

NOTICE

**PLANNING COMMISSION
MEETING**

**CHANGE OF
LOCATION TO**

**City of Los Alamitos
COMMUNITY CENTER**

Lounge

10911 OAK STREET

(SEE MAP)



MEETING NOTICE

**Planning Commission Meeting
location has changed.**

DATE AND TIME:

**Monday, September 8, 2014
7:00 PM**

PLACE:

**City of Los Alamitos
Community Center – Lounge
10911 Oak Street
Los Alamitos, CA 90720**

Meeting
is
Here

You
are
Here



Follow the
Yellow
Arrows

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION REGULAR MEETING

Monday, September 8, 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

- A. Approve Planning Commission Meeting Minutes of April 14, 2014.
- B. Approve Planning Commission Meeting Minutes of August 11, 2014 @ 6 p.m.
- C. Approve Planning Commission Meeting Minutes of August 11, 2014 @ 7 p.m.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Conditional Use Permit (CUP) 14-05

PARperformance at 3831 Catalina Street

Applicant has withdrawn their request for a Conditional Use Permit to allow an Indoor Recreation Training Facility 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: Receive and File

B. Modification Of Parking Management Plan CUP 00-01

Request for a Reduction in Parking for the Los Alamitos Plaza (Town Center) to Accommodate an Outside Seating Area that is proposed to be added to 10900 Los Alamitos Boulevard, Suite 101

Conditional Use Permit (CUP) 14-06

Request for Alcoholic Beverage Sales, On- or Off-Site Consumption, at the Los Alamitos Plaza (Town Center) at 10900 Los Alamitos Boulevard, Suite 101

Conditional Use Permit (CUP) 14-09

Request for Outside Seating Area at the Los Alamitos Plaza (Town Center) at 10900 Los Alamitos Boulevard, Suite 101

Continued consideration of 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. The Commission directed staff to bring back two resolutions of denial (parking management plan & restaurant with outside seating) and one resolution of approval for beer and wine in conjunction with a restaurant.

Recommendation:

1. Continue the Public Hearing; and, if appropriate:
2. Adopt Resolution 14-19 , entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A MODIFICATION TO CONDITIONAL USE PERMIT (CUP) 00-01 FOR A PARKING MANAGEMENT PLAN NECESSARY TO FACILITATE OUTSIDE SEATING FOR A RESTAURANT WITHOUT ADDING THE CORRESPONDING AMOUNT OF PARKING REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE FOR THE INTENSIFICATION OF USES AT A 58,946 SQUARE FOOT SHOPPING CENTER AT 10900 LOS ALAMITOS BOULEVARD IN THE TOWN CENTER (-TC) OVERLAY OF THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08 (APPLICANT: SHAHRIAR AFSHANI – N.S.P.S. PARTNERSHIP).
3. Adopt Resolution 14-27, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT (CUP) 14-09 TO ALLOW 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, (APPLICANT: MIKE MENDELSON - BAJA SONORA)."
4. Adopt Resolution 14-28, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-06 TO ALLOW ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION 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).”

C. Conditional Use Permit (CUP) 14-07

Site Plan Review (SPR) 14-02

Outdoor Commercial Recreation Facility at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zone

Consideration of a Conditional Use Permit and Site Plan Review to allow a Swim School at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zone (Applicant: Ginny Ferguson – Watersafe Swim School). Staff is recommending denial of this application at this particular site.

Recommendation:

1. Open the Public Hearing; and,
2. Adopt Resolution No. 14-30, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 14-07 AND SITE PLAN REVIEW (SPR) 14-02 TO ALLOW AN OUTDOOR COMMERCIAL RECREATION FACILITY (SWIM SCHOOL) WITH TWO NEW SWIMMING POOLS ON A 41,092 SQUARE FOOT PARCEL WITH AN EXISTING 2,505 SQUARE FOOT STRUCTURE AT 3686 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-241-11 (APPLICANT: GINNY FERGUSON WATERSAFE SWIM SCHOOL).”

D. Site Plan Review (SPR) 14-03

Addition of a unit to a duplex in the R-2 zone

A request to allow the building of an additional unit on the back of a duplex in the R-2 zone at 10801 & 10803 Pine Street. APN 242-181-20 (Applicant: Yoshio Narahara).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine that the project a Class 3 Categorical Exemption, pursuant to Section 15303(a) – *New Construction or Conversion of Small Structures*, of up to three single-family residences -- has been prepared for the proposed project in accordance with the California Environmental Quality Act.
3. Adopt Resolution No. 14-29, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS,

CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 14-03 FOR THE CONSTRUCTION OF A 1,331 SQUARE FOOT RESIDENTIAL UNIT ON A 7,375 SQUARE FOOT PARCEL WITH AN EXISTING 3,038 SQUARE FOOT SINGLE FAMILY RESIDENTIAL DUPLEX AT 10801 & 10803 PINE STREET IN THE LIMITED MULTIPLE-FAMILY RESIDENTIAL (R-2) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 242-181-20 (APPLICANT: YOSHIO NARAHARA)."

E. Consideration of a Five-Unit Condominium Development Application for Tentative Tract Map, Conditional Use Permit, Site Plan Review, and a Variance at 3691 Howard Avenue (APN 222-061-31) Applicant: Kydos Homes, LLC

This is a consideration to develop a five-unit single-family condominium project at 3691 Howard Avenue (APN 222-061-31) on a 9,033 square foot parcel. The project requires a Variance, Site Plan Review, Conditional Use Permit and a Tentative Tract Map for condominium subdivision purposes. The proposed project will involve the demolition of a single family residence and grading of the property.

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 Section 15332 *In-Fill Development Projects*; and,
3. Adopt Resolution No. 14-26, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING VARIANCE (VAR 14-01) TO ALLOW CONSTRUCTION OF 19 FOOT 6 INCH WIDTH GARAGES FOR TWO OF THE FIVE CONDOMINIUM UNITS AT 3691 HOWARD AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-061-31, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KYDOS HOMES, LLC);" and,
4. Adopt Resolution No. 14-25, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 14-04) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN THREE BUILDINGS AT 3691 HOWARD AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN

222-061-31, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KYDOS HOMES, LLC);” and,

5. Adopt Resolution No. 14-24, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP14-08) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN THREE BUILDINGS AT 3691 HOWARD AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-061-31, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KYDOS HOMES, LLC);” and,
6. Adopt Resolution No. 14-23, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 14-01 (TTM 17802) TO SUBDIVIDE PROPERTY TO ALLOW FOR DEVELOPMENT OF FIVE CONDOMINIUM UNITS IN THREE BUILDINGS AT 3691 HOWARD AVENUE, APN 222-061-31, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KYDOS HOMES, LLC).”

**F. Facade Improvement
Modification of Site Plan Review No. 228-86
3620-3642 Katella Avenue**

Consideration of a new facade for an existing commercial center at 3620-3642 Katella Avenue via the Site Plan Review Process. This is a modification of their 1986 approval.

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. 14-22, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING MODIFICATION OF SITE PLAN

REVIEW 228-86 FOR A FACADE IMPROVEMENT AT 3620 THROUGH 3642 KATELLA AVENUE IN THE GENERAL COMMERCIAL (G-C) ZONING DISTRICT, APN 222-091-21, (Applicant: John Chipman).

G. 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 Amendments to allow more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

Recommendation:

1. Continue 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.

7. STAFF REPORTS

A. Code Interpretation - Title Max

After being turned down by staff, Title Max (A Car Title Loan Business) has requested that the Planning Commission interpret the business to be a financial institution so the business can operate at 3391 Katella Avenue in the dry cleaners building.

Recommendation:

Staff has already made a determination regarding the use, which has been appealed. In reaching a conclusion, the Planning Commission needs to make the following determinations:

1. Determine whether the Car Title Loan business qualifies as a "bank or financial institution". If the answer is "no, "
2. Determine whether the Car Title Loan business qualifies as a "similar use" to "banks or financial institutions" or any other use in the Los Alamitos Municipal Code. If the answer to this is also "no,"
3. Determine that the Car Title Loan Business is not permitted within the City of Los Alamitos and articulate the reasons for the Commission's

decisions that can be incorporated into a resolution of denial which will need to be brought back at the next meeting; or

4. Make such other decision as determined by the Commission

8. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Reminder about Conference.

9. COMMISSIONER REPORTS

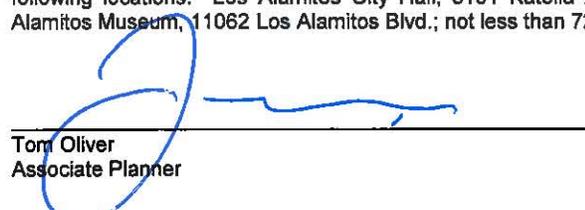
At this time, Commissioners may report on items not included on the agenda, but no such matter may be discussed, nor may any action be taken in which there is interest to the community, except as to provide staff direction to report back or to place the item on a future agenda.

10. 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

9/3/14

Date

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

April 14, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 p.m., Monday, April 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
Wendy Grose
Gary Loe
John Riley
Victor Sofelkanik
Art Debolt

Absent: Commissioners: Victor Sofelkanik

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

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

March approved.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

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

Consideration of Conditional Use Permit 14-03 to allow indoor recreation establishment (fitness classes) with retail sales at 3902 Cerritos Avenue in the

Planning Commission Minutes

April 14, 2014

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Planned Light Industrial (P-M) Zone (Applicant: Jose Torreblanca, S.W.E.A.T. Boutique Fitness).

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

Chair Loe opened the Public Hearing.

There being no one in the audience wishing to speak, Chair Loe invited the applicant to come forward. Mr. Torreblanca described the team-oriented nature of the business and gave some history as to how he decided to start the business. Fitness Center Trainer stated that their business is a boutique training facility. It's individualized training. He invited the Commission to come visit. He indicated they will be offering free classes to members of the fire department and working with the high school athletes.

Commissioner Grose asked what S.W.E.A.T. stands for.

The Mr. Torreblanca responded it was not an acronym. The application should show SWEAT, not S.W.E.A.T.

Commissioner Grose asked if they use equipment.

The Fitness Trainer responded they use light equipment – dumbbells, medicine balls, some TRX straps, but the training mostly involves calisthenics type workouts.

Commissioner Grose asked how many days a week the facility is open.

The Fitness Trainer responded 6 days a week.

Commissioner Grose asked what the hours are.

The Fitness Trainer responded it opens at 8:30 a.m. and the last class ends at 8:00 p.m.

Commissioner Grose asked how long each class is.

The Fitness Trainer responded 50 minutes.

Commissioner Grose asked if clients walk in or sign up ahead of time.

The Fitness Trainer responded it is membership based.

Commissioner Grose asked how many classes are in a day.

The Fitness Trainer responded 8 classes.

Commissioner Grose asked if doctors refer patients to them.
The Fitness Trainer responded no.

Commissioner Grose asked if the facility was open for inspection if she wanted to come in.

The Fitness Trainer responded yes.

