

# City of Los Alamitos

## Planning Commission

### Agenda Report Public Hearing

August 11, 2014  
Item No: 7D

**To:** Chair Loe and Members of the Planning Commission

**From:** Steven A. Mendoza, Community Development Director

**Subject:** Modification of alcohol related conditions allowing for the sale of single beers and spirits

**Summary:** This is a request for 7-Eleven at 3951 Ball Road to alter their conditions to allow the sale of single beers and pints and half 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)”.

**Applicant:** Anamika Patel – Store Operator

**Location:** 3951 Ball Road

**Environmental:** A Categorical Exemption pursuant to Section 15301, Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines.

**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 alcoholic beverage sales, on- or off-site consumption, are a conditionally permitted use in conjunction with an allowed use.

**Noticing:** This hearing was noticed in the News Enterprise on July 30, 2014. All business owners, approximately 153 property owners, and commercial building tenants within 500 feet of the subject property were mailed public notices on this same date

## **Background**

Ms. Animika Patel, is the Operator of the Ball/Bloomfield 7-Eleven and received a CUP for alcohol sales on February 11, 2013. Ms. Patel has now requested a modification of her conditions of approval at 7-Eleven which currently prohibits the selling of pint and half pint spirits and single beers. Conditions 13 and 14 of CUP No. 12-06 , approved by Resolution No. 13-02, currently provide as follows:

13. There shall be no sales of low-priced, screw-top fortified wines, 40 oz. Malt liquors, and pints or half-pints of spirits.

14. Beer shall be sold in a six-pack minimum. No single bottles or cans shall be sold.

Due to Ms. Patel having a solid track record at this location and the lack of neighborhood complaints, staff is supportive of this change as long as this remains a 7-Eleven Franchise which is already enforced via Condition No. 2 in Resolution No. 13-01.

2. This approval is conditioned upon applicant's ability to obtain and maintain a franchise with 7-Eleven or a similar nationally recognized convenience store with substantially similar corporate structure and requirements regarding safety, marketing and merchandise.

## **Discussion**

7-Eleven is located at the Northwest corner of Ball Road and Bloomfield Street. The site is configured with two storefronts, like many traditional 7-Eleven locations in mini-mall-type locations. The adjacent properties are developed and zoned as follows:

North: Single Family Residential uses in the (R-1) Zoning District.

East: Retail uses including a tire store and a Ralph's grocery store in the City of Cypress.

South: Commercial uses including US Bank in the (C-G) Zoning District.

West: Single Family Residential uses in the (R-1) Zoning District.

At the time this report was completed and distributed, Staff had not received any comments regarding the proposed use from Public Notices that were mailed out on July 29, 2014.

The current use is as a store/market and has created few concerns or complaints. It is in conformity with the Los Alamitos General Plan because the "Retail Business" Land Use Designation is described as "retail uses such as supermarkets, drugstores, personal services, restaurants, and facilities that offer a wide variety of retail products."

This site had a history of noise related impacts linked to Twins Grill restaurant but there have been no complaints linked to 7-Eleven.

In order to approve the modification to the Conditional Use Permit, findings have to be made in accordance with Section 17.42.050 of the Los Alamitos Municipal Code. Those findings are represented in the attached resolution.

## **Fiscal Impact**

The growth in sales will offer increased revenue to the community.

*Attachments:*

1. *Request Letter*
2. *Draft Resolution No. 14-20, approving Modification of Conditional Use Permit 12-06*



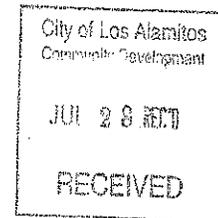
CUP  
12-06 M  
\$1000.00

**3951 West. Ball.  
Los Alamitos, CA 90630**

**909-543-7176  
Ana7176@gmail.com**

July 25, 2014

Planning Commission  
City of Los Alamitos  
3191 Katella Avenue  
Los Alamitos, CA 90720



**SUBJECT: Modification of Conditions for CUP at 7-11  
Single Beer and Pints/Half Pints of Liquor**

Dear Hon. Commissioners of City of Los Alamitos,

My name is Anamika Patel. I am the owner of the 7-Eleven at Ball/Bloomfield. I purchased the store in 2004 when it was a privately owned liquor store. The store was called Spirit Shop Liquor. It was family owned and operated store. My husband, my dad and I worked at the store.

I have never had any problems with the city or neighbors since we purchased the business. We have never had a complaint about noise or trash. We worked very hard to keep our business family friendly.

After working hard for years, we turned our liquor store into 7/11 franchise last year.

Currently, my revenue are \$65,000/month. The store is open 5:00 a.m. to 12:00 a.m. After I pay my employees and expenses, my husband and I make **\$2500/month**. We both work over 60 hours+ a week because we cannot afford to hire any more employees.

The reason for low revenue is because we are not allowed to sale a single beer Pints or half Pints. In the U.S. Pint bottle of liquor is 375 ML and half pint is 200 ML. Currently, the store is only allowed to sell a liquor bottle of 750 ML quantity or more. The sale of single beers and 200 ML of liquor bottle generated majority of my revenue when the store was Spirit Stop Liquor. Many of the employees of Disneyland and Boeing who worked night shift, preferred to purchase single beer



or pints or half pints of Liquor on their way home after work in the morning. Many of the constructions workers who live in the neighborhood stopped by the store in the evening to purchase single beers too. Many of these customers do not prefer to buy the bigger bottle of the alcohol.

I believe modification of the license that will allow me to sell a single beer and pints of liquor and will increase my sells by 30%. Individuals who stop by in the morning and in the evening after work will purchase hot food and other items when they stop by to purchase the beer. Also, majority of our customers at the Spirit Stop Liquor used credit cards. So they prefer one stop to purchase all their products so they can pay in one transaction rather than using their credit card multiple times.

This modification will enable me generate more profits and I will be able to hire more employees. My husband and I believe in giving back to the community. I believe we have been a great community partner. I am active in the Chamber of Commerce and have sponsored numerous events in the City. Greater sales will allow me to continue such sponsorships and compete with other businesses in the region.

My husband and I would like to request the City of Los Alamitos and the Hon. commissioners to approve our request and issue a permit to sell single beer and Pints of Liquor at our 7/11 location. We have been diligently honoring our previous conditions, respecting our neighbors, and have become part of the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anamika Patel', written in a cursive style.

