exhibit A) and approved by the City prior to the issuance of a building permit. All required landscaping shall be installed prior to the issuance of a Certificate of Occupancy.
14. All landscaping in the Los Alamitos Plaza, including, without limitation, trees, shrubs and other vegetation, drainage and irrigation systems, shall be installed as provided in the landscape plan as approved by the City and shall be permanently maintained in good, first class condition, healthy, without deterioration, free of waste and debris. Dead or diseased plants shall be promptly replaced with landscaping similar in type, size and quality. Automatic irrigation systems shall be properly maintained and other reasonable and adequate landscape maintenance facilities and procedures shall be provided to fulfill the foregoing requirements.
15. A minimum of two hundred and forty five (245) parking spaces shall be maintained at all times. Any proposed future use(s) which are allowed by the Los Alamitos Municipal Code that generates greater demand than the previous uses at such location in the Los Alamitos Plaza, requires analysis and update to determine if adequate on-site parking will be available to accommodate the proposed use.
16. Driveways and traffic aisles on the Project shall be kept clear and unobstructed at all times. No vehicles or other obstruction shall project into such driveways or traffic aisles. All private streets or driveways, sidewalks and parking areas shall be regularly swept and cleaned. All asphalt and concrete paved areas shall be repaired, replaced, and re-stripped, as necessary, to maintain said pavement at all times in a level and smooth condition.
17. The Los Alamitos Plaza shall be kept clean and maintained in a safe, nuisance and hazard free condition.

18. The applicant shall upgrade the existing trash receptacle located north of the proposed Starbucks (see Exhibit A). The receptacle shall meet the Los Alamitos Municipal Code Section 17.16.120 B.4. - Dimensions of a standard trash enclosure for solid waste and recycling are five feet by eight feet clear interior dimension. Walls shall be five feet high and constructed of reinforced masonry or similar material. Wrought iron or equivalent, gates with latch shall be provided. The top one-foot of the gates shall be open work, with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper.
19. The hours of operation shall be limited to 4:30 a.m. to 11:00 p.m.

Building Department

20. The applicant shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application.

Orange County Fire Authority

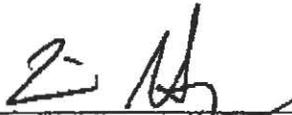
21. The applicant shall comply with all standards given by the Orange County Fire Department.

SECTION 3. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant, and any person requesting the same.

PASSED AND APPROVED this 14th day of August, 2006, by the following vote:

AYES: Sofelkanik, Harty, Schleuter, Hult, Wahlstrom, Daniel, Shloss
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



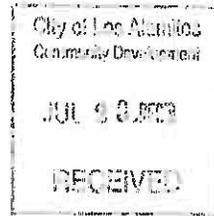
Lisa Heep, Secretary
LOS ALAMITOS PLANNING COMMISSION

N.S.P.S. Partnership

830 SOUTH HILL STREET, SUITE 371
LOS ANGELES, CALIFORNIA 90014

FAX: 213-622-0030

Steven A. Mendoza
Community Development/Public Works Director
City Of Los Alamitos
3191 Katella Avenue
Los Alamitos CA 90720-5600
(562) 431-3538 ext. 300
smendoza@cityoflosalamitos.org



July 25, 2014

Re: 10900 Los Alamitos Blvd., Los Alamitos, CA 90720

Mr. Mendoza:

Thank you for taking the time to meet with us on Thursday, July 10.

We are writing to request a conditional use permit (CUP) for our property located at 10900 Los Alamitos Blvd., Los Alamitos, CA 90720. We have been approached by and have entered into negotiations with a prospective tenant, Baja Senora, which seeks to establish a restaurant in a space that has been vacant since November 2012.

The property has a long history of relying on on-street parking when determining the number of available parking spaces. A staff report dated September 7, 1982 relating to zoning ordinance amendment #51-82 stated that the property had 337 total parking spaces, which includes on-street parking. In determining whether sufficient parking is available for this tenant, we ask that the City of Los Alamitos base its decision on the CUP that was issued in 2006 for our property. As the Agenda Report dated August 14, 2006 from Renea Ferrell (Assistant Planner) to Chairman Sofelkanik and Members of the Planning Commission regarding Conditional Use Permit C06-11 and Site Plan Review SPR06-05 stated, the parking count that was used for our property was calculated to be 286 spaces. We have relied on this previous finding and ask that the Planning Commission follow the methodology that was used for this prior CUP when determining whether a CUP should be issued for Baja Senora.

Furthermore, in determining whether a CUP should be granted for Baja Senora, we wish to note that before the retail tenant Tank Farm occupied the space, Beth's Bakery and Creative Cakery previously used the space. For this reason, permitting Baja Senora to establish a restaurant would be returning that space to a use that had been previously accepted.

By having Baja Senora as a tenant, our hope is to take a step in making our property a pedestrian-friendly center of business and commerce for the City of Los Alamitos. With the significant challenges that retail businesses face with the development of e-commerce, we

N.S.P.S. Partnership

830 SOUTH HILL STREET, SUITE 371
LOS ANGELES, CALIFORNIA 90014

TEL: 213-622-8421
FAX: 213-622-0030

believe that a true pedestrian-friendly commercial center will increasingly rely on restaurants to generate foot traffic from local residents as well as avoid vacancies and stagnation among local businesses. Our goal is to re-position our property and adapt it to this new business environment. Rather than see more spaces darkened with vacancies, we seek to rejuvenate this commercial center of Los Alamitos while maintaining its small-town character.