Commissioner Riley asked if the business is currently in operation.

Fitness Trainer responded no; he wants to do things by the book.

Commissioner Riley stated it sounded like they were currently operating.

The Fitness Trainer responded he was referring to the business he came from in answering prior questions.

Commissioner Debolt clarified it's a class operation, not people coming and going. There is a start time and end time. He indicated it's different than a typical fitness center.

Jose Torreblanca agreed.

Jan Selleck came forward to speak. She stated her in-laws own a house right behind the high school, and her family is concerned about the traffic impact. She asked if a traffic study had been done, and if there was consideration for a signal at Del Norte and Cerritos.

Planning Aide Oliver responded there will only be up to 20 people per class. It is not being studied for a traffic signal.

Ms. Selleck asked what would have to be done to request a study for a traffic signal.

Community Development Director Mendoza indicated something like this would not cause a high enough influx in traffic to warrant a study for a signal. However, he stated she is welcome to come to a Traffic Commission meeting to state her request for a signal study.

Commissioner Grose asked when they are planning to open.

Applicant responded it is pending approval, and they will open as soon as possible.

Assistant City Attorney Kranitz suggested adding a condition to limit class size to no more than 20 at a time.

The applicant responded he was hoping to allow up to 30 people per class if the business grows that much.

Planning Aide Oliver stated there was currently no limit imposed on the number of people allowed per class.

Community Development Director Mendoza asked if they planned on relocating if the business grows.

The applicant responded they would stay in the proposed facility. He added they would not go over 30 students per class.

After some discussion, the Commission decided to add the condition of no more than 30 students per class.

Community Development Director Mendoza added they may want to condition no more than 20 students per class during business hours, and 30 students for nights and weekends.

The Commission agreed.

Commissioner DeBolt asked if parking spaces were approved for the whole complex.

Staff responded in the affirmative.

Commissioner DeBolt said that how parking is divided up by the landlord among the tenants should be up to them. He indicated the changing uses shouldn't affect the parking requirements. He said the Commission shouldn't be too involved or concerned with parking.

Assistant City Attorney Kranitz stated when the building was built, parking was decided based on it being industrial. Now the use is changing. She said we would have to place limits if the proposed use was commercial.

Commissioner DeBolt indicated that allowing these recreational uses is equivalent to putting square pegs into round holes. He pointed out that whoever comes into the center first gets a space, and that can cause issues between neighboring businesses.

Commissioner Daniel asked if a tenant can complain to the city about parking issues with the landlord.

Planning Aide Oliver stated a landlord may put a parking agreement in writing.

Commissioner DeBolt said we shouldn't be too restrictive in the parking conditions, especially since the Commission can't enforce it.

Commissioner Grose stated there is a generic amount of parking per complex. The commission identifies there would be a certain amount of parking per unit. She said they don't decide where the tenant's parking spaces are located. Commissioner Daniel indicated that limiting the number of people per class wouldn't necessarily have a direct impact on parking, as people could walk or bike to the class.

Community Development Director Mendoza stated currently there were no specific code requirements for parking related to an exercise facility. He said this business has 20 available spaces, and Staff recommends requiring 16. He said it is up to the Commission to condition it.

A long discussion ensued regarding parking spaces.

Commissioner Grose indicated she would prefer not to put a limit on the business's class size.

The Commission agreed to limit class sizes to no more than 30 students per class, regardless of days or times.

Motion/Second: Grose/Loe

Carried: 6/0/0: The Planning Commission adopted Resolution No. 14-13, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-03 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (FITNESS CLASSES) WITH RETAIL SALES IN A 3,120 SQUARE FOOT UNIT AT 3902 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSE F. TORREBLANCA, S.W.E.A.T. BOUTIQUE FITNESS)."

***With the condition that class sizes will be limited to no more than 30 students per class.

Chair Loe closed the Public Hearing.

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

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

Chair Loe opened the Public Hearing.

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

Commissioner Daniel asked how the business has been operating for 2 years, and what we are fining them for not having a license for the last 2 years.

Community Development Director Mendoza stated they will have to pay for the license fees to cover the past 2 years. He said it was in condition 16.

Commissioner Daniel asked why these uses continue to go into industrial areas.

Community Development Director Mendoza replied the rent is lower, but he indicated he has been concerned about this trend for years. He pointed out, however, that industrial businesses were not coming into the City; these businesses are.

Commissioner Daniel asked what type of businesses were in these industrial buildings when they were originally built.

Community Development Director Mendoza replied that there were manufacturing businesses, as well as shipping and receiving. The businesses were typically those that would need to park or store large vehicles. He indicated that the applicants for these new proposed recreational uses don't escape building code; but the building wasn't designed for an exercise facility. He added that another positive factor for recreational uses is that the buildings are more sound proof than a typical retail building, and that there are high ceilings. He said that was why the batting cage chose an industrial building years ago. He said because Los Alamitos doesn't have a lot of outdoor space, we need recreational areas for children.

Commissioner Daniel asked if the main problem with the proposed use is parking.

Community Development Director Mendoza replied yes, but also the lack of improvements such as sidewalks. He said that we want to make a portion of industrial buildings open for these recreational uses, since there is such a demand.

The Commission discussed businesses operating without a license.

Chair Loe invited the applicant to come forward to speak.

Samantha Aguon of Halau Hula O Noelani came forward to speak. She stated that the number of students per class is typically no more than 8. She indicated that they were having a hard time saving up for a business license. She talked about the various costs associated with opening the business and making improvements to the building. She stated that they had been involved in City events.

Commissioner Grose asked what age children use their services.

Samantha Aguon replied the youngest is 5. She said that the classes are typically divided by age groups.

Unknown business owner stated he owns a business on Cherry St., and that obtaining a business license is standard.

Commissioner Daniel asked if the Commission can waive the penalties.

Community Development Director Mendoza replied no.

Motion/Second: Grose/DeBolt

Carried: 6/0: The Planning Commission adopted Resolution No. 14-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-04 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (HULA AND UKULELE CLASSES) IN A 1,440 SQUARE FOOT UNIT AT 10555 BLOOMFIELD STREET IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SAMANTHA AGUON, HALAU HULA O NOELANI)."

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

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

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

Assistant City Attorney Kranitz spoke regarding the changes to the Code.

Commissioner Daniel asked what homeowners can build in their backyards under the new amendment.

Community Development Director Mendoza stated if it is under 120 square feet and has no electrical or plumbing, then it can be built with no permit. If you want to put someone in it, it must be called a second dwelling unit.

Chair Loe asked if a parking spot would be required for a second dwelling regardless of whether there are bedrooms. He said the code should state that there is a minimum of one parking spot required.

Community Development Director Mendoza repeated Chair Loe's statement.

The Commission discussed the minimum parking requirements.

Commissioner Debolt asked why a half bath was being allowed.

Assistant City Attorney Kranitz stated that the size limitation for an accessory structure is 640 square feet or 30% of the size of the main house, whichever is less.

Planning Aide Oliver added that the above is true unless a site plan is reviewed.

A Commissioner asked if most cities have both accessory structures and guest houses in their code.

Community Development Director Mendoza replied that some cities have both and even mention granny flats.

Assistant City Attorney Kranitz clarified that the size limit for second residential units is 640 square feet or 30% of the size of the main house, whichever is less. For guest houses, it is limited to 640 square feet.

Chair Loe asked if a patio cover is an accessory structure.

Community Development Director Mendoza replied no.

Assistant City Attorney Kranitz stated there would be some changes to the draft ordinance. If they are approved tonight, it will not have to be brought back to the Commission. The parking table will need to be amended.

Chair Loe asked for the definition of an accessory structure.

The definition was located and read.

Commissioner Daniel asked what would happen if the resident stated that the second residential unit is temporary.

Community Development Director Mendoza replied that we can't make the code perfect.

Chair Loe asked if the intent is to prohibit someone from building a house and renting it out.

Community Development Director Mendoza responded in the affirmative.

Commissioner Daniel asked if we have a lot of second residential units in the City.

Community Development Director Mendoza responded no, but a couple of things have come up lately. He said an unpermitted garage had recently been brought to Staff's attention.

Assistant City Attorney Kranitz discussed whether units can be permanently grandfathered in.

Community Development Director Mendoza added that there is a property that was legally approved under an ordinance that has since been changed. He said there must be evidence that it was legally permitted at one time.

Motion/Second: Grose/DeBolt

Carried: 6/0: The Planning Commission adopted Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

Chair Loe closed the Public Hearing.

8. STAFF REPORTS

A. Resolution of Intention 14-11

A Zoning Ordinance Amendment to allow commercial type uses along major thoroughfares 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.

Commissioner DeBolt stated when Crossfit came before the Commission, the Commission worked with them. He said it was blurring the lines of the uses, and it would be appropriate to expand the uses in certain industrial zones. He added that the demographics are changing, and there are not as many machine shops coming in. He said that the property owner should be engaged in the decision process. He discussed possible limitations to size and parking.

Commissioner Riley stated there would likely be some industrial parks where the Commission would not want to approve a recreational use.

Commissioner Grose asked where we are at with the General Plan.

Community Development Director Mendoza replied that is next on the agenda.

A discussion ensued regarding how to possibly limit the number of these types of businesses in industrial areas based on square footage of the building, or available parking, or other factors.

Assistant City Attorney Kranitz stated that many cities have a problem with landlords of vacant industrial units leasing out the units to massage businesses.

Commissioner Daniel stated there should be guidelines regarding which industrial complexes can have recreational uses.

Assistant City Attorney Kranitz suggested the guidelines be based on other uses.

Motion/Second: Cuijly/Debolt

Carried: 6/0: The Planning Commission adopted Resolution No. 14-11, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION TO REEVALUATE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.10.020, CONCERNING COMMERCIAL USES IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT (ZOA 14-03) (CITYWIDE) (CITY INITIATED)."

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza stated the goals and implementation for the General Plan are near finalization for land use. He asked if the Commissioners are available for a special joint meeting on May 14th in lieu of the regularly scheduled May 12th meeting. The Traffic, Planning, and Parks and Recreation Commissions will all be present. The Commissioners responded that they are available on May 14th.

10. COMMISSIONER REPORTS

None.

11. ADJOURNMENT

The Planning Commission adjourned at 8:50 p.m.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

**MINUTES OF PLANNING COMMISSION SPECIAL MEETING – 6:00p.m.
OF THE CITY OF LOS ALAMITOS**

August 11, 2014

1. CALL TO ORDER

The Planning Commission met in Special Session at 6:04 p.m., Monday, August 11, 2014, in the Council Chamber, 3191 Katella Avenue; Chair Loe presiding.

2. ROLL CALL

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

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

Absent: Commissioners: Victor Sofelkanik.

3. ORAL COMMUNICATIONS

Chair Loe opened the meeting for Oral Communications.

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

4. SPECIAL ORDERS OF THE DAY

A. General Plan Update – Draft Land Use Element

The General Plan Update has advanced with the completion of the Land Use Element. The Commission is tasked with finalizing the Element and providing a recommendation for adoption by meetings end.