Anamika Patel  
Owner  
909-641-5971

## RESOLUTION NO. 14-20

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MODIFYING CONDITIONAL USE PERMIT 12-06 TO CONDUCT ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION IN CONJUNCTION WITH AN ALLOWED USE FROM 5:00 A.M. TO MIDNIGHT, IN A 2,300 SQUARE FOOT SPACE, AT 3951 BALL ROAD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 244-293-29 BY ALLOWING THE SALE OF SINGLE BOTTLES AND CANS AND ALLOWING SALE OF PINT AND HALF-PINT SPIRITS (CUP 12-06M) (APPLICANT: ANAMIKA PATEL)**

**WHEREAS**, a duly noticed Public Hearing was held by the Planning Commission on February 11, 2013, and based upon required findings and determinations, approved CUP 12-06 through Planning Commission Resolution 13-02; and,

**WHEREAS**, the applicant had a CUP granted on February 11, 2013; and,

**WHEREAS**, the Applicant had filed a request to modify their conditions; and

**WHEREAS**, a duly noticed Public Hearing was held by the Planning Commission on August 11, 2013; and,

**WHEREAS**, the said verified application was again publicly noticed on July 30, 2014, for a public hearing; and,

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER 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. Modification of Conditional Use Permit 12-06 is hereby approved based upon the following findings.

1. The use as a 7-Eleven located at 3951 Ball Road, as conditioned, will not endanger the public health or general welfare as the Los Alamitos Police Department has indicated that the operator has a good safety record and does not have public safety related impacts. The use as a 7-Eleven meets the required conditions and specifications set forth in the previously approved Conditional Use Permit.
2. The location and character of the use, at 3951 Ball Road, as currently developed, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos general plan:

3. The decision to approve the Conditional Use Permit is based on review by the Planning Commission for the proposed project and testimony given at the Public Hearing on August 11, 2014 before the Planning Commission.
4. The plans and specifications submitted for the proposed project and the written and oral testimony constitute substantial evidence for both portions of the CUP.
5. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines, Section 15303(e), Class 1. Existing Facilities. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet

SECTION 2. Based upon required findings and determinations, the Planning Commission hereby modifies conditions 12 and 13 of CUP 12-06 as follows. All other conditions are relisted without change.

### **Planning**

1. Approval of this application is to allow alcoholic beverage sales for off-site consumption in conjunction with an allowed use at a store/market, during the hours of 5:00 a.m. to midnight at 3951 Ball Road with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 12-06 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 and the Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Community Development Director.
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. 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.

5. 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

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 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.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. The applicant shall submit complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work.

10. The project shall comply with all requirements of Chapter 17.24, Noise Control, of the Los Alamitos Municipal Code.
11. 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.
12. The display of alcoholic beverages shall be interior only (no outdoor display) at any time.
13. There shall be no sales of low-priced, screw-top fortified wines, 40 oz. Malt liquors, and ~~pints or half-pints of sprits.~~
14. ~~Deleted Beer shall be sold in a six-pack minimum. No single bottles or cans shall be sold.~~
15. There shall be no sale of wine in individual containers of less than a 750 ml. quantity, or in manufacturer's multi-unit packages of less than 700 ml. quantity.
16. There shall be no sale, trade or exchange of any airline- or "shot"-size bottles of alcohol (50 milliliters or less).
17. Compliance with Chapter 5.48 of the Los Alamitos Municipal Code, as it may be amended from time to time, is required. As of the date of the issuance of the conditional use permit, Chapter 5.48.020 provides in part: "The display of material which is harmful to minors, as defined in Chapter 7.6 of Title 9 of the California Penal Code, (Section 313 et seq. thereof) in a public place, other than a public place from which minors are excluded, is prohibited unless a device commonly known as a blinder rack, is placed in front of such material, so that the lower two-thirds of the material is not exposed to view.
18. All deliveries shall be conducted only during the hours of 8:00 a.m. to 9:00 p.m. and shall be loaded through the front of the store.
19. The parcel's landscape and parking lot shall be maintained in good, clean condition at all times.
20. All vending machines of any kind shall be located within the store.
21. Any complaints concerning trash in the yards of neighboring residences, from products purchased at this business, shall be remedied by the applicant immediately.

### **Police Department**

22. The applicant shall install adequate outdoor lighting to the satisfaction of the Police Department.

23. Subject to the satisfaction of the Community Development Director and the Police Chief, the applicant shall install electronic monitoring which may including a combination of the following:

- Wall-mounted DVR (digital video recorder with hard drive for storage of info) in back office
- Front door camera mounted in door frame looking a main entrance/exit aisle
- Ceiling mounted camera looking a front door area
- Sales floor public view monitor (mounted on ceiling)
- Exterior camera
- Dome camera looking down on sales counter area
- Alarm feature with hard wire button at sales counter with two remote devices
- Audio recording kit
- Back-up battery for power interruption

24. Alcohol shall be stored in a manner that discourages theft, to the satisfaction of the Police Department.

25. The rear door shall be secured and closed at all times.

**Building and Safety Department**

26. Submit tenant improvement plans for review including accessibility details, path of travel, parking, etc.

**Orange County Fire Authority**

27. The applicant shall provide the Orange County Fire Authority with any plans for review of tenant improvements.

**Added During February 11, 2013, Hearing**

28. Applicant is permitted to and shall be required to install an eight foot tall fence as presented to the Commission during the hearing subject to the satisfaction of the Community Development Director. The height of the fencing shall be measured from the commercial property grade. The fencing shall mitigate impacts along both residential property lines.

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, APPROVED, AND ADOPTED** this 11<sup>th</sup> day of August, 2014.

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Gary Loe, Chairperson

ATTEST:

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Steven Mendoza, Secretary

APPROVED AS TO FORM:

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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 11<sup>th</sup> day of August, 2014, by the following vote, to wit:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Steven Mendoza, Secretary

# City of Los Alamitos

## Planning Commission

### Agenda Report Public Hearing

August 11, 2014  
Item No: 7E

**To:** Chair Loe and Members of the Planning Commission

**Via:** Steven Mendoza, Community Development/Public Works Director

**From:** Tom Oliver, Associate Planner

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

**Summary:** 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)."

**Applicant:** City Initiated

**Location:** Citywide

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

**Noticing:** Since the number of real property owners exceeds 1,000, notices announcing the Public Hearing were published as a 1/8 page ad in the News Enterprise on July 30, 2014 and noticed again on August 6, 2014.

**Environmental:** The proposed ordinance has been determined to be 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.

## **Background**

The Planning Commission has made the determination to review the Los Alamitos Municipal Code (LAMC) pertaining to the permitting of certain commercial land uses in the Planned Light Industrial (P-M) zone, and particularly along major thoroughfares. Allowed uses in the P-M zone are set forth in the land use table, Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*. The Commission would like to discuss this possibility due to the desirability of certain of these industrial buildings being used for general retail sales operations. The Planning Commission began this process on April 14, 2014, by approving a Resolution of Intention which is required as a first step in evaluating this subject.