As vacancies arise, we expect that additional restaurants will approach us as prospective tenants. For this reason, in addition to approving a CUP for Baja Senora, we also ask that the Planning Commission provide us with the flexibility to accept these new tenants without having to go through the onerous and time-consuming process of carrying out a parking study. Businesses face increased uncertainty when they must go through an extended approval process. For each step that must be taken in the approval process, our concern is that this delays businesses from opening their doors to customers and generating revenue and that, as a result, they may look to other communities that are more welcoming to their businesses. We believe that having to adhere to strict, on-site parking requirements will adversely impact the development of a pedestrian-friendly environment.

We believe that permitting us to avoid future parking surveys for additional restaurant tenants is compatible with the General Plan for the City of Los Alamitos and the Los Alamitos Municipal Code. Specifically, Section 1-2.1 of the General Plan notes the policy to “[p]romote development of a town square or town center in the vicinity of the Los Alamitos Blvd. and Katella Ave. intersection” and that this would be implemented by providing “appropriate incentives to implement the Town Center or Town Square Zone plan.” Moreover, in creating the Town Center Overlay Zoning District, Section 17.12.010 of the Los Alamitos Municipal Code specifically seeks to “[e]stablish a procedure for the development of large parcels of land in order to reduce or eliminate the rigidity, delays, and conflicts that otherwise would result from application of zoning standards and procedures designed primarily for small parcels” and “[a]ccommodate various types of large-scale, complex, mixed-use, phased developments.” Because our property falls entirely within the Town Center Overlay Zoning District, we believe that waiving future parking studies for additional restaurant tenants fulfills the objective outlined by the Los Alamitos Municipal Code.

Our goal is to work with the City of Los Alamitos to revitalize the commercial center of the city and attract businesses that will generate foot traffic. Unfortunately, those businesses no longer appear to be retail or service oriented. In order to develop a pedestrian-friendly area, we do not believe that strict on-site parking rules for a property with no room for growth are feasible.

We look forward to working with you and the Planning Commission on this request.

Sincerely,



Shahriar Afshani

Shahriar Afshani

LOS ALAMITOS PLAZA RENT ROLL AS OF July 11, 2014

| UNIT | NAME | SQUARE FOOTAGE | USES | Parking Required |
|------|-----------------------|----------------|------------|------------------|
| 101 | Vacant | 1700 | Retail | 7 |
| 102 | Beach Vision Center | 3348 | Retail | 14 |
| 109 | Nick's Deli | 1900 | Restaurant | 19 |
| 111 | I Esteam | 1900 | Retail | 8 |
| 113 | Kampai Sushi | 1400 | Restaurant | 14 |
| 115 | Kampai Sushi | 1551 | Restaurant | 16 |
| 116 | Credit Union | 1000 | Retail | 4 |
| 118 | Hof's Hut Restaurants | 8200 | Restaurant | 72 |
| 127 | Cao Hoc Nail Shop | 1400 | Retail | 6 |
| 129 | Bella Hair Design | 1300 | Retail | 6 |
| 131 | Thailusion | 1700 | Restaurant | 17 |
| 132 | City Beauty Supply | 1300 | Retail | 6 |
| 133 | Dr. Ashok Mehta | 2750 | Office | 14 |
| 141 | Vitality Chiropractic | 550 | Office | 3 |
| 142 | Diva Dancewear | 950 | Retail | 4 |
| 144 | True Blue Photography | 650 | Retail | 3 |
| 146 | Texel | 650 | Office | 3 |
| 145 | Dance Partners | 750 | School | 25 |
| 150 | Dance Partners | 1781 | School | 60 |
| 152 | Dance Partners | 1250 | School | 42 |
| 160 | Keller Williams | 6375 | Office | 26 |
| 200 | Allstate | 310 | Office | 2 |
| 201 | Applied Music | 750 | Office | 3 |
| 203 | Applied Music | 740 | Office | 3 |
| 205 | Keller Williams | 402 | Office | 2 |
| 206 | All Home Services | 500 | Office | 2 |
| 207 | Harrison Board Care | 250 | Office | 1 |
| 208 | Vacant | 850 | Office | 4 |
| 210 | Richard Davidson | 450 | Office | 2 |
| 211 | Vacant | 350 | Office | 2 |

Rent roll shows 8200, not 9114

Rent roll shows 6375, not 7200

| | | | | |
|-----------------------------|--------------------|--------------|----------------------|------------|
| 213 | Keller Williams | 400 | Office | 2 |
| 214 | Keller Williams | 500 | Office | 2 |
| 215 | Keller Williams | 400 | Office | 2 |
| 216 | Keller Williams | 500 | Office | 2 |
| 217 | Keller Williams | 400 | Office | 2 |
| 220 | Johnston Insurance | 600 | Office | 3 |
| 221 | Johnston Insurance | 300 | Office | 2 |
| 223 | Keller Williams | 500 | Office | 2 |
| 300 | Vacant | 6600 | Retail | 27 |
| 3575 | Starbucks | 1400 | Restaurant | 14 |
| Total Square Footage | | 58607 | Total Parking | 448 |

| | |
|------------------------------|--------------|
| Total Office | 18527 |
| Total Retail: | 20148 |
| Total Restaurant: | 16151 |
| Total School: | 3781 |
| Total Square Footage: | 58607 |