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

Commissioner Debolt read an excerpt from page 9 which stated there is no room for a competitive big box store, and asked how that reconciles with the information on page 13 regarding some large acreage sites.

Community Development Director Mendoza stated he would rather remove that statement. It contradicts the 2 future statements.

Chair Loe indicated he agreed.

Commissioner Debolt referred to page 10 of the report and asked how there would be competition.

Community Development Director Mendoza replied the uses in that area are small mom & pops. The opportunity here is for big box.

Commissioner Debolt indicated he likes the glossary. He said he didn't have a chance to look up mansionization, but likes the definition given. He read the definition. He asked what out of scale is. He discussed Carrier Row as an example, and said most of the homes there used to be small single story homes, and now there are larger 2 story homes. He stated the first guy to come in and put in a 2 story home is out of scale. If we use a term like that, we are tying ourselves up.

Commissioner Riley replied it's just a way to describe it. We're not saying it's bad.

Commissioner Debolt stated something was said to discourage mansionization.

Colin Drukker of Placeworks referred to page 25.

Assistant City Attorney Kranitz asked if it would help if the definition read "significantly out of scale."

Commissioner Debolt responded in the affirmative.

Community Development Director Mendoza stated you know it when you see it.

Chair Loe stated it means you don't like it.

Commissioner Riley stated it is a subjective term.

Commissioner Daniel suggested using the phrase bad taste.

Colin Drukker stated it is best handled in the zoning code. He suggested it could stay in the index.

Commissioner Riley stated if it is within the code but we don't like it, that's problematic. If we want to discourage that, we need to change the code.

Commissioner Debolt pointed out that we did something similar for detached structures.

Community Development Director Mendoza replied that a 4-car garage requires a site plan review.

Commissioner Debolt suggested if a threshold of coverage is approaching, then a site plan review would be required.

Commissioner Riley stated it is just the new generation of homes.

Commissioner Grose asked if there is a way to put it into a percentage.

Community Development Director Mendoza responded no, and asked what number would be the starting point.

Commissioner Grose replied the original number.

Community Development Director Mendoza re-directed the discussion to the General Plan. He stated if there's an issue with mansionization, it's good to have a policy in place so that zoning code changes could be made in the future. The General Plan should support changes to the zoning code that might occur in the future.

Commissioner Debolt stated he likes the term sustainability. We are enacting policies that still allow growth. He said that the neighborhood is evolving to meet the needs of the present.

Chair Loe pointed out mansionization is not much of an issue anymore since the economy died.

Assistant City Attorney Kranitz stated the City of Manhattan Beach worked on this too and didn't come to any solution. She suggested using the term significantly out of scale, and have a policy to review development standards.

Colin Drukker suggested taking it out entirely. No one has argued for mansionization.

Commissioner Debolt clarified the definition is being left in so it could be addressed if needed.

Colin Drukker stated the City has the power to review issues that are more about aesthetics.

5. ADJOURNMENT

The Planning Commission adjourned at 6:26 p.m.

Gary Loe, Chairman

ATTEST:

Steven Mendoza, Secretary

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

August 11, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 p.m., Monday, August 11, 2014, in the Council Chamber, 3191 Katella Avenue; Chair Loe presiding.

2. ROLL CALL

Present: Commissioners: Mary Anne Cuijty
Will Daniel
Art DeBolt
Wendy Grose
Gary Loe
John Riley

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

Absent: Commissioners Victor Sofelkanik.

3. PLEDGE OF ALLEGIANCE

Chair Loe led the Pledge of Allegiance.

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

Motion/Second: Grose/Cuijty

Carried: 6/0: The Planning Commission approved the Minutes of the Planning Commission Meeting of June 9, 2014.

Motion/Second: Grose/Daniel

Carried: 6/0: The Planning Commission approved 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).

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

Chair Loe opened the public hearing.

Preston Rawlings came forward to speak and indicated he is fine with the approval.

Commissioner Grose stated she has concerns with the location, since it is right where ambulances come through. She asked the applicant if he looked to see if there was a better location. She added that there are no hours of operation listed. She pointed out that Deft Touch has a CUP but is not following the recommendations of the CUP and not operating in the hours recommended. Behind the building, cars are being worked on, putting a business that promotes health in an unhealthy environment. She said we want to stick to the General Plan but a large number of businesses are getting CUPs. Landlords should know what is allowed in the area.

Commissioner Debolt stated in our new General Plan, the area is designated overlay medical office use. If we had an applicant who wanted to set up a medical office, it would be approved, and the same concerns would exist. While it is in an industrial area, this use can fit within the zone. Staff has done an adequate job in addressing the issues. He said there is a similar use across the street that is functioning, and thinks this one is in a better location. Eventually there will be medical offices in the area.

Chair Loe state he is also concerned with safety, and that staff did a good job of addressing those issues.

Motion/Second: Loe/Debolt

3/3 (Daniel, Grose, and Riley cast the dissenting votes)

The Planning Commission did not approve or deny the CUP due to a tie vote.

Assistant City Attorney Kranitz stated the motion failed, and can be continued once. She asked the applicant if he wants to agree to a continuation.

Preston Rawlings addressed Commissioner Grose. He said the buildings behind him are closed when he is doing business. He also said he's on the opposite side of the street of the traffic, and he's safer on that side of the street.

Assistant City Attorney Kranitz asked the applicant what his hours of operation are.

The applicant responded 6 am to 10 pm, but with the proposed training package with Trend Offset Printing, he would like to remain open for them. He pointed out that no one would be crossing the street at night, as Trend Offset Printing is in the same complex.

Chair Loe stated there are other businesses open at night, and indicated he does not see a reason why this business can't be open at night as well.

Community Development Director Mendoza stated the discussion of hours was to clarify what the applicant was asking for. No one was stating he could not be open certain hours.

The applicant stated he would like to be able to be open 24 hours. But it's a small space; just small numbers of people will be in at one time.

Assistant City Attorney Kranitz asked the applicant if he would be agreeable to a continuation.

The applicant responded in the affirmative.

Chair Loe asked Assistant City Attorney Kranitz to clarify what the options are tonight.

Assistant City Attorney Kranitz responded the Commission can make a motion to deny. If that deadlocks, there is a gray area regarding whether it is approved or not. It's possible it could be deemed approved.

Commissioner Debolt asked if the item can be continued if there is a tie on a motion to deny the CUP.

Assistant City Attorney Kranitz responded in the affirmative. She added the motions to continue and to deny can be made in either order.

Motion/Second: Loe/Daniel

Carried 5/1 (Commissioner Grose cast the dissenting vote): The Planning Commission voted to continue the item to next meeting.

Chair Loe closed the public hearing.

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.

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

Chair Loe opened the public hearing and invited the applicant to speak.

Alexander Lew from Core Communications, representing AT&T, came forward to speak. He discussed the modification and indicated he has reviewed the conditions and agrees to meet them.

Commissioner Debolt asked if the staff proposed design is the same slide as the submitted design. He said it looks like the tower is taller.

The applicant replied the picture is stretched a bit, and said the materials they submitted are more to scale.

Associate Planner Oliver stated the added towers will not increase the height of the building to more than 40 feet tall.

Commissioner Grose asked the applicant if he is amenable to staff's recommendations.

The applicant replied there cannot be openings such as the windows suggested, but indicated he will design something that is to the Community Development Director Mendoza's satisfaction.

Commissioner Grose asked when the project will start.

The applicant responded as soon as possible.

Commissioner Debolt asked what the material is around the towers.

The applicant responded it is fiberglass reinforced plastic (FRP), texture coated with stucco, and will match the existing building. He stated if the height can be maintained, the tile will be fiberglass too, but molded, colored and textured to look like tile.

Commissioner Grose asked if there will be antennas in both towers.

The applicant responded in the affirmative.

Commissioner Daniel asked if the tower needs circulation for the antennas.

The applicant responded the top is open air.

Commissioner Daniel asked if air will come through the louvres.

The applicant responded no.

Commissioner Daniel asked who redesigned the submittal.

Associate Planner Oliver responded it was he.

Commissioner Daniel asked if the same windows from the lower part of the building could be used on the towers, because it would look better. He advised using caution to keep it in good taste, specifically with the louvres.

Motion/Second: Grose/Daniel

Carried 6/0: The Planning Commission adopted 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)."

WITH CONDITION #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.

**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).

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

Commissioner Debolt addressed staff regarding page 5, and asked what the existing parking management plan is. He asked if that is in lieu of following code.

Assistant City Attorney Kranitz responded in 2000, a CUP was given for a project. The LAMC requires one space per 250 square feet, unless the Commission approves a CUP. In 2000, the Commission approved this parking. It would require 236 spaces. Under the plan, it was approved for 203 spaces, which over the years was reduced to 193 spaces due to current ADA regulations. The current plan is 193 spaces, not counting the City owned spaces.

Commissioner Riley asked how many spaces are City owned.

Associate Planner Oliver responded 61.

Commissioner Daniel asked about the lot across the street.

Community Development Director Mendoza responded it belongs to the center.

Commissioner Riley asked where it is on the map.

Community Development Director Mendoza pointed to the area on the map.

Commissioner Daniel asked how many spaces they are short. Assistant City Attorney Kranitz responded 4.

Commissioner Daniel asked who maintains the City owned lot.

Community Development Director Mendoza responded the City should maintain it.

Commissioner Debolt referred to page 12 of the staff report and stated it is not the restaurant triggering the need for additional parking; it's the outdoor dining which expands the use.

Assistant City Attorney Kranitz indicated we are here because they are using the outdoor space.

Commissioner Debolt indicated it's the expansion they are locating under the overhang. They are using a patio. Under the Parking Management Plan, which allows deviation from the code, it's dependent on not expanding. But they are expanding.

Commissioner Daniel concurred, but added there will still be a sidewalk, and the property is already there. It's common space.

A discussion ensued regarding what is before the Commission.

Commissioner Daniel asked what the City owned stalls are used for.

Community Development Director Mendoza responded they are for the public. Currently the hospital employees use them.

Commissioner Debolt referred to Attachment 3 and stated the city code for restaurants is 10 spaces per 1,000 square feet. That is different than the 12 spaces per 1,000 square feet cited in the letter. He said the site is underparked. There was an accommodation in 2000, and now we have another restaurant coming in. It's not just the expansion, it's the use that intensifies the need for parking. The project is short 4 spaces, but the use is quite intense. The type of use creates a problem.

Commissioner Daniel asked if this meets our plan for this area.

Community Development Director Mendoza responded in the affirmative.

Commissioner Cuijty asked if the drivers using the City owned parking are parking all day.

Community Development Director Mendoza responded yes, but added that hospital employees are moving their cars mid-shift.

Chair Loe opened the public hearing and invited the applicant to come forward.