At the July 14, 2014, meeting, the Commissioners asked that Staff draft a resolution of recommendation to the City Council to allow retail sales businesses in the retail type areas of the Planned Light Industrial Zone along larger thoroughfares. Staff prepared a resolution of recommendation for this subject that is attached to this Staff Report.

## **Findings**

Certain findings are required by the Zoning Code for these types of amendments as shown below:

First, the proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed code amendment to allow “retail sales, general” as a permitted use along Katella Avenue, Los Alamitos Boulevard, and Cerritos Avenue in the Planned Light Industrial (P-M) Zone of the City without a Conditional Use Permit is consistent with General Plan Economic Development Element Policy 7-1.1.3 that states, “Identify and pursue development of building sites and existing facilities which may be adapted for more productive retail uses.” These light industrial areas that

exist near the busier corridors of the City are often constructed in the same manner as retail storefronts and sit vacant until a retail business is willing to apply for a Conditional Use Permit to be in the location. Furthermore, this change will not affect consistency of the Zoning Code.

Next, the proposed amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the Code amendments. This will allow for more retail amenities in these areas, and will fill vacant storefront areas with a tenant rather allowing them to fall into blighted disrepair.

Third, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code and do not provide any conflicts with any other provision of the Los Alamitos Municipal Code. "Retail Sales, General" is defined in the Los Alamitos Municipal Code as follows:

Retail Sales, General. "General retail sales" means stores and shops completely enclosed within a structure, which sell various lines of merchandise for profit. These stores and lines of merchandise may include:

1. Artists supplies;
2. Bakeries (retail only);
3. Bicycles;
4. Books;
5. Cameras and photographic supplies;
6. Clothing and accessories;
7. Department stores;
8. Drug and discount stores;
9. Dry goods;
10. Fabrics and sewing supplies;
11. Florists and houseplant stores (indoor sales only - outdoor sales are "nurseries");
12. Gift shops;
13. Grocery stores;
14. Hardware;
15. Hobby materials;
16. Jewelry;
17. Luggage and leather goods;
18. Musical instruments, parts and accessories;
19. Newsstands;
20. Orthopedic supplies;
21. Religious goods;
22. Small wares;

23. Specialty shops;
24. Sporting goods and equipment;
25. Stationery;
26. Toys and games;
27. Variety stores.

As some of these categories are separately called out in Section 17.10.020, corresponding changes are made in those categories as well to avoid internal inconsistencies.

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

## **Recommendation**

Staff recommends that the Planning Commission approve the attached Resolution and Draft Ordinance to amend the Los Alamitos Municipal Code relating to the permitting of the "retail sales, general" land use along Katella Avenue, Los Alamitos Boulevard, and Cerritos Avenue in the Planned Light Industrial (P-M) Zone of the City without a Conditional Use Permit.

*Attachments:*

- 1) *Draft Resolution 14-21*
- 2) *Draft Ordinance 2014-XX*
- 3) *PC Staff Report from June 9, 2014 Commission Meeting*

## RESOLUTION NO. 14-21

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 AMENDING SECTION 17.10.020 OF THE LOS ALAMITOS MUNICIPAL CODE TO ALLOW "RETAIL SALES, GENERAL" AS A PERMITTED USE IN THE 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).

**WHEREAS**, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on July 14, 2014; and,

**WHEREAS**, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on August 11, 2014; and,

**WHEREAS**, the Planning Commission recommends Zoning Ordinance Amendment (ZOA) 14-03 to allow "retail sales, general" as a permitted use in the 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,

**WHEREAS**, on August 11, 2014, the Planning Commission was presented with a draft of an ordinance for Zoning Ordinance Amendment 14-03 which includes related changes to Section 17.10.020, Table 2-04, in order to accomplish this direction of the Planning Commission; and,

**WHEREAS**, the proposed amendment as described in Attachment 3 represents only minor changes of the Los Alamitos Municipal Code; and,

**WHEREAS**, after consideration of all applicable Staff Reports and all public testimony and evidence presented at the Public Hearings, the Planning Commission does hereby make the following findings for a Zoning Ordinance Amendment to modify Los Alamitos Municipal Code Section 17.10.020, Table 2-04 as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed code amendment to allow "retail sales, general" as a permitted use in the 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 is consistent with General Plan Economic Development Element Policy 7-1.1.3 that states, "Identify and pursue development of building sites and existing facilities which may be adapted for more productive retail uses." These light industrial areas that exist near the busier corridors of the City are often constructed in the same manner as retail storefronts and sit vacant until a retail

business is willing to apply for a Conditional Use Permit to be in the location. Furthermore, this change will not affect consistency of the Zoning Code.

2. The proposed amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the Code amendments. This will allow for more retail amenities in these areas, and will fill vacant storefront areas with a tenant rather allowing them to fall into blighted disrepair.

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

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

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

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

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends to the City Council of the City of Los Alamitos to approve Zoning Ordinance Amendment 14-03 to amend Municipal Code Section 17.10.020, Table 2-04 as shown in Attachment 2, which ordinance is attached hereto and incorporated by reference herein.

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

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Gary Loe, Chairperson

ATTEST:

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Steven Mendoza, Secretary

APPROVED AS TO FORM:

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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:

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Steven Mendoza, Secretary



## DRAFT ORDINANCE NO. 2014-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 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 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).**

**WHEREAS**, the Planning Commission, at a duly noticed Public Hearing concerning this Amendment on July 14, 2014, resolved to recommend that the City Council approve "retail sales, general" as a permitted use in the 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,

**WHEREAS**, the City Council opened a duly noticed Public Hearing concerning this Amendment on \_\_\_\_\_, 2014; and,

**WHEREAS**, the proposed amendment as described in Section 2 represents only minor changes of the Los Alamitos Municipal Code; and,

**WHEREAS**, after consideration of all applicable Staff Reports and all public testimony and evidence presented at the Public Hearings, the City Council does hereby make the following findings for a Zoning Ordinance Amendment to modify Los Alamitos Municipal Code Section 17.10.020, Table 2-04 as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed code amendment to allow "retail sales, general" as a permitted use in the 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 is consistent with General Plan Economic Development Element Policy 7-1.1.3 that states, "Identify and pursue development of building sites and existing facilities which may be adapted for more productive retail uses. These light industrial areas that exist near the busier corridors of the City are often constructed in the same manner as retail storefronts and sit vacant until a retail business is willing to apply for a Conditional Use Permit to be in the location. Furthermore, this change will not affect consistency of the Zoning Code.