City of Los Alamitos

Agenda Report Public Hearing

**August 14, 2006
Item No: 6B**

To: Chairman Sofelkanik and Members of the Planning Commission

Via: Lisa Heep, Community Development Director

From: Renea Ferrell, Assistant Planner

Subject: Conditional Use Permit C06-11 and Site Plan Review SPR06-05

Summary: This is a request to add 1,250 square feet to an existing commercial structure (Los Alamitos Plaza) and utilize 350 square feet of existing tenant space in the Town Center Overlay (TC) area of the General Commercial (C-G) District located at 10900 Los Alamitos Boulevard to accommodate a proposed Starbucks with an outdoor dining area of 1,400 square feet and which has operating hours that fall between 10:00 p.m. and 6:00 a.m.

Recommendation: Staff recommends the Planning Commission:

1. Adopt Resolution No. 06-16 approving Conditional Use Permit C06-11, including the findings and conditions contained therein; 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 oral and written evidence presented at the Public Hearing; and,
2. Adopt Resolution No. 06-17, approving Site Plan Review SPR06-05, including the findings and conditions contained therein; 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 oral and written evidence presented at the Public Hearing.

Applicant: N.S.P.S. Partnership

Location: 10900 Los Alamitos Boulevard

Environmental: A Categorical Exemption pursuant to Section 15303, Class 3 has been prepared for the proposed project in accordance with the California Environmental Quality

Act (CEQA) and the City's local guidelines for implementing the California Environmental Quality Act.

Approval Criteria:

Section 17.10.020 Table 2-04 (Allowed Uses and Permit requirements for Commercial/ Industrial Zoning Districts) of the Los Alamitos Municipal Code (LAMC) specifies that a restaurant, with outside seating areas shall require a Conditional Use Permit. In addition a CUP is required for retail sales or service establishments that operate between the hours of 10:00p.m. – 6:00 a.m. in the C-O and C-G zoning districts.

Background

Over the last fifteen years, the Los Alamitos Shopping Center has applied for numerous conditional use permits, planned sign programs, a joint use parking agreement, and a site plan review. During that time, staff reviewed the provided parking compared to the required parking based upon the various uses in the shopping center. Staff's analysis concluded that the shopping center was considered under parked. However, the Los Alamitos Municipal Code allows for shopping centers to be parked at one space for each 250 square feet of gross floor area which when applied to this center results in the shopping center being over parked. Staff utilized this ratio for the proposed Starbucks development.

The subject site (Los Alamitos Shopping Center) is located at 10900 Los Alamitos Boulevard in the Town Center Overlay (T-C) of the General Commercial (C-G) District; on the northeast corner of Katella Avenue and Los Alamitos Boulevard. The surrounding uses including, Hof's Hut Restaurant, Bixby Carpets, Keller Williams Realty, Shoe City, Creative Cakery, US Bank, and other various retail and office uses.

The owner and applicant, N.S.P.S., is applying on the behalf of Starbucks. Starbucks was founded in 1971 in Seattle's Pike Place Market. They are located in all 50 States, plus the District of Columbia and Puerto Rico; and in 36 countries outside of the United States. Starbucks offers an array of coffees, blends and specialty drinks, along with muffins and pastries.

Discussion

The applicant is requesting to construct a 1,250 square foot addition to an existing building to accommodate a proposed Starbucks with an outdoor dining area with operating hours that fall between 10:00 p.m. and 6:00 a.m. A portion of the 1,600 tenant space (approximately 350 sq. ft.) will include the storage space of Bixby Carpets, the neighbor of the proposed Starbucks; requiring a total of 1,250 square foot of new construction. The floor plan includes one unisex handicap accessible bathroom, and an additional 1,400 sq. ft. for outside dining. The project does not propose any major

renovations to the remainder of the commercial complex or changes to the parking layout. The construction will include upgrading of the existing landscaping surrounding the immediate area around Bixby Carpets and the proposed Starbucks (see Attachment # 4); adding new landscaping along the street frontage of Katella Avenue, and the removal of the existing free standing multi-tenant sign on the corner of Pine Street and Katella Avenue and replace it with a smaller wall mounted multi-tenant sign approximately 10' x 5' (see Attachment # 3).

The proposed addition will match the existing structure (Bixby Carpets) architecture, colors, and height. The existing structure's height is 19'-6" to the top of the parapet; the roofing is clay tile, and the store front is glass paneling.

Starbucks intends to operate from 6:00 a.m. to 11:00 p.m., however this could change depending on the needs of the community. The applicant has applied for a conditional use permit for retail sales or service establishments that operate between the hours of 10:00 p.m. – 6:00 a.m. in the C-O and C-G zoning districts, to cover Starbuck's current and possible changes in their hours of operation.