Michael Mendelson, owner of Baja Sonora, came forward to speak. He stated he is very excited to bring this restaurant to Los Alamitos. He said he has done his own parking studies. He knows the issues involved. He said there are a few different kinds of restaurants. This is a fast casual restaurant which turns tables very quickly. Most customers are there 30 minutes or less at lunch, and 45 minutes or less at dinner. It's a real dining experience but in less time. Referring to the ABC license, he stated beer and wine is 10% or less of all sales. It's not the biggest thing on the menu. This is a family restaurant. He asked why the City-owned parking isn't being given a lot of weight, and stated those spaces do count for a lot. He has looked at this location at all times of day and parked at numerous different spots. In front of the proposed location, the parking lot is usually empty. While Baja Sonora will be open for lunch and dinner, Nick's is mostly a breakfast restaurant, and the Japanese restaurant is mostly dinner. The times that each restaurant is busy varies. There was a time when parking in the street in front of Hof's Hut was allowed. But that curb is now painted red. He said he took a catering order to Oak Middle School, and people were asking when he is opening the restaurant.

Chair Loe called the property owner forward.

Ben Afshani, property owner, came forward to speak. He noted the space has been vacant since December 2012. He said he is excited to have this applicant. He wants to undo the old 2000 Parking Management Plan, and would like to not have to come back to the Commission each time there is a new applicant. He said he wants to rejuvenate the property. The property has a long history of on-street parking. The 2000 Parking Management Plan focuses on off-street parking. He believes this was an oversight. On-street parking was included in 2006. He noted the project would require 242 parking spaces and there are 193 spaces on site. The 2000 Parking Management Plan shows 77 on street parking spaces. That would total 270 parking spaces. He said it is impossible to add parking. There is no room for growth. There is another City owned lot that should be included. Other cities have more flexible parking requirements. He said the center is in a position to attract better tenants. Restaurants generate foot traffic, and more retail businesses may open up if more

restaurants open up. He stated he wants to avoid units sitting empty. He wants to be able to allow restaurants to open without doing a parking study. The General Plan supports the use and the Municipal Code allows the use. Baja Sonora and the on street parking are a benefit for the community. He is asking the Commission to provide him with the flexibility to allow new restaurants without doing a new parking study.

Commissioner Debolt stated the parking lot to the east is now a pay lot, and said that would discourage patrons from using it.

Shariar Afshani, co-property owner, responded they have implemented a new parking procedure. People not using the center were using that lot. They have started enforcing parking. No one in the center is required to pay. There is a pay box. The intent is not to collect money. It's to dissuade people from using it who aren't using the center.

Commissioner Debolt stated everyone should have to pay but businesses should be able to validate. The pay lot is a deterrent to anyone using the center.

Shariar Afshani responded the condition has improved since the implementation of the parking enforcement.

Commissioner Grose asked if the parking situation has improved since the hospital parking lot was completed.

Shariar Afshani responded yes, but noted he could not be sure if it is due to the hospital parking lot being open or the parking monitoring.

Commissioner Riley asked if there is signage. He said people don't know they can park in the other lot, and asked if there is a better way to monitor or enforce parking in the lot.

Shariar Afshani responded there are several signs pointing to the parking lot.

Commissioner Cuijty asked if the waiver being requested applies to any restaurant coming in, or just those that want outdoor seating.

Assistant City Attorney Kranitz replied they wouldn't need approval if they are not asking for outdoor seating.

Shariar Afshani stated restaurants with outdoor seating are more successful. He said he wants to be able to allow them to come in without needing a CUP and a parking study.

Dr. Corey Thiess, owner of Beach Vision Center, came forward to speak against the use. He made the following arguments: the parking is already saturated and everyone is competing for parking; there will be a safety issue because people will not be able to walk through with the outdoor seating; even without the new restaurant, the parking lot is completely full; the Thai restaurant is not even open yet; there are only 2 handicapped spaces; the Hof's Hut customers park there; the veterinary employees park there too; and, foot traffic doesn't need to be increased because there isn't any retail shopping there.

Tim Lux, architect for the proposed restaurant, stated it is wheelchair accessible.

Community Development Director Mendoza responded it is not accessible. He said Staff is concerned with accessibility.

Commissioner Debolt asked Dr. Thiess if his issue is with the outdoor dining.

Dr. Thiess stated he takes issue with the outdoor dining and the parking.

Commissioner Debolt stated the Commission is here tonight for the outdoor dining. Everything else is approved. He asked Staff if there are additional ADA requirements.

Community Development Director Mendoza replied that is through the Building department, and added these drawings are not final.

Commissioner Debolt asked if the need for ADA accessible parking spaces factors into the parking spaces available.

Mr. Lux stated ADA requirements are separate from parking requirements from the City.

Commissioner Debolt stated the Commission is considering spaces for entire center.

Mr. Lux responded this center is over-parked for ADA requirements.

Commissioner Debolt asked if any of the ADA spaces are located in the City lot.

Mr. Lux responded no.

Chair Loe asked how many non-restaurant tenants are in the center.

Community Development Director Mendoza replied there is a list in the staff report.

Sean Lockridge, co-owner of Baja Sonora owner, stated we are not taking the entire space. We are not trying to impede access. We just want to have a few tables outside. We have visited every tenant in the center.

Commissioner Cuijty asked if a fence is being built.

Mr. Lockridge replied yes, because of the alcohol. But we are not blocking access.

Mr. Lux added that they are maintaining a 4' wide path of travel.

A discussion ensued regarding where pedestrian traffic can travel.

Commissioner Daniel stated this issue will not get resolved tonight. But the Commission can resolve whether or not to include the City parking in the number of spots. He encouraged the Commission to resolve the parking question tonight, and asked if we want to include the City parking.

Commissioner Grose agreed with Commissioner Daniel. She stated this plan is too vague to figure it out. She said she is uncomfortable with the site plan, and added the drawing should show clearly where the access is and where the planters are.

Commissioner Riley agreed there is too much to sort out tonight. Whether the City parking lot should be included or not, there is still a parking issue there. The applicant should address these issues.

Chair Loe reiterated the Commission should give an indication tonight regarding the parking.

Commissioner Debolt stated the issue is the parking. It was addressed in 2000. It is way under parked. If the owner wants to buy the City parking spots, then he can monitor that. Otherwise, there's not enough parking. He stated he drove through the other day and couldn't find parking and left. He said he is not inclined to allow more expansion. It's creating more problems.

Commissioner Daniel asked Staff what the options are.

Community Development Director Mendoza responded the Commissioners can entertain motions. There are Staff recommendations, and other recommendations can be looked at. There is one resolution that can be approved.

Chair Loe called the applicant back up and asked them to make additional comments.

Ben Afshani stated the on street parking must have been included.

Shariar Afshani added we need to make the best use we can.

Steve Warshauer, agent for Baja Sonora stated the proposed outside dining is less than 1,000 square feet which required an additional 4 parking spaces.

Michael Mendelson, owner of Baja Sonora, discussed the business's charitable donations and benefits to the community, and reiterated this is hanging on 4 spaces.

Chair Loe replied the Commission doesn't want the applicant to spend extra money on the plans. He said the Commission is trying to work with him.

Commissioner Debolt reiterated the permit is hanging on 4 spaces but also the intensity of the use. There are ten tables outside, which is potentially ten extra spaces. He asked if the number of outside tables could be limited.

Assistant City Attorney Kranitz stated the 4 spaces are based on shopping center uses. If this were just a stand-alone restaurant use, it would require 10 spaces per 1,000 square feet.

Chair Loe asked if this calculation is from the Municipal Code.

Assistant City Attorney Kranitz responded in the affirmative.

Commissioner Riley stated it is inaccurate to say this is hinging on 4 parking spots. The truth is there is already a parking issue here.

Chair Loe asked the applicant if he would be agreeable to reducing the outdoor seating.

Commissioner Riley stated he would like to see a parking study and some solutions to the current parking problem.

Commissioner Daniel agreed parking is a big issue. The City parking adds some spaces, but it is being used by people not using the center. A study wouldn't help. He suggested the landlord should buy the City parking spaces.

Commissioner Riley said the parking studies are broken down by specific lots. The applicant can come up with solutions.

Commissioner Daniel said according to the parking study, he needs more parking. He said he can't see where he gets extra space. He mentioned the possibility of the applicant buying the City parking lot.

Community Development Director Mendoza stated Staff has never been approached with an offer to buy parking. He added he does not know if it's feasible.

Assistant City Attorney Kranitz reiterated she doesn't know if it is possible to require that.

Commissioner Debolt suggested parking can be expanded on the other lot by building a parking structure. He implied solutions to the parking issue are the applicant's problem. He needs to acquire more parking. It's more than 4 spaces because it's an intensified use. We've discussed this for an hour and a half and the issue is parking.

Commissioner Debolt motioned to deny the CUP.

Chair Loe called the property owner back up.

Shariar Afshani stated it is not feasible to build a parking structure. He said it is not just our problem; the vacancy creates blight. He noted that he does have solutions. Maybe the City parking could be time-limited. The people using the parking use it all day. He said the property has overflow parking, and added that he will give thought to the purchase of the City parking.

Commissioner Daniel asked if a motion can be made to continue the item.

Commissioner Debolt motioned to approve the CUP without the outdoor dining and approve the alcohol. He said the expansion can be brought back in the future.

Assistant City Attorney Kranitz stated the Commission would need to deny CUP modification.

Motion/Second: Debolt/Riley

Carried 6/0: The Planning Commission voted to approve only the alcoholic beverage sales portion of Resolution 14-19, and voted not to approve the outside seating.

The Planning Commission directed the property owners to present a solution for the parking issues at the center.

The Planning Commission directed Staff to bring back new resolutions at the next meeting which would approve the alcohol sales, deny the outside seating, and deny a modification of the Parking Management Plan.

RECESS

The Planning Commission took a brief recess at 9:30 p.m.

RECONVENE

The Planning Commission reconvened in Regular Session at 9:37 p.m.

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.

Commissioner Riley recused himself, noting he owns property within 500 feet of the subject property.

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 and invited the applicant to come forward.

Anamika Patel, owner of 7-11, came forward to speak. Her niece Unja took over speaking. She stated her family bought the property in 2004. The business has paid for her college education. She discussed the business's profit margins, and noted that with the modification, the business can succeed. She said most of the neighboring tenants don't have an issue. One is concerned that people will be drinking on site. However, she stated they have received training to address that. The other apparent concern is trash. She said they have complied with trash requirements. Another concern is noise. She said they have never had an issue with noise. They comply with the rule that no deliveries can be made after 8:00 pm, and they do not take out trash after 7:00 pm.

Shelby Riley came forward to speak in support of the applicant. She stated she lives behind the business, and was initially opposed to single cans. However, after talking with applicant, she has decided to support them. She added they have been good neighbors and she would like to see them survive.

Commissioner Daniel asked if it was a liquor store before becoming a 7-11.

The applicant responded in the affirmative.

Commissioner Daniel asked if they used to sell singles.

The applicant responded in the affirmative.

Commissioner Daniel asked if they lost the ability to sell singles when it became 7-11.

The applicant responded in the affirmative.

Commissioner Daniel asked if they sell larger bottles of alcohol as well.

The applicant responded in the affirmative.