2. The proposed amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the Code amendments. This will allow for more retail amenities in these areas, and will fill vacant storefront areas with a tenant rather than allowing them to fall into blighted disrepair.

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

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

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

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

SECTION 2. Los Alamitos Municipal Code Section 17.10.020, "Allowed Uses and Permit Requirements," Table 2-04, is amended to read as follows (the changes are highlighted in red):

**Table 2-04  
Allowed Uses and Permit Requirements for  
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter  
17.26)**

<b>P</b>	<b>Permitted use</b>				
<b>CUP</b>	<b>Conditional use permit required</b>				
<b>—</b>	<b>Use not allowed</b>				
<b>TUP</b>	<b>Temporary use permit</b>				
LAND USE	PERMIT REQUIRED BY ZONING DISTRICT			Specific Use Regulations	
	C-O	C-G	P-M		

**RETAIL TRADE <sup>(4)</sup>**

Alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use	CUP	CUP	—	
Alcoholic beverage sales, off-site consumption	—	—	CUP	17.38.050
Antiques, art, collectibles, and gifts	P	P	—	
Art and art supplies stores	—	P	P	
Bakeries, retail	—	P	P	
Bakeries, retail and wholesale	—	—	P	

Book, stationery, newspaper, and magazine stores <sup>(2)</sup>	P	P	—	
Building material yard (new materials)	—	—	CUP <sup>(12)</sup>	
Confectionery shops	P	P	—	
Convenience store/mini-mart	CUP	CUP	CUP	
Drive-in and drive-thru sales	CUP	CUP	—	
Electrical supply stores	—	—	P	
Farmer's market	CUP	CUP	CUP	
Florists	P	P	P	
Gas/fueling stations	CUP	CUP	CUP <sup>(13)</sup>	
Gift shops, specialty shops	P	P	P for Specified Locations; otherwise prohibited <sup>(22)</sup>	
Grocery stores/food markets	P	P	P for Specified Locations; otherwise prohibited <sup>(22)</sup>	
Hardware stores	—	P	P for Specified Locations; otherwise prohibited <sup>(22)</sup>	
Jewelry stores	—	P	P for Specified Locations; otherwise prohibited <sup>(22)</sup>	
Lumber yards, planing mills excluded	—	—	P	
Medical equipment and supplies	P	P <sup>(5)</sup>	—	
Motor vehicle parts stores, incidental installation and repair	—	CUP	P	
Motor vehicle parts stores, no installation or repair on-site	—	P	P	
Motor vehicle sales, leasing, and rental with or without incidental servicing	CUP	CUP	P	
Office supply stores	P	P	—	
Outdoor retail sales and activities	—	CUP	—	17.38.110
Outdoor retail sales, temporary	—	CUP/SEP	—	17.54.050(E)

Pawn shops	CUP	CUP	—	
Pet stores	—	P	CUP <sup>(15)</sup>	
Pharmacies, drug stores <sup>(13)</sup>	P	P	P	
Plant nurseries	—	P	—	
Retail sales, general	CUP	P	CUP P for Specified Locations; otherwise CUP <sup>(22)</sup>	
Secondhand/consignment shops	CUP	CUP	—	
Warehouse retail store (big box retail)	P	P	CUP	

(22) "Specified Locations" are those storefronts facing Katella Avenue, Los Alamitos Boulevard, and Cerritos Avenue only. Retail requires a CUP to locate any other unit of the Planned Light Industrial (P-M) Zone.

SECTION 3. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 5. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

SECTION 6. Staff is hereby directed to file a Notice of Exemption with the County Clerk's office relating to the adoption of this Ordinance under Guidelines Section 15061(b)(3) of the California State Government Code because the Code Amendments will have no significant effect on the environment and pursuant to Section 15305 as a minor alteration in land use limitations.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Gerri L. Graham-Mejia, Mayor

ATTEST:

\_\_\_\_\_  
Windmera Quintanar, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cary Reisman  
City Attorney

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

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

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

\_\_\_\_\_  
Windmera Quintanar, City Clerk



**City of Los Alamitos**  
Planning Commission

**Agenda Report**  
**Public Hearing**

**June 9, 2014**  
**Item No: 7A**

**To:** Chair Loe and Members of the Planning Commission  
**Via:** Steven A. Mendoza, Community Development/Public Works Director  
**From:** Tom Oliver, Planning Aide  
**Subject:** Zoning Ordinance Amendment 14-03  
Review of allowable uses in the Planned Light Industrial Zone  
(Citywide) (City initiated)

**Summary:** 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. Direct Staff to draft an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion; or alternatively,
3. Resolve to continue or cease, continued discussion of this subject.

**Applicant:** City Initiated

**Location:** Citywide

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

**Noticing:** Since the number of real property owners exceeds 1,000, notices announcing the Public Hearing were published as a 1/8 page ad in the News Enterprise on May 28, 2014 for a hearing on June 9, 2014.

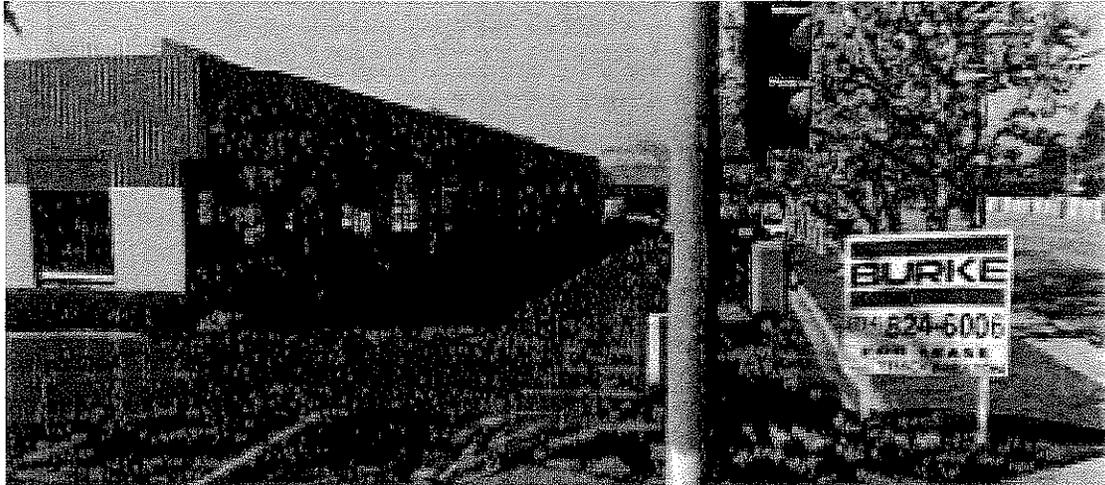
## Background

The Planning Commission has made the determination to review the Los Alamitos Municipal Code (LAMC) pertaining to the permitting of certain commercial land uses in the industrial zone, and particularly along major thoroughfares. These uses are described in the land use table, Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*. The Commission would like to discuss this possibility due to the desirability of these industrial buildings for certain types of retail or other commercial operations. The Planning Commission began this process on April 14, 2014 by approving a Resolution of Intention which is required as a first step in evaluating this subject. Due to the May meeting becoming a joint session to discuss the General Plan, the discussion of this issue has been delayed to tonight's meeting.