Vehicular access to the site is provided by four (4) two-way driveways, located off Pine Street, Katella Avenue and Los Alamitos Boulevard. Based upon Section 17.26.040 (Parking Space Requirements) the requested use would need the following:

- Building 1 Retail: 12,437 sq. ft. / 1 per 250 sq. ft. = 50 spaces
- Building 2 Retail: 12,437 sq. ft. / 1 per 250 sq. ft. = 50 spaces
- Building 3, 1st floor: 11,181 sq. ft. / 1 per 250 sq. ft. = 45 spaces
- Building 3, 2nd floor: 11,181 sq. ft. / 1 per 250 sq. ft. = 45 spaces
- Real Estate Office: 6,375 sq. ft. / 1 per 250 sq. ft. = 26 spaces
- Bixby Carpets: 5,700 sq. ft. / 1 person 250 sq. ft. = 23 spaces
- Starbucks: 1,600 sq. ft. / 1 per 250 sq. ft. = 6 spaces

Total Required= 245 parking spaces, including the required handicap spaces
Total Provided= 286 parking spaces

*The calculation was based upon the "Commercial, retail and services uses including shopping centers", for every 250 sq. ft. of GFA requires 1 parking space.

Conclusion

The proposed use, as conditioned, complies with Section 17.10.030 (Commercial / Industrial Zoning Districts General Development Standards) for height, setbacks, and lot coverage. Based upon the Los Alamitos Municipal Code Section 17.26.040, for commercial retail and services including shopping centers, the proposed project complies with the parking requirement.

Staff recommends approval of C06-11 and SPR06-05 by adopting Resolution No. 06-16 and Resolution No. 06-17 including the findings and conditions contained therein; 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 oral and written evidence presented at the Public Hearing.

- Attachments:*
1. *Draft Resolutions No. 06-16 and No. 06-17*
 2. *Location Map*
 3. *Site Plans*
 4. *Site Photos*

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

REGULAR MEETING – MONDAY, AUGUST 14, 2006

1. CALL TO ORDER

A regular meeting of the City of Los Alamitos Planning Commission was called to order at 7:00 p.m. by Chair Sofelkanik in the City Council Chambers, 3191 Katella Avenue, Los Alamitos.

2. ROLL CALL

Present: Commissioners: Sofelkanik, Hult, Wahlstrom, Daniel, Shloss, Schleuter, Harty

Absent: Commissioners: None

Present: Staff: Lisa Heep, Community Development Director
Greg Powers, Assistant City Attorney
Diane Maikui, Department Secretary

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

Chair Sofelkanik opened Oral Communications to the public.

No one responded from the audience.

Chair Sofelkanik closed Oral Communications.

5. MINUTES

A. Approval of the minutes for the meetings of May 16, 2006 and June 12, 2006.

Motion/Second: Wahlstrom/Hult

Unanimously carried: to approve the minutes of the meeting of May 16, 2006.

Motion/Second: Wahlstrom/Schleuter

Carried: to approve the minutes of the meeting of June 12, 2006. Commissioner Harty abstained.

B. Approval of the minutes for the meeting of July 10, 2006.

Assistant City Attorney Powers referred to the minutes of July 10, 2006, specifically page 4, first and second paragraphs, and stated that "Specific Plan" should read "Strategic Plan", and would be corrected.

Motion/Second: Schleuter/Shloss

Carried: to approve the minutes of the meeting of July 10, 2006 as corrected. Chair Sofelkanik abstained.

6. PUBLIC HEARING

- A. Conditional Use Permit C06-09:** This is a request to install a fifty (50) foot monopalm and equipment at 10551 Los Alamitos Blvd. in the General Commercial (C-G) Zone (Applicant: Trillium Consulting, Inc.)

Ms. Heep summarized the staff analysis, referring to the information contained therein, and responded to questions from the Commission.

Commissioner Schleuter asked if the monopalm could lend itself as a co-locator in the future if so requested by another carrier.

Ms. Heep referred the question to the applicant.

Vice-Chair Hult asked if a survey was done on how far the proposed monopalm was from Los Alamitos High School. He was concerned that the monopalm may be too close to the school and from the children that walk to and from school.

Ms. Heep indicated that the Zoning Code did not have a specific distance requirement between a cellular facility and a school. She stated that an exact measurement was not submitted as to the distance from the monopalm to the school, however, the Commission could continue the matter to allow the applicant time to obtain the measurement information.

Commissioner Wahlstrom asked who made the determination that the monopalm would not adversely affect the health, peace, comfort or welfare of persons working or residing in the surrounding community.

Ms. Heep stated that the applicant had submitted the information.

Chair Sofelkanik opened the Public Hearing.

John Austin, representing T-Mobile, stated that his company made the finding that the monopalm would not adversely affect the health, peace, comfort or welfare of persons working or residing in the surrounding community, which was based upon the health emissions testing, and the requirements of the FCC.

Vice-Chair Hult asked for the exact distance between the tower and the school.

Mr. Austin stated he did not have that information. He explained that the tower would follow the FCC guidelines and would have very low emissions.

Commissioner Shloss asked for the locations of other T-Mobile cell towers in the City and surrounding cities.

Mr. Austin stated he had submitted the information to staff, but did not know the exact number of towers in the area off hand.

Mr. Austin referred to Condition #18 of the resolution regarding the landscaping and indicated that landscaping within the SCE substation facility was not allowed.

Mr. Austin referred to Condition #19 of the resolution and stated they would upgrade the existing front landscaping along Los Alamitos Boulevard.

Mr. Austin referred to Condition #21 of the resolution, relating to the upgrade of the existing bus shelter located in the front of the SCE site to match the newly approved City bus shelters. He requested the matter be continued to allow him to discuss the issue with staff and be provided with samples of the upgraded bus shelter design and the cost involved.

Chair Sofelkanik closed the Public Hearing.

Vice-Chair Hult asked for an update on the progress of the T-Mobile cell tower approved on October 10, 2005 located at 3271 Sausalito.