Commissioner Daniel clarified that the applicant is stating this will have a significant effect on their business.

The applicant responded in the affirmative.

Motion/Second: Grose/Debolt

Carried 5/0: The Planning Commission 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)".

Commissioner Riley re-joined the dias.

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).

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: Debolt/Grose

Carried 6/0: The Planning Commission adopted 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).

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

Motion/Second: Loe /Daniel

Carried 6/0: The Planning Commission voted to continue the item to a future date.

8. STAFF REPORTS

None.

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza discussed attendance and registration for the American Planning Association annual conference. He asked the Commissioners to advise him this week whether they plan to attend.

10. COMMISSIONER REPORTS

None.

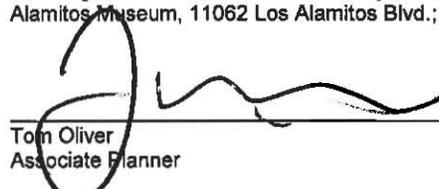
11. ADJOURNMENT

The Planning Commission was adjourned at 9:53 P.M.

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

9/4/14

Date

City of Los Alamitos

Planning Commission

**Agenda Report
Public Hearing**

**September 8, 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
Par Performance at 3831 Catalina Street

Summary: Applicant has withdrawn their request for consideration of a Conditional Use Permit to allow an Indoor Recreation Training Facility 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: Receive and File

Background & Discussion

Preston A. Rawlings, the owner of PARperformance, has withdrawn his application for a Conditional Use Permit (CUP) 14-05 via the attached Email.

From: Preston Rawlings [
Sent: Monday, August 25, 2014 11:55 AM
To: Tom Oliver
Subject: Discontinue filing of CUP for 3831 Catalina St. Suites B & C

Hello Tom,

I, Preston Rawlings, would like to terminate the request for a CUP for the above stated address. Please advise if there is anything else that needs to be done. Also, if there is any way we can file for at least a partial refund for what we invested in our attempt to get the CUP, please let me know.

*Much appreciated,
Preston Rawlings*

Cell: 

No further action is required by the Commission.

City of Los Alamitos

Planning Commission

Agenda Report
Public Hearing

September 8, 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: Modification Of Parking Management Plan CUP 00-01
Request for a Reduction in Parking for the Los Alamitos Plaza (Town Center) to Accommodate an Outside Seating Area that is proposed to be added to 10900 Los Alamitos Boulevard, Suite 101

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

Conditional Use Permit (CUP) 14-09
Request for Outside Seating Area at the Los Alamitos Plaza (Town Center) at 10900 Los Alamitos Boulevard, Suite 101

Summary: Continued consideration of 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. The Commission directed staff to bring back two resolutions of denial (parking management plan & restaurant with outside seating) and one resolution of approval for beer and wine in conjunction with a restaurant.

Recommendation:

1. Continue the Public Hearing; and, if appropriate:
2. Adopt Resolution 14-19 , entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A MODIFICATION TO CONDITIONAL USE PERMIT (CUP) 00-01 FOR A PARKING MANAGEMENT PLAN NECESSARY TO FACILITATE OUTSIDE

SEATING FOR A RESTAURANT WITHOUT ADDING THE CORRESPONDING AMOUNT OF PARKING REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE FOR THE INTENSIFICATION OF USES AT A 58,946 SQUARE FOOT SHOPPING CENTER AT 10900 LOS ALAMITOS BOULEVARD IN THE TOWN CENTER (-TC) OVERLAY OF THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08 (APPLICANT: SHAHRIAR AFSHANI – N.S.P.S. PARTNERSHIP).

3. Adopt Resolution 14-27, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT (CUP) 14-09 TO ALLOW 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, (APPLICANT: MIKE MENDELSON - BAJA SONORA)."
4. Adopt Resolution 14-28, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-06 TO ALLOW ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION 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 and CUP 14-09: Mike Mendelsohn – Baja Sonora Restaurant
CUP 00-01M: Shahriar Afshani – N.S.P.S. Partnership

Location: CUP 14-06 and CUP 14-09: 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: 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.

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: This is a continued public hearing from August 11, 2014. 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



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 recommended 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.

The expansion of the use triggers the need for additional parking as the property has been subject to a Parking Management Plan, since the year 2000, and does not meet code requirements. Mr. Afshani the representative owner of the Los Alamitos Plaza has requested that the Commission approve the restaurant without having to meet the conditions of the existing Parking Management Plan.

At the August 11, 2014 Planning Commission meeting, the Planning Commission directed Staff to draft a resolution of approval for alcohol sales at this location, and resolutions of denial for both the outside seating and the modification to the Parking Management Plan. These resolutions are attached to this report for tonight's continued discussion.

Summary

Staff recommends that the Planning Commission open the hearing for continued public discussion, and then determine whether or not to approve the attached draft resolutions.

Attachments:

- 1) *Draft Resolution 14-19 Denial of Modification to Parking*
- 2) *Draft Resolution 14-27 Denial of Outside Seating*
- 3) *Draft Resolution 14-28 Approval of Alcohol Sales*
- 4) *8-11-14 Staff Report w/ Exhibit*
- 5) *Resolution No. 00-03, approving CUP 00-01*
- 6) *Year 2000 Parking Study*
- 7) *Year 2006 Parking Study*
- 8) *Resolution No. 06-16, approving CUP 06-11*
- 9) *Letter from Property Owner about the Parking situation in Los Alamitos Plaza dated July 25, 2014*
- 10) *2014 Tenants*
- 11) *Staff Report and 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, DENYING A MODIFICATION TO CONDITIONAL USE PERMIT (CUP) 00-01 FOR A PARKING MANAGEMENT PLAN NECESSARY TO FACILITATE OUTSIDE SEATING FOR A RESTAURANT WITHOUT ADDING THE CORRESPONDING AMOUNT OF PARKING REQUIRED BY THE LOS ALAMITOS MUNICIPAL CODE FOR THE INTENSIFICATION OF USES AT A 58,946 SQUARE FOOT SHOPPING CENTER AT 10900 LOS ALAMITOS BOULEVARD IN THE TOWN CENTER (-TC) OVERLAY OF THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08 (APPLICANT: SHAHRIAR AFSHANI – N.S.P.S. PARTNERSHIP).

WHEREAS, a completed application for a Modification to Conditional Use Permit CUP 00-01 was submitted by the owner, Shahriar Afshani ("Owner"), on July 14, 2014, requesting approval for intensification of uses (an 860 square foot outside seating area for a restaurant) without the associated increase in parking at the 58,946 square foot Los Alamitos Plaza (Town Center) on a 135,210 square foot parcel at 10900 Los Alamitos Boulevard in the Town Center (-TC) overlay area of the General Commercial (C-G) Zoning District, APN No. 242-171-08; and,

WHEREAS, the Town Center was built decades ago under different development standards; and,

WHEREAS, various conditional use permits have been granted through the years to allow different uses in the Town Center; and,

WHEREAS, prior to 2000, off-street parking was used to determine the number of available parking spaces; and,

WHEREAS, in 2000 the Planning Commission approved a conditional use permit for Parking Management Plan for the Town Center (C00-01) based on a parking study which stated that there were 203 off-site parking spaces which were sufficient for the existing mix of uses in order to allow a restaurant with seating and consistent with the joint use parking provisions of the Los Alamitos Municipal Code; and,

WHEREAS, the conditions of Conditional Use Permit C00-01 provided that changes regarding the Parking Management Plan, or changes to uses identified in the plan, would require an amendment to the permit and could be approved by the Community Development Director without a public meeting if the change was consistent with the approval; and,

WHEREAS, in 2006 the Planning Commission approved Conditional Use Permit C06-11 allowing the addition of 1,250 square feet to allow a Starbucks in the Shopping

Center based in part on information that there was adequate parking due in part to employees using the back parking lot and due to the availability of street parking and a city parking lot; and,

WHEREAS, the conditions of Conditional Use Permit C06-11 also provides that changes regarding a use or structure would require an amendment to the permit which could be approved by the Community Development Director without a public meeting if the change was consistent with the approval; and,

WHEREAS, the Community Development Director determined that the requested change to allow an 860 square foot outside seating area was not consistent with the prior approvals and would require a public hearing; and,

WHEREAS, parking standards for shopping centers may be reduced by conditional use permit under 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 RESOLVE AS FOLLOWS:

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

SECTION 2. The Planning Commission hereby makes the following findings of relating to the existing parking and Parking Management Plan:

1. Testimony was received by a tenant of the Town Center and personal observations were relayed by members of the Planning Commission relating to the inadequacy of the existing parking, especially in the parking area which is closest to the proposed outdoor dining for the Baja Sonora restaurant and which is used by Beach Vision Center.
2. The existing parking does not appear to be sufficient and there is an approximately 2050 (outside approx 370) square foot restaurant that was previously approved for outdoor dining which is undergoing preparations to open in the near future; this will further exacerbate the limited parking supply.
3. The Owner of the Town Center has indicated that there is a trend away from retail uses and it is likely that future vacancies may also be devoted to restaurant uses. When considered as an individual use, restaurants have a higher parking requirement than shopping centers and other commercial and retail uses.

4. At the time that the Parking Management Plan was approved, there was 57,696 square feet of development broken down as follows: Office: 23,553 sq. ft.; Retail: 20,148 sq. ft.; Restaurant – 12,214 sq. ft.; and School – 1,781 sq. ft. At the time of the application for the modification, the total square footage had increased and the amount of restaurant and schools had each increased, while office square footage had decreased. When looked at on an individual basis, restaurants and schools require more parking than retail and office uses. The shift in uses calls into question the continued validity of the existing Parking Management Plan and given the shift, the existing Parking Management Plan cannot be used to justify an expansion of use.
5. There was testimony that the City's 61 parking spaces along Florista and Pine Streets are in constant use by members of the public in addition to patrons of the Shopping Center. Therefore, regardless of whether such parking spaces are allowed to be counted towards the Town Center's parking, there is not sufficient parking to allow an expansion of use because the City parking spaces are not readily available.
6. The Owner of the Town Center has compounded the problem of parking availability for the Town Center by turning the back, off-site parking lot into a pay lot. Although the Owner indicated that parking is free for employees and patrons of the Town Center, the Commission felt that the signage was confusing and causes patrons of the Town Center to avoid use of that lot.
7. There are already problems in the parking lots for the Town Center between vehicles and pedestrians and between vehicles because of the lack of parking.

SECTION 3. The Planning Commission hereby denies Applicant's request to modify the Parking Management Plan to allow an expansion of use for an 860 square foot outdoor dining area for Baja Sonora based on the facts set forth above:

A. If approved, the expanded use which would require additional parking spaces would endanger the public health, safety and general welfare and create a nuisance situation by providing insufficient parking for the Town Center.

B. The site does not meet the required conditions and specification set forth in the General Commercial (G-C) zone because it does not meet the amount of off-street parking based on the current requirement of 1 space per 250 square feet. Although the Planning Commission can modify the requirement by conditional use permit, there has been no evidence submitted to show that there is adequate parking available.