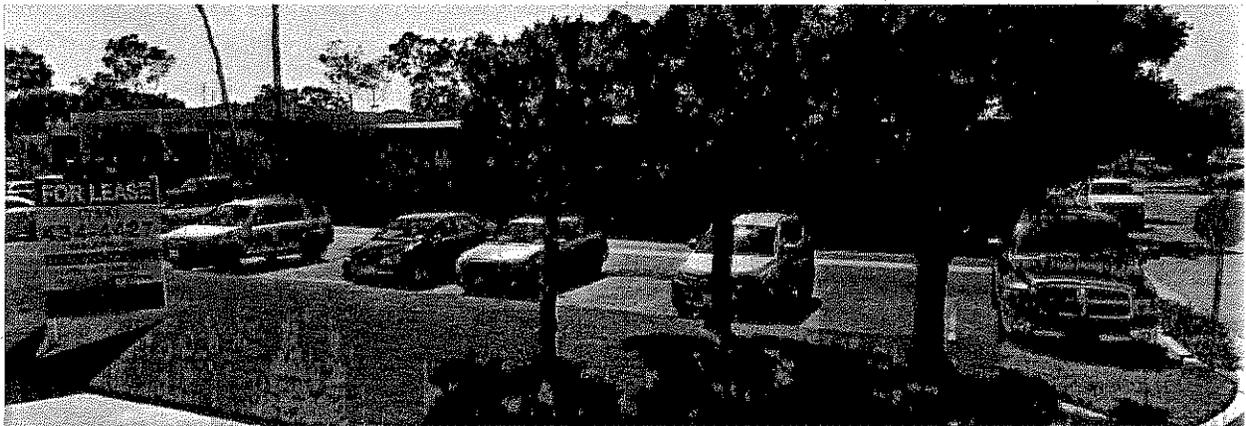
## Discussion



The discussion tonight was brought forward through a request by Commissioner DeBolt at January's Planning Commission meeting. Commissioner DeBolt said that he thought it might serve the City and the business owners well if the City might consider expanding the permitted uses in the PM zone to include any type of use that have classes but of a limited size for the size of the location. The use should also have a start and stop time where it's not open 24-hours a day with continual traffic and also limited by the available parking. He suggested that this might help to accommodate the changing business demographics that are occurring.



This has also been a recurring topic at other Commission meetings as well. A number of types of land uses have been discussed in past meetings by the Planning Commission that might be a good fit to be permitted by right when located in certain areas of the Planned Light Industrial area; possibly along major thoroughfares of the City since these prime retail-looking areas often sit empty. Types of businesses mentioned are those such as "Schools, Commercial – Small," "Retail Sales, General," "Secondhand/Consignement Shops," and "Indoor Amusement and Recreation Establishments (under which Fitness Classes have been interpreted to be consistent)."



### Possible Zoning Code Changes

To accomplish any changes to the Zoning Code regarding this subject, Staff has identified a variety of ways that the Los Alamitos Municipal Code could be amended to make these changes:

- Amend Section 17.10.020, Table 2-04, after a full review of the permitted uses and desired permitted uses by the Planning Commissioners.
- Amend definitions of certain uses within Section 17.76.020 to provide wider descriptions that would encompass more uses.

- Amend the zoning map to change zoning on certain industrial areas or create overlays of certain areas for these uses.
- Wait for an overhaul of the Zoning Code which may happen soon after a new General Plan is approved.
- Conduct a study of the future viability of the Industrial Zones if non-Industrial businesses continue to fill the area.

### Staff Concerns

As the Commissioners know, in order to preserve the industrial areas of the City while at the same time recognizing the need for indoor recreational facilities to have a location that will accommodate their needs, the draft General Plan will examine the creation of a Limited Industrial land use designation. If this land use designation is created, then it will allow some types of commercial uses in this section of the Industrial area, either by right or by Conditional Use Permit. Does this suffice for taking care of this subject?

Staff has additional questions concerning this subject, such as:

Will this degrade the value and potential of the P-M Zone?

How can it be decided which businesses would be permitted?

Is there enough parking in industrial parking lots when they were built for industrial uses that require less parking?

Are the industrial buildings and parking areas safe enough for children?

Will industrial businesses want to locate next to these businesses?

Will industrial businesses that historically have higher-paying jobs leave the area?

### **Recommendation**

Staff recommends that the Planning Commission conduct a Public Hearing to discuss this subject and then direct Staff to draft an Ordinance to amend the Los Alamitos Municipal Code relating to the permitting of certain uses that would normally be associated with the General Commercial (C-G) Zone in the Planned Light (P-M) Zoning district.

# City of Los Alamitos

## Planning Commission

### Agenda Report Public Hearing

August 11, 2014  
Item No: 7F

**To:** Chair Loe and Members of the Planning Commission

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

**From:** Tom Oliver, Associate Planner

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

**Summary:** 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.

**Applicant:** City Initiated

**Location:** Citywide

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

**Noticing:** Since the number of real property owners exceeds 1,000, notices announcing the Public Hearing were published as a 1/8 page ad in the News Enterprise on May 28, 2014.

