CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA
PLANNING COMMISSION
REGULAR MEETING

Monday, November 10, 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 Cuilty
Commissioner Daniel
Commissioner DeBolt
Commissioner Grose
Commissioner Riley
Vice-Chair Sofelkanik
Chair Loe

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

At this time any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. If you wish to speak on an item listed on the agenda, please sign in on the Oral Communications Sign In sheet located on the podium. ***Remarks are to be limited to not more than five minutes.***

5. APPROVAL OF MINUTES

Approve the Minutes for the Regular Meeting of September 8, 2014

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Community Development Block Grant (CDBG)

Orange County Community Resources requests that the City hold a community meeting to discuss the use and priority of Community Development Block Grant (CDBG) funds with interested community members. The Planning Commission is acting as a conduit to provide an opportunity for interested parties to provide comments.

Recommendation: Hold the Community Meeting and take testimony as necessary.

B. 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.

C. Continued Consideration of the Proposed 2035 General Plan

Recommendation:

1. Continue the Public Hearing; and, if appropriate,
2. Take Testimony; and, if appropriate,
3. Direct Staff to make appropriate changes and revise the resolutions to reflect those changes and bring back for ratification.

8. STAFF REPORTS

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

None.

10. COMMISSIONER REPORTS

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

11. ADJOURNMENT

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

11/4/14
Date

MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS

September 8, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 p.m., Monday, September 8, 2014, in the Council Chamber, 3191 Katella Avenue; Chair Loe presiding.

2. ROLL CALL

Present: Commissioners: Art DeBolt
Wendy Grose
Gary Loe
John Riley
Victor Sofelkanik

Staff: Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Department Secretary Pamela Brackman

Absent: Commissioners: Mary Anne Cuilty
Will Daniel

3. PLEDGE OF ALLEGIANCE

Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Chair Loe opened the meeting for Oral Communications and asked if there was anyone in the audience that wished to speak on an item not listed on the agenda. There being no persons wishing to speak, Chair Loe closed Oral Communications.

5. APPROVAL OF MINUTES

Commissioner Grose questioned why the minutes were marked with the word "draft." Community Development Director Mendoza answered that all minutes were submitted in draft form until approved.

Motion/Second/Abstain: Grose/Riley/Sofelkanik
Carried 4/1: The Planning Commission approved the Minutes of the Planning Commission Meeting of April 14, 2014 as presented.

Motion/Second/Abstain: Grose/Riley/Sofelkanik
Carried 4/1: The Planning Commission approved the Minutes of the Planning Commission 6:00 p.m. Special Meeting of August 11, 2014 as presented.

Motion/Second/Abstain: Grose/Riley/Sofelkanik
Carried 4/1: The Planning Commission approved the Minutes of the Planning Commission 7:00 p.m. Meeting of August 11, 2014 as presented.

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 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

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

Chair Loe began with directing Staff to give its report.

Associate Planner Oliver acknowledged the Commission members and stated that Conditional Use Permit (CUP) numbers 00-01M, 14-06, and 14-09 are the continued consideration of a multi-part request to allow outdoor seating and alcohol sales for a new restaurant at 10900 Los Alamitos Boulevard, Suite 101, at the Los Alamitos Plaza. In order to approve the outdoor seating, there needs to be a modification to the year-2000, existing Parking Management Plan for the parking lot or the Commission must determine that the existing plan is adequate to accommodate the outdoor dining.

Associate Planner Oliver continued that the applicants Mike Mendelsohn, owner of Baja Sonora Restaurant, and Shahriar Afshani, from N.S.P.S. Partnership the group that owns Los Alamitos Plaza has requested that the Commission approve the restaurant without having to meet the conditions of the existing Parking Management Plan that states it must be revisited if expansion occurs. At the August 11, 2014 meeting, the Commission directed staff to bring back resolutions of denial for the Parking Management Plan modification and the outside seating with a resolution of approval for beer and wine in conjunction with a restaurant. Staff has drafted the resolutions and it's in the Commission's packets for tonight's continued discussion. Staff recommends that the Planning Commission open the hearing for continued public discussion, and then determine whether or not to approve the attached draft.

Chair Loe asked if the Commissioners had any questions for staff.

Commissioner DeBolt asked for clarification on Resolution 14-27 stating 1,800 sq. feet restaurant with an outdoor area with an additional approximately 880 sq. feet is not included in the 1,800 sq. feet of the restaurant. Planning Associate Oliver stated that this was correct and what the Commission was approving was only the interior of the restaurant.

Chair Loe opened up the meeting and asked the applicants to address the Commission.