C. If approved, the modification to the Conditional Use Permit to expand the use of the Town Center with the existing Parking Management Plan would be out of harmony with the area in which it is located because it would exacerbate the parking problem which already exists for established tenants of the Town Center.

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 shall certify as to the adoption of this Resolution.

SECTION 5. The decision of the Planning Commission shall be final absent an appeal to the City Council filed within twenty (20) calendar days of the adoption of this Resolution as specified in Chapter 17.68 of the Los Alamitos Municipal Code.

PASSED, APPROVED, AND ADOPTED this 8th day of September, 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 8th day of September 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

RESOLUTION 14-27

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT (CUP) 14-09 TO ALLOW 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, (APPLICANT: MIKE MENDELSON - BAJA SONORA).

WHEREAS, an application for a Conditional Use Permit (CUP) 14-09 was submitted by Mike Mendelsohn on behalf of Baja Sonora Restaurant to allow 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, an outside seating use is allowed through a Conditional Use Permit 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, and the Commission directed Staff to draft a resolution of denial; and,

WHEREAS, the Planning Commission held a continued public hearing on this matter on September 8, 2014, at which time it considered all evidence presented, whether written or oral; and,

WHEREAS, the Planning Commission considered all evidence presented, both written and oral.

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

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

SECTION 2. The 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 14-09 for an 860 square foot outside seating area at 10900 Los Alamitos Boulevard is hereby denied based upon the following findings, each and every one of which constitutes separate and independent grounds for denial:

1. The use as a restaurant with outside seating at 10900 Los Alamitos Blvd. Unit 101 would endanger the public health or general welfare as the addition of Outside Seating would foster circumstances that tend to generate a nuisance condition because the parking at this shopping center is not adequate for an intensification or expansion of uses at the Los Alamitos Plaza, which already lacks parking according to current code requirements. The proposed location of the outdoor dining would create a negative impact for the neighboring business as it would make it more difficult for patrons to access that business and could interfere with the ability of the business to open its second set of doors. Further, the proposed location of the outdoor dining would create problems with meeting accessibility standards for Americans with Disabilities Act (ADA) which were not addressed by the applicant.
2. The use as a restaurant with outside seating at 10900 Los Alamitos Blvd. Unit 101 does not meet the required conditions and specifications set forth in the General Commercial (C-G) zone & Town Center (-TC) Overlay zoning district where Baja Sonora proposes to locate due to the lack of available parking necessary for intensification or expansion of uses at the center. Such would require a modification to the Parking Management Plan of the Center (CUP 00-01M) would be required -- which was denied by the Planning Commission because of the lack of adequate parking at the Los Alamitos Plaza (see Resolution No 14-19).
3. The location and character of the use as a restaurant with outside seating at 10900 Los Alamitos Blvd. Unit 101, if developed as Baja Sonora, will be not in harmony with the Los Alamitos Plaza and in general conformity with the Los Alamitos General Plan as the required modification to the Parking Management Plan of the Center (CUP 00-01M) would be required -- which was denied in this same meeting by the Planning Commission because of the lack of adequate parking at the Los Alamitos Plaza.

SECTION 3. 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, and Los Alamitos.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.

SECTION 5. The decision of the Planning Commission is subject to a 20 day appeal period as specified in Chapter 17.68 of the Los Alamitos Municipal Code, after which such decision becomes final.

PASSED, APPROVED, AND ADOPTED this 8th day of September, 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 8th day of September 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

RESOLUTION 14-28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-06 TO ALLOW ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION 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 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, the alcohol sales for on-site consumption use is 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 public hearing on this matter on August 11, 2014, at which time it considered all evidence presented, whether written or oral, and then meeting was continued; and,

WHEREAS, the Planning Commission held a continued public hearing on this matter on September 8, 2014, at which time it considered all evidence presented, whether written or oral; and,

WHEREAS, after considering all evidence, both written and oral, the decision was made by the Planning Commission to approve the alcohol sales portion of Conditional Use Permit 14-06.

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 Baja Sonora Restaurant with Beer and Wine at 10900 Los Alamitos Blvd., unit 101 as conditioned will not endanger the public health, safety or general welfare as alcohol sales in conjunction with a restaurant are a common occurrence. Conditions have been added to help insure that the alcohol sales do not become problematic.

2. The use as Baja Sonora Restaurant with Beer and Wine at 10900 Los Alamitos Blvd., unit 101 meets the required conditions and specifications set forth in the General Commercial (C-G) zone Town Center (-TC) Overlay area as on-site alcohol sales can be permitted on the first floor areas of the area since they are a conditionally permitted use in the zone.
3. The Baja Sonora Restaurant with Beer and Wine at 10900 Los Alamitos Blvd., unit 101, 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. 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."

Planning Division

1. 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.
2. 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.

3. 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.
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 the approval of the alcohol sales and/or outside seating as applicable.
5. Prior to Building Permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
6. Prior to Building 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.
7. The applicant shall comply with applicable City, County, and/or State regulations.
8. 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 at 10900 Los Alamitos Boulevard, Suite 101 in conjunction with a bona fide eating establishment.
9. 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.
10. The display of alcoholic beverages shall be interior only (no outside display) at any time.
11. Restaurant employees shall prevent alcohol from being carried out of or passed out of the restaurant.
12. Serving of alcohol to obviously intoxicated individuals is prohibited.
13. Food establishments serving alcoholic beverages shall have a supervisor, at least 21 years of age, on-site at all times of operation.
14. 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.

15. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.
16. The applicant shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements. (Building Division).
17. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of any permits or approvals:

- architectural (service codes PR200-PR285)
- 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.

18. Permanent live entertainment 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.

Rossmoor/Los Alamitos Sewer District

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

SECTION 2. 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 3. 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.

SECTION 4. The decision of the Planning Commission is subject to a 20 day appeal period as specified in Chapter 17.68 of the Los Alamitos Municipal Code, after which such decision becomes final.

PASSED, APPROVED, AND ADOPTED this 8th day of September, 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 8th day of September 2014, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

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:

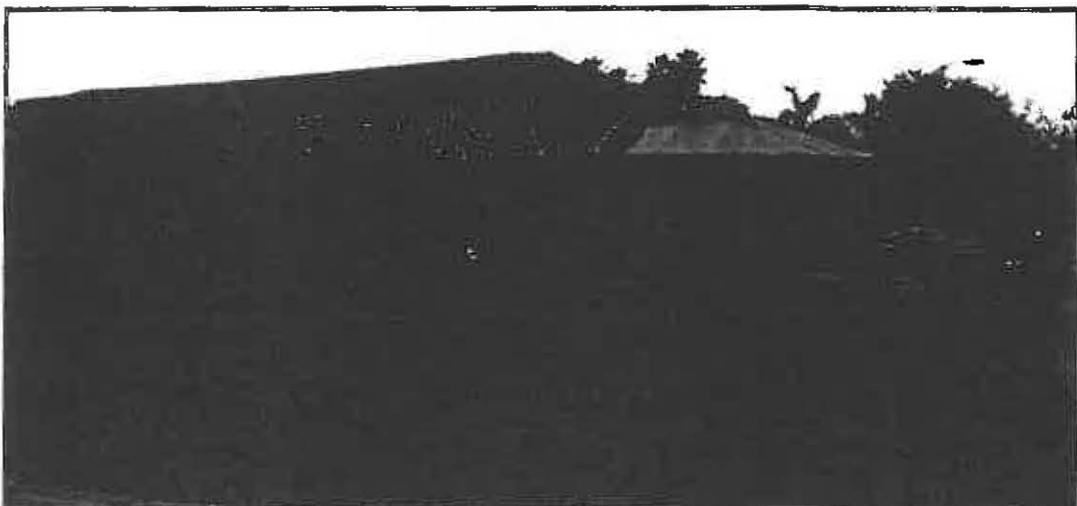
Section 17.10.020 (Uses Permitted Subject to Conditional Use Permit) of the Los Alamitos Municipal Code (LAMC) requires Planning Commission approval of a Conditional Use Permit for both outside seating in conjunction with a permitted restaurant use, and for Alcoholic Beverage Sales, On-Site Consumption.

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



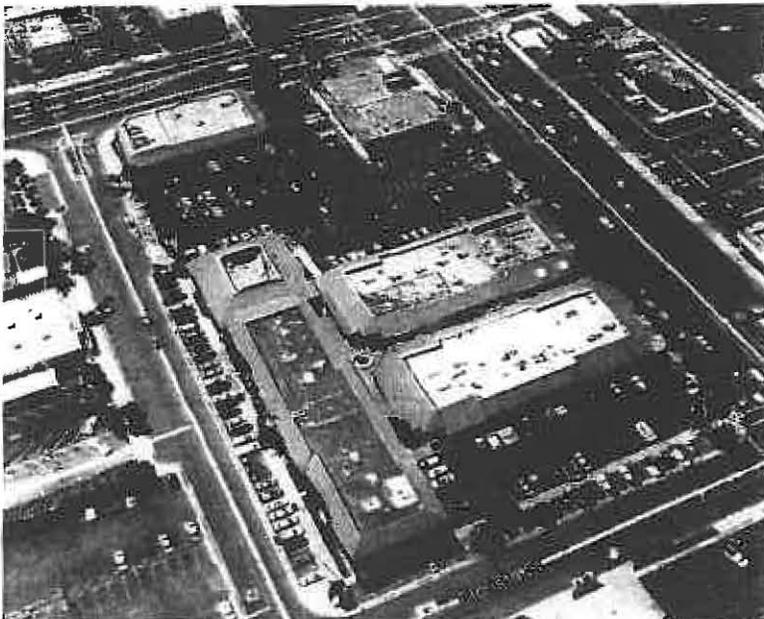
The Shopping Center site surrounds a small mini-mall (Shoe City) at the Northeast corner of Los Alamitos Boulevard and Katella Avenue at 10900 Los Alamitos Blvd. The project site has five (5) existing commercial buildings located in the Town Center (-TC) Zoning District. The restaurant site is located 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.