Ms. Heep stated that the applicant had yet to obtain building permits.

Vice-Chair Hult asked if the cell tower on Sausalito was 500 feet away from the proposed monopalm.

Ms. Heep suggested adding a Condition of Approval that would read "prior to issuance of building permits, the applicant shall provide verifiable drawings of the actual dimensions of all of the distances required to meet the Code, and that if it did not meet the Code, permits shall not be issued."

Vice-Chair Hult questioned why T-Mobile would need another tower in the same area as the Sausalito tower since they would be in close proximity.

Ms. Heep referred the question to the applicant, in terms of their radius needs.

Chair Sofelkanik re-opened the Public Hearing.

Mr. Austin stated the placing of a cellular site was driven by technological concerns. He explained that cost of each site was approximately \$300,000 each and a cellular tower would not be placed on a site unless demand required it.

Mr. Austin reiterated his request that the matter be continued so that some of the issues could be discussed with staff.

Chair Sofelkanik closed the Public Hearing.

Chair Sofelkanik asked if the tenants located in the adjacent commercial property were notified, or just the parcel owners.

Assistant City Attorney Powers stated that the applicant has made a formal request to continue the item to a future meeting, and that could be done by a motion and second.

Chair Sofelkanik asked staff to provide the applicant with a design for the bus shelter and research the distance from Los Alamitos High School to the proposed monopalm; and, provide coverage maps for adjacent cell towers, not just for T-Mobile but for all carriers in the City. In addition, he asked staff to be sure that tenants of the adjacent site were noticed of the hearing.

Vice-Chair Hult asked staff to provide a report on the status of the T-Mobile site at 3271 Sausalito.

Motion/Second: Sofelkanik/Schleuter

Unanimously carried: to continue the matter at the request of the applicant to the meeting of September 11, 2006.

- B. Conditional Use Permit C06-11 and Site Plan Review SPR06-05:** This is a request to add 1,600 square feet to an existing commercial structure (Los Alamitos Plaza) in the Town Center Overlay (TC) area of the CG (General Commercial) District located at 10900 Los Alamitos Blvd., to accommodate a proposed Starbucks with an outdoor dining area and which has operating hours that fall between 10:00 p.m. and 6:00 a.m. (Applicant: N.S.P.S. Partnership)

Ms. Heep summarized the staff analysis, referring to the information contained therein, and responded to questions from the Commission.

Chair Sofelkanik opened the Public Hearing.

Shahriar Afshan, approached the podium to answer Commission questions.

Commissioner Wahlstrom asked if the applicant understood that the restaurant had to close at 11:00 p.m.

Mr. Afshan answered affirmatively.

Commissioner Wahlstrom wanted assurance that the site would never be developed as a drive-thru.

Mr. Afshan stated that the site could not accommodate a drive-thru.

Assistant City Attorney Powers stated that the issue of a drive-thru is not part of the agenda, and from a Brown Act standpoint it should not be discussed unless placed on a future agenda.

Mr. Afshan stated that Starbucks was not requesting a drive-thru.

Chair Sofelkanik asked for a clarification of the hours of operation.

Mr. Afshan stated that the hours listed in the staff report were not accurate and that Starbucks wanted to open at 4:30 a.m. and close at 11:00 p.m.

Brad Miles, real estate broker for the site, stated that after the report was written, Starbucks informed him of the requested operating hours of 4:30 a.m. to 11:00 p.m.

Commissioner Shloss asked what time the restaurant would actually be open to the public.

Mr. Afshan stated the restaurant would start serving the public at 4:30 a.m.

Commissioner Shloss asked if Starbucks would serve other items other than coffee and pastries.

Mr. Afshan indicated that Starbucks traditionally served sandwiches and other snack items.

Chair Sofelkanik closed the Public Hearing.

Commissioner Daniel stated he had no issues with the proposed hours of operation. He asked that the applicant maintain the landscaping and make the area pleasing in appearance.

Vice-Chair Hult concurred with Commissioner Daniel.

Motion/Second: Sofelkanik/Hult

Unanimously carried: to Adopt Resolution No. 06-16 approving Conditional Use Permit C06-11 a request to add 1,600 square feet to an existing commercial structure (Los Alamitos Plaza) in the Town Center Overlay (TC) area of the CG (General Commercial) District located at 10900 Los Alamitos Blvd., to accommodate a proposed Starbucks with an outdoor dining area, which has operating hours of 4:30 a.m. to 11:00 p.m.

Motion/Second: Sofelkanik/Wahlstrom

Unanimously carried: to Adopt Resolution No. 06-17 approving Site Plan Review SPR06-05 a request to add 1,600 square feet to an existing commercial structure (Los Alamitos Plaza) in the Town Center Overlay (TC) area of the CG (General Commercial) District located at 10900 Los

Alamitos Blvd., to accommodate a proposed Starbucks with an outdoor dining area, which has operating hours of 4:30 a.m. to 11:00 p.m.

- C. Site Plan Review SPR06-06; Conditional Use Permit C04-09; Tentative Parcel Map TPM 04-02; and Standards Variance V06-01:** This is a request for a modification to a previously approved Tentative Parcel Map TPM04-02; and Conditional Use Permit C04-09, to permit the construction of four residential condominium units at 4332 Howard Avenue in the R-3 Multi-Family Residential zone as originally designed but varying from development standards relating to dimensions and modifications to the timing of the conditions of approval. (Applicant: Eddie Kesky).