#### Background

This Public Hearing is a continuation from the June 9, 2014, & July 14, 2014, Planning Commission meetings. The Planning Commission is reviewing the Los Alamitos

Municipal Code (LAMC) pertaining to land uses in the industrial zone. These uses are described in the land use table, Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*. The Community Development Department is concerned for the increased interest in placing non-industrial uses in the Industrial area. Concerns are related to compatibility, safety, and the preservation of 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.*

**Data**

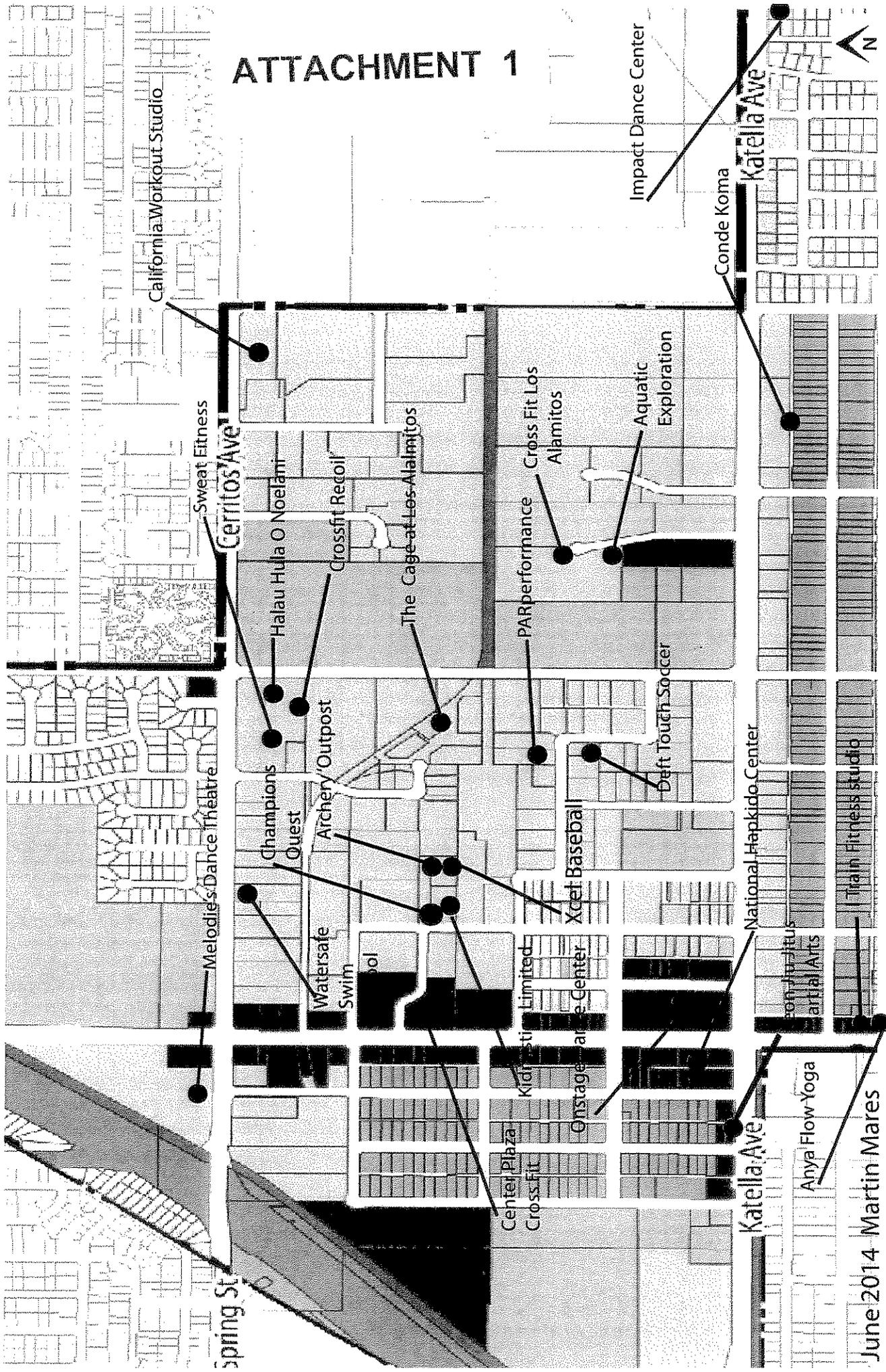
- The City's Industrial Area is 248 acres (18% of the City).
- As of June 2014 the City had 14 recreational establishments in the Industrial The total square footage in the Industrial area is 2,169,748 sq. ft.
- Total sq. ft. that Recreation buildings are using in the industrial area is 87,790 sq. ft.
- Applications have also be filed to consider an outdoor swim school on a 41,092 Square foot industrial property.

The Commission would like to discuss the uses of the industrial area. The Planning Commission began this process on April 14, 2014, by approving a Resolution of Intention which is required as a first step in evaluating this subject.

*Attachments: (1) Map of Industrial Zone  
(2) Section 17.10.020, Table 2-04 Allowed Uses*



# ATTACHMENT 1



California Workout Studio

Sweat Fitness

Cerritos Ave

Halau Hula O Noelani

Crossfit Recoil

The Cage at Les-Alalmitos

PARperformance

Cross Fit Los Alamitos

Aquatic Exploration

Impact Dance Center

Conde Koma

Katella Ave

Melodies Dance Theatre

Champions Quest

Archery/Outpost

Watersafe Swim Pool

National Hapkido Center

Train Fitness Studio

Xcel Baseball

Deft Touch Soccer

Spring St

Center Plaza Crossfit

Kids First Limited

Onstage Arts Center

Katella Ave

Anya Flow Yoga

June 2014 Martin Mares





<b>Los Alamitos Municipal Code</b>						
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>	<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">Title 17 ZONING</a> <a href="#">Division 2. Zoning Districts, Allowable Uses, and Development Regulations</a> <a href="#">Chapter 17.10 COMMERCIAL/INDUSTRIAL ZONING DISTRICTS</a>						

**17.10.020 Land uses and permit requirements.**

This section identifies the uses of land that may be allowed within each of the zoning districts established in Section 17.04.020 (Zoning districts established) and establishes a land use permit requirement for each allowable use.

A. Allowed Land Uses. Table 2-04 (Allowed Uses and Permit Requirements for Residential Zoning Districts) provides for land uses that are:

1. Allowed subject to compliance with all applicable provisions of this zoning code, including site plan review (Chapter 17.50) and a building permit or other permit required by the municipal code. These are shown as “P” uses in the tables; or

2. Allowed subject to the approval of a conditional use permit (Chapter 17.42), and shown as “CUP” uses in the tables.

B. Accessory Structures. Accessory structures are subject to the requirements of site plan review pursuant to Chapter 17.50 of this code.

C. Temporary Uses. Temporary uses (e.g. construction yards, seasonal sales parcels, special events, etc.) are subject to the requirements of Chapter 17.54 (Temporary Use Permits).

D. Not Allowed. An “—” indication in the use tables below means that the listed land use is not allowed in that specific zoning district.

E. Applicable Sections. Uses, regardless of the type of permit that may be required, shall comply with applicable provisions of this zoning code. In addition, if there is a section number in the last column of the table (Specific Use Regulations), the use is also subject to the referenced provisions.

F. Zoning Permit Required. Zoning permits in compliance with Chapter 17.58 (Zoning Permits) shall be required for structures erected, constructed, altered, repaired, or moved; for the use of vacant land; or for a change in the character of the use of land or a structure.

G. Multiple Uses on a Single Site. Where a proposed project includes multiple land uses, and more than one type of land use permit is required, the most restrictive land use permit shall apply for a land use.