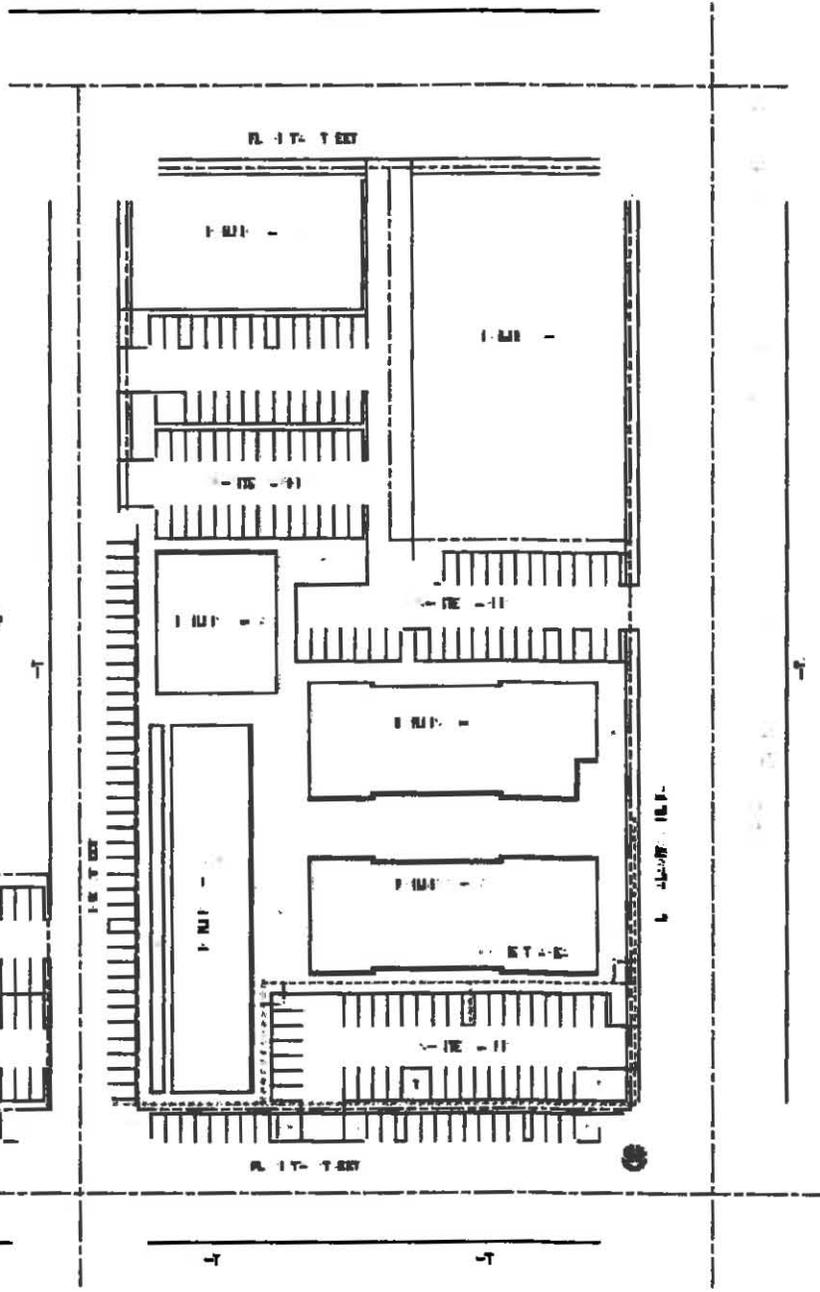
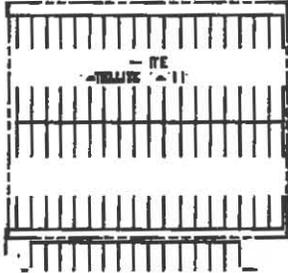
Additionally, there are now only 193 parking spaces. Staff believes the loss of 10 parking spaces is due to installing ADA required handicapped spaces. Some customers have reported that there does not seem to be adequate parking for the existing uses; this may be due to the fact that employees are no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

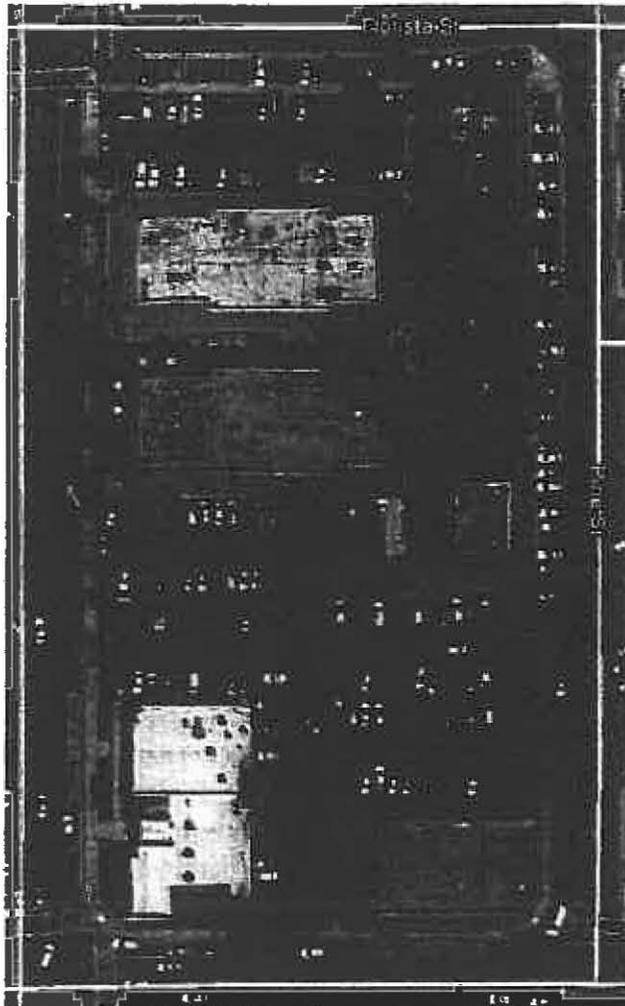
Based on the above, the Community Development Director could not reach the conclusion that the proposed change to add outdoor dining would be consistent with the previous approval and requested the property owner, Mr. Afshani, to submit a new parking study. The Property Owner declined to provide a new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

WALL-FINISH

- 1. 1/2" GYPSUM BOARD
- 2. 1/2" GYPSUM BOARD
- 3. 1/2" GYPSUM BOARD
- 4. 1/2" GYPSUM BOARD
- 5. 1/2" GYPSUM BOARD
- 6. 1/2" GYPSUM BOARD
- 7. 1/2" GYPSUM BOARD
- 8. 1/2" GYPSUM BOARD
- 9. 1/2" GYPSUM BOARD
- 10. 1/2" GYPSUM BOARD





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.

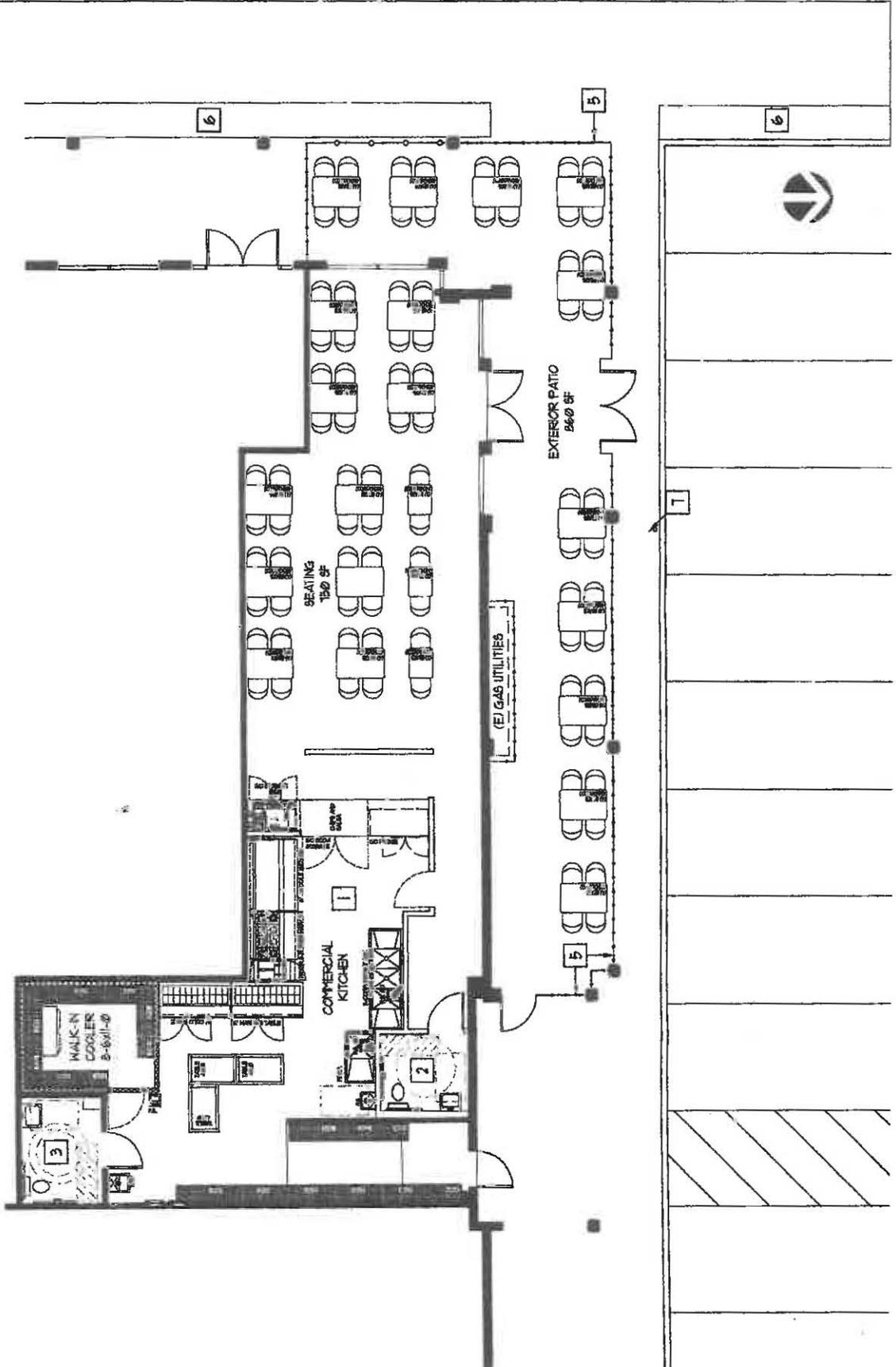
Summary

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 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
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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.

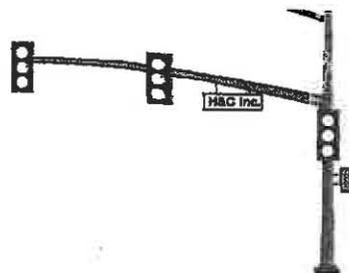
EXHIBIT "A"

**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
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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.