Ms. Heep summarized the staff analysis, referring to the information contained therein, and responded to questions from the Commission.

Commissioner Daniel asked if the project could be built under the current Zoning Code.

Ms. Heep stated that the Commission should only focus on the old Zoning Code since the project was approved under that Code.

Commissioner Harty asked for the length of time an approval was good for.

Ms. Heep explained that each type of application had different time frames. She stated for instance that a tentative map had a longer time frame than a conditional use permit. She noted that one of the recommended CUP modifications was to extend the conditional use permit approval time frame to be consistent with tentative parcel map approval time frame.

Assistant City Attorney Powers stated that State statutes indicate that unless on the face of the permit, an earlier expiration is identified, a permit issued in conjunction with a tentative map does not expire prior to the life of the map expiring. In addition, a CUP under law does not really expire, but must be revoked.

Commissioner Schleuter asked for the major differences between the old Zoning Code and the new Zoning Code that are causing the problems with the subject project.

Ms. Heep clarified that the subject application was not being reviewed under the new Code. She then explained the difference between what the applicant got approved for and the requirements that technically the project did not meet.

Commissioner Daniel asked what would occur if the Commission denied the applicant's request.

Ms. Heep stated that the applicant could appeal the decision to the City Council, or come back to the Commission with a revised plan.

Assistant City Attorney Powers explained the appeal process.

Commissioner Wahlstrom stated that at public hearings, the Commission always asks the applicant if they understand the Conditions of Approval for which their project was being approved, and they always answer in the affirmative. Therefore, the argument that the applicant did not understand the Conditions did not carry much weight with him. He also indicated that there were several 52 foot lots in the City and none have been granted a variance for any reason. He also did not feel the project did not meet the criteria of what a variance called for, without granting a special favor, and therefore could not support the applicant's request. He also felt that the project was a good example of a small lot being overbuilt which has been a curse to the City for the past few years.

Chair Sofelkanik opened the Public Hearing.

Eddie Kesky, 3292 Wendy Way, Los Alamitos, stated that he did not know why he had to appear before the Planning Commission again since his project was approved by the Planning Department and then by this same body on November 8, 2004. He stated that at that point, it was his understanding that he could go forward and build his project so he went forward with the construction drawings and grading plans. He stated that he did not rush to get the project going because he had tenants living on the premises at the time that had their children going to the local high school and requested they be allowed to finish school. He further stated that his same exact plans had been used for other projects in the City that were approved and allowed to be built, which was why he shared those plans with the developers. He explained that he had his plans go through plan check and had obtained fire department approval and was in regular communications with Bill Sharkey, the Building Official, on the minor corrections that were required. He stated that Bill had told him his plans were ready and he could pull permits so he paid his fees at that time, and then he was denied his permit. He stated that his tenants have moved out and he has done the asbestos removal and spent thousands of dollars moving forward just to be denied, after he was approved.

Commissioner Wahlstrom asked if a variance was approved in 2004.

Mr. Kesky responded in the negative and stated his site plan review application was approved, but staff never mentioned a variance was needed.

Commissioner Daniel asked when Mr. Kesky submitted for plan check.

Mr. Kesky stated that he submitted for plan check within two months from the date of his approval, and he also had his grading plans approved.

Ms. Heep stated that Mr. Kesky submitted his final building plans just recently and when it was discovered that the plans did not meet Code requirements, his project was stopped.

Commissioner Wahlstrom asked if any of the other 52 foot lots were granted any type of variance in order to meet the Code requirements.

Ms. Heep indicated that her research so far did not show any variances for any other similar properties, and Mr. Kesky was correct when he stated that similar designs were constructed that did not meet Code nor did they comply with the Conditions of Approval for which they were granted, in terms of timing.

Commissioner Schleuter stated that the Commission was being asked to set a precedence by approving a variance to allow Mr. Kesky to build on a 52 foot lot what should not have been built anywhere on a 52 foot lot.

Ms. Heep stated that variances do not grant precedence. She explained that the applicant was in a very unique situation, as he is in the pipeline with approvals and money that he spent thinking he honestly had the proper approvals. She further explained that now every applicant that comes to the Community Development Department to get their plans reviewed, is counseled on the Code Standards and is discouraged from considering a variance if these are the ground to support it. She added that staff also brings to their attention items that they can and can not build. In addition, these new applicants do not have any outstanding approvals, nor have they spent money going through the approval process.

Chair Sofelkanik asked how much it would cost to revise the plans to have them meet Code.

Mr. Kesky stated that approximately \$25,000 per unit; he noted that the open space and turning radius were the main issues. He stated the storage space could be addressed in the garages as they were lockable.

Chair Sofelkanik stated that one of the reasons for amending the Code was to avoid using garages for storage; as they should be used for the parking of cars.

Mr. Kesky stated that he could still arrange for storage cabinets in the garages that would allow the cars to be parked in there as well.

Chair Sofelkanik closed the Public Hearing.

Commissioner Harty referred to the issue of the turning radius that does not meet Code and asked what the difference was between what was proposed and what the Code required.

Ms. Heep stated that Mr. Kesky plans did not provide a dimension for the turning radius, however, the Code required a 28-foot turning radius, and the proposed project could not meet that 28-foot radius. She noted however, that the plans did meet the 24 foot back-up space and the drive aisle requirement.