Mike Mendelsohn, one of the owners of Baja Sonora Restaurant began by handing out a new patio design plan to the Commission. Mendelsohn stated that Baja Sonora has two locations in the City of Long Beach, and was looking forward to opening a third location in the City of Los Alamitos. Mendelsohn explained that their first patio design was a little ambitious at 860 sq. feet, so what they did was to reduce the patio design to a 250 sq. foot patio that no longer impedes on any kind of right-of-way including the neighboring Optometrist business. The new design plan has no seating along Los Alamitos Blvd. and plenty of room between the patio posts. At 250 sq. feet, the patio has only 8 seats, which to his understanding only requires one parking space. Mendelsohn was hoping that the Commission would approve this new design for patio dining. Both of his existing restaurants have patio dining that he finds essential for his customer's expectations when they dine at Baja Sonora. Mendelsohn introduced the landlord to add more information.

Ben Afshani, who represents the owners of Los Alamitos Plaza, introduced himself to the Commission. Ben Afshani gave a brief update of where they left off at the last Commission meeting, and the steps that Mendelsohn has taken to address some of the concerns regarding the size of the patio area and parking zones of the Plaza. As the Planning Commission recommended,

a good faith attempt was made to purchase parking spaces owned by the City, but the City was not interested in selling any spaces. Ben Afshani continued that as parking has become the main focus, they have been warning the current tenants of the Plaza that their employees should be parking at the Annex parking lot on the corner of Florista St. and Pine St. This frees up parking at the main site that could allow visitors to go to restaurants at the property and allow parking spaces to have regular turnover. If necessary, they are prepared to tow cars where employees tend to leave their cars parked all day in the Plaza lot. Also parking signs were prepared and posted signs at the Plaza and the Annex Parking lot that states, "90 minutes of free parking for customers."

Ben Afshani, referenced proposed Resolution 14-27, Section 2, paragraph 1, to the language being questionable on ADA accessibility issues as follows: "Unit 101 would endanger the public health or general welfare." He added that they were addressing the Commission's concerns with the revised patio design plans and its need for one additional parking space. Out of 193 parking spaces that the Plaza has, one parking space constitutes ½ of 1% that they are bringing to the Commission for approval.

Don Farrell, Vice President of St. Isidore Historical Plaza, spoke on behalf of the Board of Directors in supporting the granting of the CUP for Baja Sonora to have outdoor dining, alcohol sales and the parking waived is in the best interest of the community. This restaurant addition would benefit the surrounding downtown business including the St. Isidore Historical Plaza. He thanked the Commission for their time and attention.

Chair Loe, granted Mike Mendelsohn's request to approach the Commission once again. Mendelsohn began with stating that he has been the owner for Baja Sonora in two locations in Long Beach for the past 16 years. The two biggest issues that he hears from his customers is about parking and making food orders "to go" for there is no place to sit. Mendelsohn constantly encourages his customers to take a number, and by the time the food is ready a seat will be available for dining. The seating issue always seems to work itself out, and a lot of the times customers will come back and change their "to go" order to dine since they found a seat. Mendelsohn continued that it is the same situation in the parking lot. It may be full at that moment, but then in a few minutes spaces begin to open up. At the restaurant located on Clark and Spring, there are 38 parking spaces for seven (7) businesses to share, and the parking issue always seems to work out as well.

Lastly, Mendelsohn stated that if Baja Sonora occupies Suite 101 in the Plaza without any outside dining, he's at a disadvantage to other businesses that already have outside dining to customers that would like to sit outside on a beautiful day. Mendelsohn thanked the Commission for their time.

Chair Loe asked if anyone else would like to speak on this item, and since there was no response he turned it back to the Commissioners for questions.

Commissioner Grose was concerned that the Commission was just given a new patio design plan at the meeting tonight and it was not received in their packets. She pointed out that neither the Staff nor the Commissioners have had time to review it. She mentioned that she had been over to the site and reviewed it with measurements from the old drawing that was presented at the last meeting. She couldn't truly tell how feasible the new drawing really is with no measurements. She stated that this was not intended to be perceived as being rude, but once again wondered why this new drawing did not come to the Staff earlier.

Commissioner Grose stated she drove over and parked her car at the proposed dining patio site. She observed that about every 3rd parking space or so has a car stop and was concerned with the location of the pillars for the dining patio and how it might block access for a wheel chair or an elderly person to move freely. She thought this blockage would have the ADA come after the business and the City. She reiterated the need to have had the new patio design plan come in the Commissioner packet from Staff.

Chair Loe questioned what the distance is between the patio pillars. Baja Sonora owner Mendelsohn stated it was approximately 42". It is a 250 sq. foot patio, 4' deep and about 60' in length.