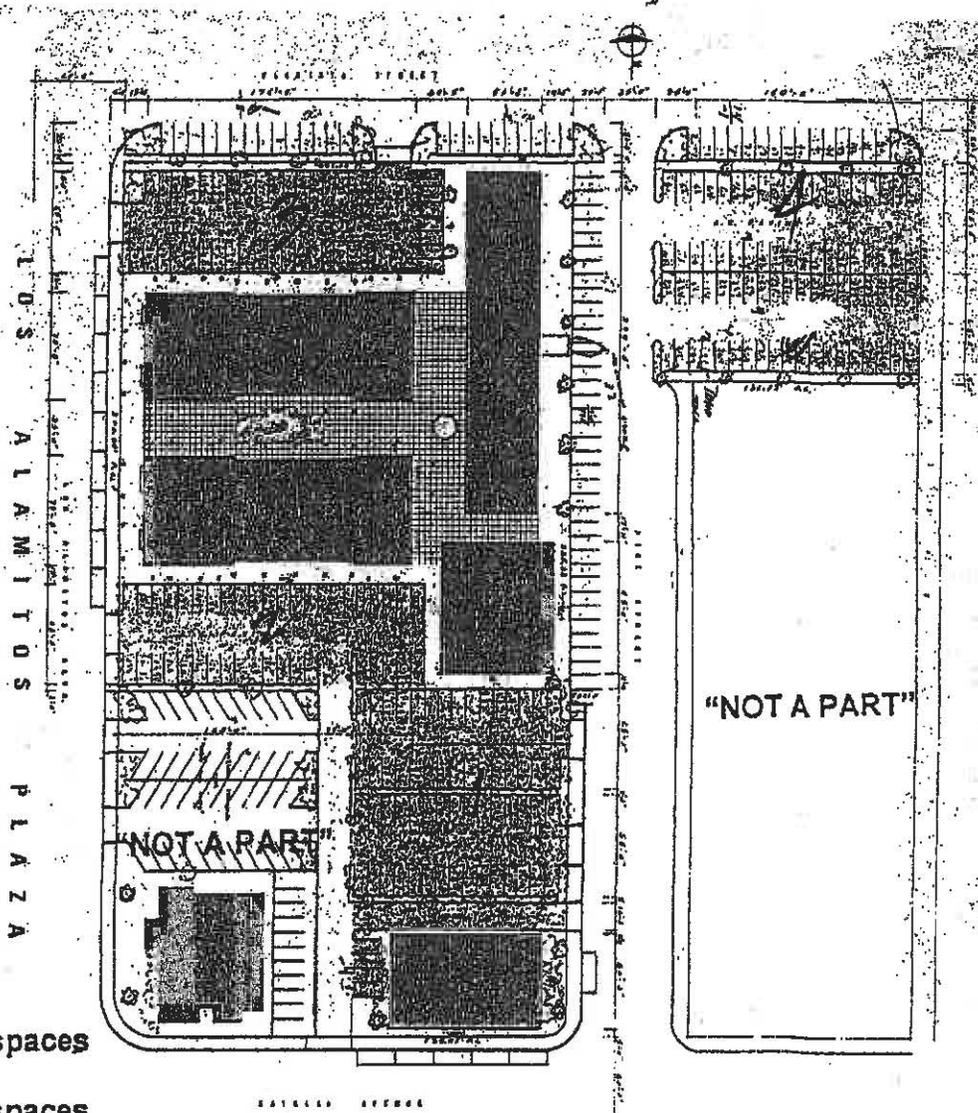
PARKING CONTROLS

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

Mr. David Lepo
January 31, 000
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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
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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
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CONCLUSION

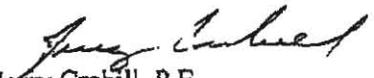
Our assessment is that the inclusion of the 1,400 SF restaurant into the shopping center will not create a deficient parking situation during the typical noon or evening time periods, whether a week day or weekend day. It should be understood that this is said with the understanding that all employees 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	8am-11pm	9114	Restaurant
127	Wedding World	10am-5pm M-F	1400	Retail
128	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	Docie 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 Crescenta, CA 91214
Phone: (818) 259 5718 Fax: (818) 248 7114
email: RJPengineers@aol.com

May 31, 2006

Mr. Shahriar Afshani
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.

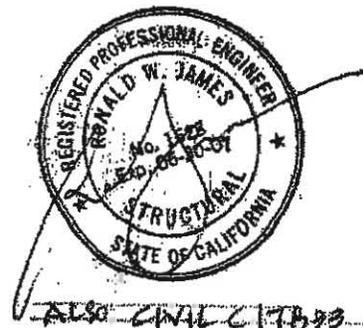
Based upon the conclusions of the previous comprehensive parking report, the success of the previous reports prediction of the suitability of the parking availability, the offset time demands for the various uses for parking need and the field surveys showing the availability of additional stalls on 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.





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 these 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 ALAMITOS 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

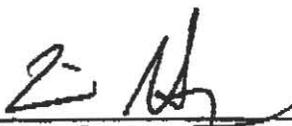
21. The applicant shall comply with all standards given by the Orange County Fire Department.

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

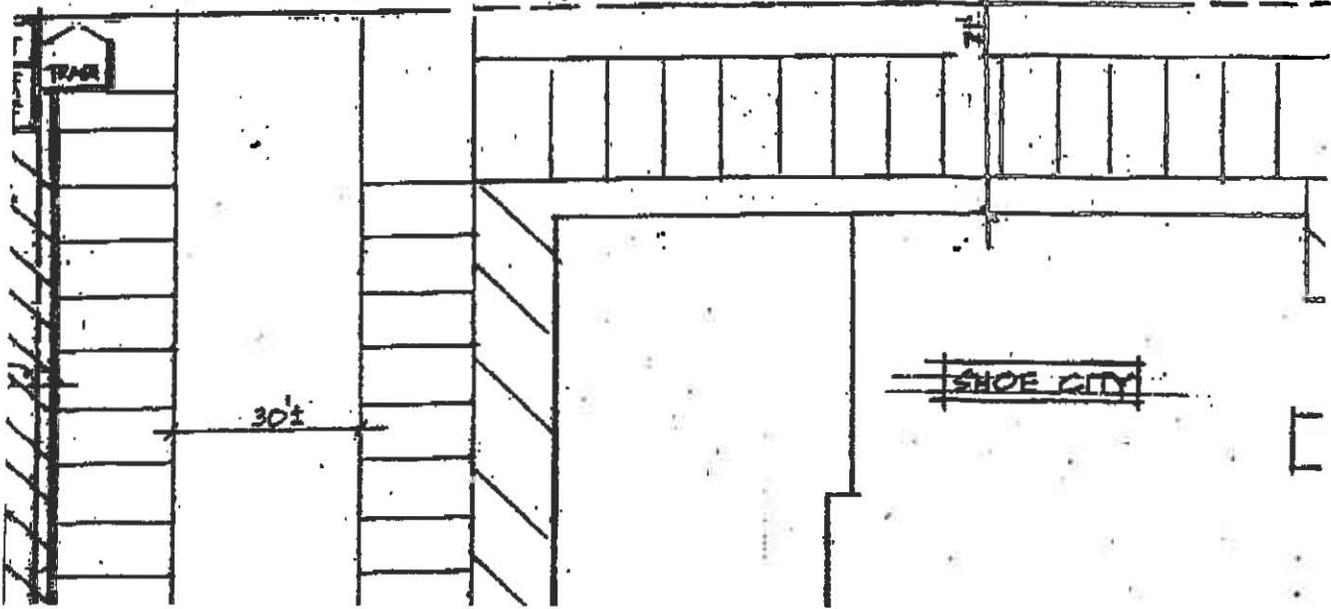
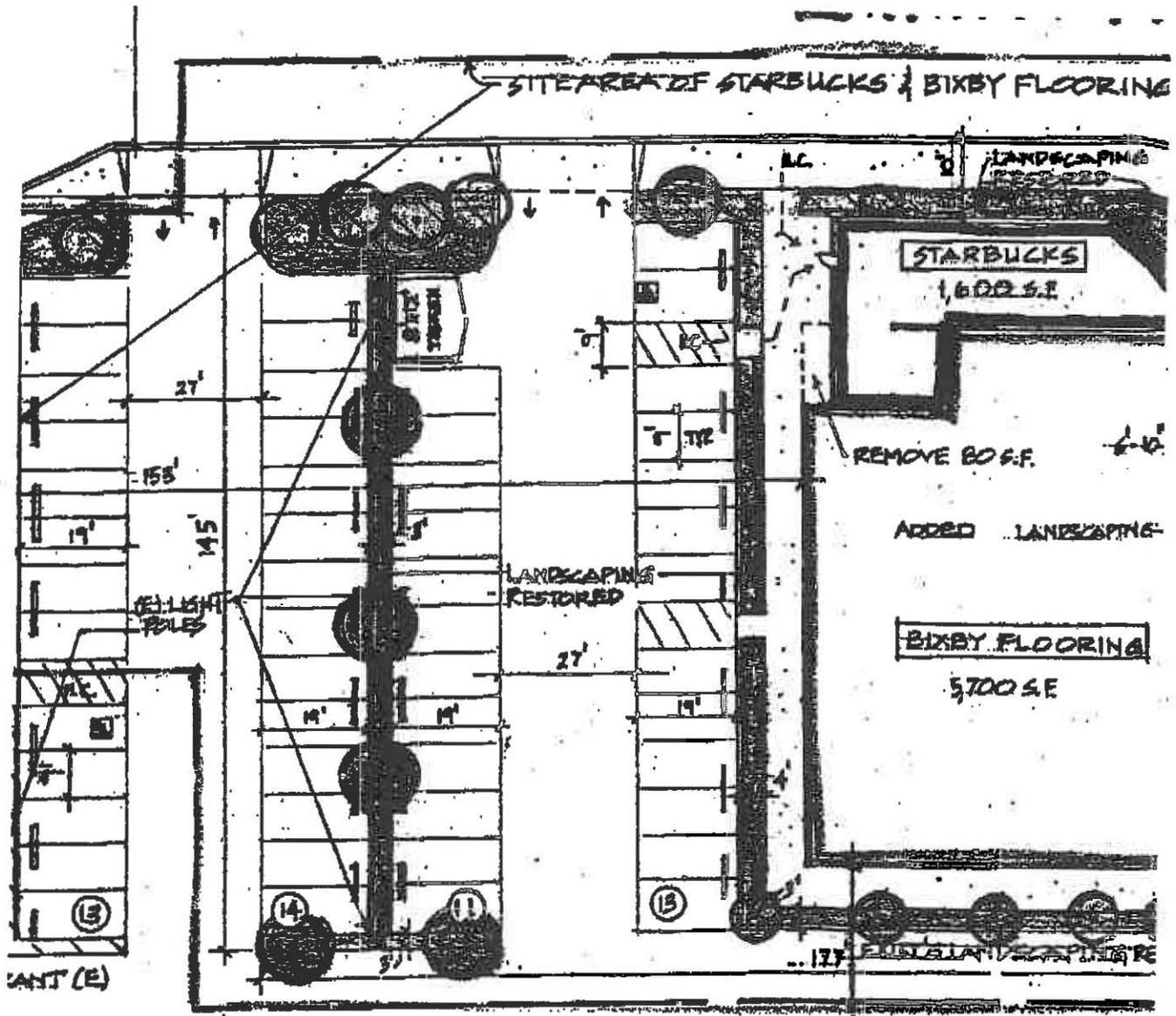
PASSED AND APPROVED this 14th day of August, 2006, by the following vote:

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

ATTEST:



Lisa Heep, Secretary
LOS ALAMITOS PLANNING COMMISSION

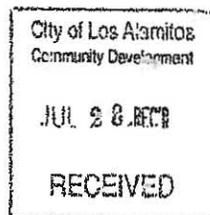


N.S.P.S. Partnership

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

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-locater 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.