Chair Sofelkanik asked how many other projects were currently in this situation, of being in the pipeline to build.

Ms. Heep stated that there could potentially be other projects in a similar situation; however, she was not certain of the number, if any. She stated that there were no other

situations she was aware of where the applicant came forward, did the plan check, applied for permits and has gone as far as Mr. Kesky has in the process without having already received the permits.

Commissioner Daniel stated that he understands the Commission's position and agrees with the Commission that smaller lots should not be overbuilt; however, Mr. Kesky was in a very unique situation. He stated that the Commission may not approve a variance for an applicant who came with a project initially, however, the Commission should consider the situation Mr. Kesky is in when making a decision in the subject case.

Chair Sofelkanik stated that perhaps the matter should be continued to a later date so that staff could prepare a denial resolution, in case the Commission makes that determination, and also give the applicant time to possibly work further with staff to try and accommodate some of the issues.

Assistant City Attorney Powers explained the process to bring the matter back to a future meeting, with either a resolution to deny and/or a resolution to approve with conditions.

Commissioner Wahlstrom asked for the unique circumstances in this situation which would allow for a variance.

Ms. Heep stated that Mr. Kesky had a narrow lot that was not standard in size which was unique because it prevented him from being able develop the lot and meet the code standards. His case was also unique because he did not know he was planning something not to Code, nor at the time did staff appear to know, and he is just finding out at the last minute, which made it unique because all applicants should know from the beginning. She further explained that Mr. Kesky was not being given a privilege that others have enjoyed in that the narrowness of the property denies the property owner from enjoying the privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary, and non self-created, hardship or unreasonable regulation that makes it obviously impractical to require compliance with the development standards.

Vice-Chair Hult asked if the project, as presented, would meet every aspect of the old Zoning Code.

Ms. Heep responded in the negative.

Commissioner Shloss stated that she felt the situation was a special circumstance, but not a special privilege, due to the fact that the applicant was already in the pipeline and was previously approved by the Commission and by the staff at that time.

Commissioner Schleuter stated that the area in which the project was to be developed was already overbuilt and on-street parking was a problem. She commented that although it did not pertain to this project, if the City allowed properties to be developed that allowed garages to be used for storage, the on-street parking would become even more of a problem.

Commissioner Harty asked if any of the non-complying issues were brought up in the original application.

Ms. Heep responded in the negative.

Vice-Chair Hult asked for the procedure in this type of case when there were no vested rights with a CUP.

Assistant City Attorney Powers stated that if a CUP were granted that did not meet Code and there were no vested rights, there would be a revocation hearing on the CUP or a variance would have to be granted.

Commissioner Harty asked if the applicant had any vested rights taking into consideration the amount of money he has put into the project and based on the approval of the original CUP.

Assistant City Attorney Powers stated that a vested right did not attach to a project until the issuance of permits and construction has commenced.

Motion/Second: Shloss/Daniel

Failed to carry to: 1) Adopt Resolution No. 06-18 approving Site Plan Review SPR06-06 a request to construct four (4) residential condominium units at 4332 Howard Avenue in the Multi-Family Residential (R-3) District; and, 2) Adopt Resolution No. 06-19 modifying Conditional Use Permit C04-06 a request to construct four (4) residential condominium units at 4332 Howard Avenue in the Multi-Family Residential (R-3) District; and, 3) Adopt Resolution No. 06-20 modifying Tentative Parcel Map a request to subdivide the airspace for condominium purposes at 4332 Howard Avenue in the Multi-Family Residential (R-3) District; and, 4) Adopt Resolution No. 06-21 approving Standards Variance V06-01 a request to construct four (4) residential condominium units at 4332 Howard Avenue in the Multi-Family Residential (R-3) District.

AYES: Shloss; Daniel; Harty

NOES: Sofelkanik; Schleuter; Wahlstrom; Hult

Assistant City Attorney Powers stated that staff would return with a Resolution recommending denial at the next Planning Commission meeting.

Ms. Heep suggested another alternative to the Resolution of denial, being a Resolution containing additional Conditions that would help to mitigate some of the issues. She stated that staff could work with the applicant on conditions that would help alleviate some of the issues.

Chair Sofelkanik stated he would support a motion to allow Mr. Kesky to work with staff to address some of the issues and return with a subsequent plan. He suggested

moving the open space up off the ground to the balcony area. He did however, have an issue with the lack of storage.

Commissioner Wahlstrom stated that one Condition he would like to see would be related to the 200 feet of lockable storage space; and, a Condition requiring garage door openers.

Commissioner Schleuter stated that she felt staff could work with the applicant to address some of the issues by adding Conditions that would allow him to develop his property.

Commissioner Wahlstrom stated that he would like to see a project developed at the subject site and with minor changes to the existing plans, he would support the project.

Motion/Second: Wahlstrom/Schleuter

Unanimously carried: to continue the matter to the meeting of September 11, 2006, and requesting Staff return with a Resolution of denial; and, amended Resolutions containing added Conditions that would help alleviate some of the non-complying issues.

7. STAFF REPORTS

Assistant City Attorney Powers gave a brief update on recent legal developments affecting Cellular Facilities.

Chair Sofelkanik asked if the City could receive revenue from the cell towers that were being built in the City.