H. Uses Not Listed. Land uses that are not listed in Table 2-04 or not shown in a particular zoning district are not allowed, except as otherwise provided by Section 17.02.020(H) (Rules of interpretation - Allowable uses of land), or Section 17.06.030 (Exemptions from land use permit requirements).

**Table 2-04**  
**Allowed Uses and Permit Requirements for**  
**Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

<b>P</b>	<b>Permitted use</b>
<b>CUP</b>	<b>Conditional use permit required</b>
<b>—</b>	<b>Use not allowed</b>

**TUP Temporary use permit**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT			Specific Use Regulations
	C-O	C-G	P-M	

**AGRICULTURE AND OPEN SPACE**

Agriculture, exclusive of livestock	—	—	CUP	
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**BUSINESS AND PROFESSIONAL USES**

Banks/financial institutions (without drive-through facilities)	P	P	—	
Offices, administrative or professional	P	P <sup>(6)</sup>	C <sup>(20) (21)</sup>	
Offices, incidental to an allowed primary use	P	P	P	
Public utility commercial office	P	P/CUP <sup>(5)</sup>	P	

**EATING AND DRINKING**

Bars/nightclubs	CUP	CUP	CUP	
Employee’s cafeteria/coffee shop	—	—	P	
Restaurants, with drive-through facilities	CUP	CUP	CUP	
Restaurants, full service	P	P	CUP <sup>(13)</sup>	
Restaurants, take-out	P	P	CUP	
Restaurants, with outside seating areas	CUP	CUP	—	

**EDUCATION, PUBLIC ASSEMBLY AND RECREATION**

Adult entertainment businesses	—	—	P	17.48
Amusement and recreation establishments, indoor <sup>(3)</sup>	CUP	CUP	CUP	
Amusement and recreation establishments, outdoor <sup>(3)</sup>	—	—	CUP	
Arcades	CUP	CUP	—	17.38.060
Auditoriums, meeting halls, and theaters	CUP	—	—	
Health/fitness facilities/spas	—	CUP	—	
Industrial training center	—	—	P	
Libraries and reading rooms	P	—	—	
Live entertainment, incidental to an allowed use	CUP <sup>(3)</sup>	CUP <sup>(3)</sup>	—	
Museums	—	P	—	
Outdoor commercial recreation facilities	—	—	CUP	
Religious facilities	CUP	—	—	

Schools, commercial - small	P <sup>(1)</sup>	P <sup>(1)</sup>	—	
Schools, commercial - large	CUP <sup>(2)</sup>	CUP <sup>(2)</sup>	—	

**INDUSTRY, MANUFACTURING, AND PROCESSING USES**

Aircraft and related aircraft accessories manufacturing	—	—	P	
Carpet cleaning and dyeing plants	—	—	P	
Ceramics manufacturing	—	—	P	
Clothing manufacturing	—	—	P	
Contractor's storage yards—new materials only	—	—	CUP <sup>(14)</sup>	
Construction equipment rental/sales, with incidental repair and service	—	—	CUP	
Cutlery and handtool manufacturing	—	—	P	
Food products manufacturing	—	—	P <sup>(7)</sup>	
Frozen food locker	—	—	P	
Furniture and fixtures manufacturing, cabinet shops, and woodworking shops (wholesale only)	—	—	P	
Hazardous waste facility, off-site	—	—	CUP	17.36
Ice and cold storage plant	—	—	P	
Laboratories				
Biological and x-ray	P	P <sup>(5)</sup>	P	
Medical and dental	P	P <sup>(5)</sup>	P	
Film processing	—	—	P	
Laundries and dry cleaning plants	—	P	P	
Machine shop	—	—	P	
Metal plating	—	—	P	
Metal working, light fabrication	—	—	P	
Motor vehicle/transportation equipment manufacturing and assembly	—	—	P	
Paint mixing	—	—	P <sup>(9)</sup>	
Paper product fabrication	—	—	P	
Plastic products fabrication	—	—	P	
Pottery manufacturing	—	—	CUP	
Printing and publishing	—	—	P	
Recycling facilities	P	P	P	17.38.140
Rubber products	—	—	P <sup>(11)</sup>	

Sign manufacturing	—	—	P	
Textile manufacturing	—	—	P	
Underground bulk storage of petroleum or gas	—	—	CUP	
Upholstery shops	—	—	P	
Welding services	—	—	P	
Warehousing	—	—	P	
Wholesaling & distribution	—	—	P	

**RESIDENTIAL USES**

Caretaker or employee housing	—	—	p <sup>(19)</sup>	
Emergency shelters—up to 20 beds	CUP	—	P	17.38.170
Emergency shelters—more than 20 beds	CUP	—	CUP	17.38.170
Mixed-use projects, residential and commercial	—	CUP	—	
Residential care facilities	CUP	—	—	
Senior residential housing projects	CUP	CUP	—	17.38.160
Single room occupancy unit	—	—	CUP	17.38.180
Supportive housing	CUP	—	—	
Transitional housing	CUP	—	—	

**RETAIL TRADE <sup>(4)</sup>**

Alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use	CUP	CUP	—	
Alcoholic beverage sales, off-site consumption	—	—	CUP	17.38.050
Antiques, art, collectibles, and gifts	P	P	—	
Art and art supplies stores	—	P	P	
Bakeries, retail	—	P	P	
Bakeries, retail and wholesale	—	—	P	
Book, stationery, newspaper, and magazine stores <sup>(2)</sup>	P	P	—	
Building material yard (new materials)	—	—	CUP <sup>(12)</sup>	
Confectionery shops	P	P	—	
Convenience store/mini-mart	CUP	CUP	CUP	
Drive-in and drive-thru sales	CUP	CUP	—	
Electrical supply stores	—	—	P	
Farmer's market	CUP	CUP	CUP	
Florists	P	P	P	

Gas/fueling stations	CUP	CUP	CUP <sup>(13)</sup>	
Gift shops, specialty shops	P	P	—	
Grocery stores/food markets	P	P	—	
Hardware stores	—	P	—	
Jewelry stores	—	P	—	
Lumber yards, planing mills excluded	—	—	P	
Medical equipment and supplies	P	P <sup>(5)</sup>	—	
Motor vehicle parts stores, incidental installation and repair	—	CUP	P	
Motor vehicle parts stores, no installation or repair on-site	—	P	P	
Motor vehicle sales, leasing, and rental with or without incidental servicing	CUP	CUP	P	
Office supply stores	P	P	—	
Outdoor retail sales and activities	—	CUP	—	17.38.110
Outdoor retail sales, temporary	—	CUP/SEP	—	17.54.050(E)
Pawn shops	CUP	CUP	—	
Pet stores	—	P	CUP <sup>(15)</sup>	
Pharmacies, drug stores <sup>(13)</sup>	P	P	P	
Plant nurseries	—	P	—	
Retail sales, general	CUP	P	CUP	
Secondhand/consignment shops	CUP	CUP	—	
Warehouse retail store (big box retail)	P	P	CUP	