Chair Loe asked Staff if the new patio design plan was enough to approve this time without measurements on it. Community Director Mendoza stated that if the Commission was interested in approving tonight they would want an enforceable document that would have the ability to show what kind of parking bollards are going to added, the area available for wheelchair access and accessibility and how one would maneuver around it. Mendoza stated that the building department could work with the Commission on the new design plan, but if changes were needed it would come back to the Commission for some haggling to meet the building code.

Commissioner DeBolt began with acknowledging the Commission was missing two of its members tonight. He personally didn't see how anything has changed since the last meeting. There was a lengthy discussion and the Commission seemed to agree upon the lack of parking at the site. Commisioner DeBolt pointed out that Baja Sonora is permitted at this location without even coming before the Commission, except for the fact that they want to have a designated outdoor area and to serve alcohol. Adding two (2) square footage already impacts the under parked site.

Commissioner DeBolt stated that the bottom line is whether it is four (4) spaces, or in this case one (1) space, it is still the same problem. The Plaza

is operating under a prior parking agreement that the owners agreed to, so that they would not have to come back to this Commission every time they wanted to put in another use that would impact parking. The only condition is to not expand the site, but that's not what is happening by adding the square footage for the outdoor dining, fencing it in and selling beer and wine.

Commissioner DeBolt continued that his view of the situation had not changed from before, and he would like to see this issue agendized for another meeting with a revised staff report.

Before a vote was addressed, Commissioner Sofelkanik commented for the record that he wasn't privy to the extensive discussion on this issue at the prior meeting. However he did go over the minutes and Staff Report and based on that asked Counsel if he should abstain from voting or not because of his absence from the last meeting.

Assistant City Attorney Lisa Kranitz responded that, as long as the Commissioner had reviewed the minutes and Staff Reports prior that, he would be able to participate in voting.

Commissioner Sofelkanik stated that he didn't see how he or the Commission could approve anything this evening on the revised site plan when Staff did not receive it earlier and with the language dispute in the Resolutions.

Associate Planner Oliver clarified for the Commission that Mendolsohn did try and get the revised site plan to Staff on the day the Commission packets had already been sent out but it was not this particular version.

Motion/Second/Abstain: DeBolt /Grose
Carried 5/0: A Motion was made regarding Resolution 14-19 to deny the modifications to the Conditional Use Permit (CUP) for a parking management plan necessary to facilitate outside seating as modified.
Page 2, Section 2, Number 2, change "square foot restaurant (Thailusion)" to "square foot Thai restaurant." The motion was unanimously carried.

Motion/Second/Abstain: DeBolt /Grose
Carried 5/0: A Motion was made regarding Resolution 14-27 to deny the Conditional Use Permit (CUP) 14-09 for outside seating as presented. The motion was unanimously carried.

Motion/Second/Abstain: DeBolt /Grose
Carried 5/0: A Motion was made regarding Resolution 14-28 to approve the Conditional Use Permit (CUP) 14-06 for alcohol sales as presented. The motion was unanimously carried.

Chair Loe closed the public hearing on this item.

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.

Associate Planner Oliver acknowledged the Commission members and stated that the Conditional Use Permit 14-07 and Site Plan Review 14-02 are the consideration of a Swim School at 3686 Cerritos Avenue in the Planned Light Industrial Zone. Applicant, Ginny Ferguson of WaterSafe Swim School, is here with us tonight, with her representative, Mel Malkoff. Ms. Ferguson plans to install two in-ground swimming pools behind the existing building on the parcel for her "WaterSafe Swim School," which is a spinoff of her original business in Seal Beach. It is a popular business that often has to turn customers away so Ms. Ferguson would like to expand into Los Alamitos.

Associate Planner Oliver continued that the permit decision is, as discussed in previous commission meetings, a matter of whether a Conditional Use Permit (CUP) should be approved, thereby continuing a trend of these type of businesses moving into industrial areas in the Industrial Zone. Staff recommends that both the Conditional Use Permit and Site Plan Review be denied.

Chair Loe asked if there were any questions for Staff.

Commissioner DeBolt questioned how putting a pool in the ground would be any different from another business coming and adding structures or improvements that would be permanent in nature.

Commissioner Riley commented that a swimming pool is not compatible with other business uses in the area.

Commissioner DeBolt stated that if the applicant was to go out of business the owner would attempt to find a tenant that maybe didn't need a swimming pool but might need a building. He questioned that isn't it the owner's responsibility to do the tenant improvements to fit the new tenant? Commissioner DeBolt added that, currently, the owner has a vacant lot with no tenants, and any business coming to the site would want to make something better. Why would this subject impact our decision when it seems it should be more of an owner tenant lease agreement?

Commissioner Solfelkanik stated that what was important was changing the characteristics of the land and land use of the parcel. He asked Staff to clarify the current land use.