Assistant City Attorney Powers stated that cell site facilities were regulated by both federal and state law. He indicated that federal law allowed cities to charge a "reasonable fee" for the use of the city public right-of-way. He explained that the cities may charge a permit fee that was reasonable, non-discriminatory, and does not exceed the cost of the service for which the facility provides, or in other words, the city can not make a profit.

Chair Sofelkanik asked about the use of air space.

Assistant City Attorney Powers stated that the use of air space was regulated by the FCC.

Chair Sofelkanik asked if air space could be considered rights-of-way.

Assistant City Attorney Powers responded in the negative and explained that rights-of-way only pertained to the use of sidewalks, streets, etc.

Vice-Chair Hult stated his concern with the amount of cell towers coming into the City and how many more may come in the future.

Assistant City Attorney Powers stated that the Commission should place the item on a future Commission meeting if they wished to discuss policy of whether or not to allow cell towers in the City.

Vice-Chair Hult asked that the matter be placed on a future agenda as a public hearing and requested that a moratorium be placed on any future developments, until the matter can be discussed.

Assistant City Attorney Powers recommended the matter be placed on the agenda as a discussion item, rather than as a public hearing, since it will not affect the Zoning Code. He added that the City Council would have to approve any moratorium pursuant to the Government Code.

Commissioner Wahlstrom asked when the CUP would expire at the Sausalito site.

Chair Sofelkanik asked that staff create a tickler file that will alert staff as to when a CUP expires, and then bring a report back to the Commission each month on which CUP's expire. He stated from there the Commission could request a revocation of the CUP, once it expired.

Assistant City Attorney Powers recommended that the Commission request the matter be placed on a future agenda as a discussion item before making the formal request of staff to automatically report any CUP expirations, as it may involve revocation matters.

Chair Sofelkanik requested the item be placed on a future agenda.

Vice-Chair Hult asked who had jurisdiction in regards to the aesthetics of a cell site.

Assistant City Attorney Powers stated that aesthetics were covered under state law.

8. ITEMS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

None

9. COMMISSIONER COMMENTS

None

10. ADJOURNMENT

Meeting adjourned at 10:00 p.m. to Monday, September 11, 2006.

ATTEST:

Lisa Heep, Secretary
LOS ALAMITOS PLANNING COMMISSION

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

REGULAR MEETING – MONDAY, AUGUST 14, 2006

6. PUBLIC HEARING

- B. Conditional Use Permit C06-11 and Site Plan Review SPR06-05:** This is a request to add 1,600 square feet to an existing commercial structure (Los Alamitos Plaza) in the Town Center Overlay (TC) area of the CG (General Commercial) District located at 10900 Los Alamitos Blvd., to accommodate a proposed Starbucks with an outdoor dining area and which has operating hours that fall between 10:00 p.m. and 6:00 a.m. (Applicant: N.S.P.S. Partnership)

Ms. Heep summarized the staff analysis, referring to the information contained therein, and responded to questions from the Commission.

Chair Sofelkanik opened the Public Hearing.

Shahriar Afshan, approached the podium to answer Commission questions.

Commissioner Wahlstrom asked if the applicant understood that the restaurant had to close at 11:00 p.m.

Mr. Afshan answered affirmatively.

Commissioner Wahlstrom wanted assurance that the site would never be developed as a drive-thru.

Mr. Afshan stated that the site could not accommodate a drive-thru.

Assistant City Attorney Powers stated that the issue of a drive-thru is not part of the agenda, and from a Brown Act standpoint it should not be discussed unless placed on a future agenda.

Mr. Afshan stated that Starbucks was not requesting a drive-thru.

Chair Sofelkanik asked for a clarification of the hours of operation.

Mr. Afshan stated that the hours listed in the staff report were not accurate and that Starbucks wanted to open at 4:30 a.m. and close at 11:00 p.m.

Brad Miles, real estate broker for the site, stated that after the report was written, Starbucks informed him of the requested operating hours of 4:30 a.m. to 11:00 p.m.

Commissioner Shloss asked what time the restaurant would actually be open to the public.

Mr. Afshan stated the restaurant would start serving the public at 4:30 a.m.

Commissioner Shloss asked if Starbucks would serve other items other than coffee and pastries.

Mr. Afshan indicated that Starbucks traditionally served sandwiches and other snack items.

Chair Sofelkanik closed the Public Hearing.

Commissioner Daniel stated he had no issues with the proposed hours of operation. He asked that the applicant maintain the landscaping and make the area pleasing in appearance.

Vice-Chair Hult concurred with Commissioner Daniel.

Motion/Second: Sofelkanik/Hult

Unanimously carried: to Adopt Resolution No. 06-16 approving Conditional Use Permit C06-11 a request to add 1,600 square feet to an existing commercial structure (Los Alamitos Plaza) in the Town Center Overlay (TC) area of the CG (General Commercial) District located at 10900 Los Alamitos Blvd., to accommodate a proposed Starbucks with an outdoor dining area, which has operating hours of 4:30 a.m. to 11:00 p.m.

Motion/Second: Sofelkanik/Wahlstrom

Unanimously carried: to Adopt Resolution No. 06-17 approving Site Plan Review SPR06-05 a request to add 1,600 square feet to an existing commercial structure (Los Alamitos Plaza) in the Town Center Overlay (TC) area of the CG (General Commercial) District located at 10900 Los Alamitos Blvd., to accommodate a proposed Starbucks with an outdoor dining area, which has operating hours of 4:30 a.m. to 11:00 p.m.