**SERVICES<sup>(4)</sup>**

Animal services				
Animal hospital	—	—	CUP <sup>(15)</sup>	
Animal hospital – small animal	CUP	—	CUP <sup>(15)</sup>	
Grooming services	—	—	CUP <sup>(15)</sup>	
Kennels	—	—	CUP <sup>(15)</sup>	
Veterinary clinic	—	—	CUP <sup>(15)</sup>	
Business support services	P	P	P	
Call centers	P	—	P	
Catering services	—	—	P	
Check cashing services	P	—	—	

Child day care centers	CUP	CUP	CUP <sup>(18)</sup>	17.38.090
Copying, printing, and mailing services	P	P	P	
Drive-thru establishments	CUP	CUP	—	
Dry cleaning establishments – no on-site processing	P	P <sup>(5)</sup>	—	
Fortunetelling/palm reading/psychic reading	P	P	—	
Hotels/motels	CUP	CUP	CUP	
Internet cafés	CUP	CUP	—	
Laundry (commercial)	—	—	P	
Locksmith	P	P	P	
Massage establishment	P	P	—	LAMC 5.32
Medical services (state-licensed)				
Ambulance services	CUP	—	CUP	
Clinics and offices	P	P <sup>(5)</sup>	P <sup>(8)</sup>	
Extended care facilities	CUP	—	—	
Health facilities, therapy and rehabilitation	P	P <sup>(5)</sup>	—	
Hospitals, including convalescent	CUP	—	P <sup>(8)</sup>	
Mortuaries	CUP	—	—	
Motor vehicle services				
Car washes	—	CUP	—	
Impound yards – no dismantling or wrecking	—	—	CUP <sup>(17)</sup>	
Repair	—	—	CUP	17.38.070
Repair incidental to motor vehicle sales, leasing, and rental	CUP	CUP	CUP	17.38.070
Service station	CUP	CUP	CUP <sup>(13)</sup>	17.38.070
Moving companies, storage allowed	—	—	CUP	
Personal services	P	P	P <sup>(8)</sup>	
Photofinishing shops	—	P	—	
Photography studios	P	P	—	
Plumbing services	—	—	P <sup>(10)</sup>	
Property maintenance service	—	—	P	
Repair services, excluding motor vehicles	—	—	P	
Social service facilities	CUP	—	—	
Storage				
Outdoor	—	—	CUP	17.38.120

Personal storage facility	—	—	CUP <sup>(16)</sup>	
Travel agencies	P	P	—	
Video and disc rental services	P	P	—	

**TRANSPORTATION AND COMMUNICATION USES**

Antennas	P	P	P	17.18
Parking lots	CUP	P	P	
Parking structures	CUP	CUP	CUP	
Studios—motion picture, radio, or television	—	—	P	
Vehicle and freight terminal	—	—	CUP	
Wireless communications facilities				
Major	CUP	CUP	CUP	17.30
Minor	P	P	P	17.30

**OTHER USES**

Other uses that the commission determines by resolution to be similar in character	CUP	CUP	CUP	17.10.020(H)
Temporary uses/activities	TUP	TUP	TUP	17.54
Utility facilities, public	—	CUP	P	17.16.160

- (1) Twenty (20) students or fewer per class, and two thousand five hundred (2,500) square feet or less in net structure area.
- (2) Twenty (20) students or more per class, or greater than two thousand five hundred (2,500) in net building area.
- (3) Excluding those uses that are regulated under Section 17.48 (Adult Zoning Regulations).
- (4) CUP required for retail sales or service establishments that operate between the hours of ten p.m. to six a.m., in the C-O and C-G zoning districts.
- (5) On properties with non-arterial street frontage, CUP on properties with arterial street frontage.
- (6) In multi-story structures, offices may occupy up to one hundred (100) percent of the gross floor area in the second and higher stories, and up to fifteen (15) percent of the ground floor upon verification of the square footage by the director. In single-story structures located in shopping centers, up to fifteen (15) percent of the gross floor area of the center is allowed for office uses upon verification of the square footage by the director.
- (7) Excluding fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- (8) Incidental to an allowed industrial use.
- (9) No boiling process employed, no aboveground tank farm or surface storage is allowed except above surface thinner storage – which cannot exceed two hundred (200) gallons.
- (10) All storage of supplies and equipment shall be within a structure or enclosed area.
- (11) Provided that no rubber is melted, that an internal mixer is used and that the residue is collected in compliance with applicable law.
- (12) Located at least three hundred (300) feet away from R-1 (Single-Family Residential), R-2 (Limited Multiple-Family Residential), R-3 (Multiple-Family Residential), and C-F (Community Facilities) Zoning Districts.
- (13) Commission shall make additional finding that this use is primarily dependent upon activities generated by the industrial uses allowed in the P-M zoning district.
- (14) Located at least three hundred (300) feet from any residential or community facilities zoning districts.
- (15) All operations are conducted completely within a masonry structure.

- (16) Provided that outdoor storage uses are entirely and effectively sight-screened from adjacent public rights-of-way or private property by masonry walls (limited to a maximum height of eight feet), building walls, or view-obscuring landscaping.
  - (17) Storage and activities shall be conducted within an enclosed structure or an area enclosed by solid, decorative masonry walls with solid gates not less than six feet in height. Walls and gates shall be maintained in a sound and aesthetically pleasing fashion. Vehicles shall be screened from public view and shall not be stacked higher than the block wall. Vehicles may not be stored outside the enclosed yard area. Storage areas shall be paved and landscaped in compliance with applicable standards.
  - (18) Provided for employees of the primary use. CC&Rs may be required limiting adjacent uses in the same complex to those that are compatible with a (child) day care center.
  - (19) Dwelling, single where used exclusively by a caretaker or superintendent of an allowed industrial use and their family.
  - (20) Nonmedical office shall not exceed thirty (30) percent of each Planned Light Industrial Zoned (P-M) parcel.
  - (21) Excludes medical office.
- (Ord. 14-03 § 4, 2014; Ord. 13-04 § 4, 2013; Ord. 13-02 § 1, 2013; Ord. 11-06 § 2, 2011; Ord. 09-09 § 1, 2009; Ord. 691 § 1, 2006; Ord 688 § 1, 2006)