Community Development Director Mendoza answered that the site is listed as an Industrial use and would be changed to an Outdoor Recreation use. This is very similar to a batting cage except for that business is indoors. Staff feels that a Swim School is not compatible with the area around it.

Commissioner Solfelkanik reiterated that installing a swimming pool at this site will make it an Outdoor Recreational use and if the business fails, then an industrial use can go back onto the site.

Community Development Director Mendoza confirmed that the land use could go back to an Industrial use parcel.

Chair Loe opened the hearing to the public to the audience and asked to keep the comments to five (5) minutes or less.

Community Development Director Mendoza recommended to Chair Loe that he may want to give a little longer time, for both the applicant and Director of the Swim School wish to speak first.

Ginny Ferguson, founder and owner of the WaterSafe Swim School stated that she has been teaching swim classes since 1969. Most of her customers she has watched grow from infants to champions, and some have continued on to win medals in the Olympics. Ms. Ferguson began training babies a life saving skill of rolling over to do a back float. She has since continued on to develop her own teaching method that takes infants beyond back floating to learning the basic swim strokes, and to enjoy participating in all aquatic sports. In 1988 she bought the location in Seal Beach, and has been there for 26 years, for she also had to obtain a CUP. Ms Ferguson stated that she was taking a huge leap of faith to ask the Los Alamitos Planning Commission to grant the swim school the CUP at this particular location. Ms. Ferguson continued that she felt confident about her decision at this site and acknowledged to the Commission that all the guests dressed in blue in the audience were here to support the WaterSafe Swim School. Ms. Ferguson introduced the Director of the Swim School Nathan Agarian.

Nathan Agarian, Director of WaterSafe Swim School began by stating that the reason they want to move to this site is for all the local swim programs being impacted, and they had to turn so many students away. Many families wanted only to participate in their program that they could not find anywhere else. The Swim School has been looking for a new property for about 10 years, and he feels that the location on Cerritos Ave. is a perfect fit for the swim schools needs. Mr. Agarian added that drowning is the leading cause

of unintentional death for children between the ages of 1-4 in Southern California.

Mr. Agarian continued that the number one reason the swim school liked this site is for the pool size that they can install. This new location would be considered a medium size swim school, and would draw local customers from a 5 to 15 mile radius. The second reason is that they would have a dedicated parking lot with 60 parking spaces. This would make it safer for their families; Moms with strollers or Grandparents to not have to utilize off-street parking. Mr. Agarian stated that the company has spent a lot of time, effort and money in obtaining traffic studies and soil surveys to assure that the school would not have a negative impact on the community. He has visited the site a lot, and feels that the swim school fits in with the local demographics. The school has received tremendous support from the neighboring businesses, High School, and local pool store around the corner. In closing, Mr. Agarian added that the WaterSafe Swim School would bring in jobs and their retail business would be able to expand. He thanked the Commission for their time.

Mel Malkoff from Mel Malkoff & Associates in Orange, California introduced himself to the Commission and added he was there representing the WaterSafe Swim School. He began by stating that the Swim School would be located across the street from single family homes and the local High School. This is a terrific project for the community. Mr. Malkoff addressed that there seemed to be some technical issues regarding the permanency of the swim school, and continued that his representative went door to door to the nearby neighborhoods and the local businesses. He stated that they received 34 letters of support from adjacent businesses and local residents that live within a 500 foot radius of the proposed swim school site. Only one (1) letter was in non-support and it dealt with increased traffic concerns that the school might bring. Mr. Malkoff disagreed with this issue for the Mitigated Negative Declaration prepared for this project found no significant adverse impacts and recommended a few mitigation measures such as carefully scheduled swim lessons to avoid both the AM and PM peak hour traffic. He continued that the traffic along Cerritos would not be impacted since the school will have excess parking capacity.

Mr. Malkoff presented a lease document that obligates the WaterSafe Swim School to not only remove the swimming pools at the end of the lease, but to restore the ground to a level and safe condition and pave over with either asphalt or concrete. Having been to a number of hearings on the discussion of Non-Industrial use vs. Industrial use, Mr. Malkoff stated that it's tough to find property in a commercial area that will accommodate this type of business. On behalf of the swim school he thanked City Staff, and asked that the Commission vote favorably for the project this evening.

Chair Loe invited the audience members to speak on this agenda item, and asked to please keep their comments to five (5) minutes or less.

Over 17 supporters addressed the Planning Commission each with a favorable story about their experiences with the WaterSafe Swim School.

Chair Loe asked if anyone else would like to speak on this item, and since there was no response he turned it back to the Commissioners for questions and comments. Chair Loe reminded the Commission that this issue was about land use and it's compatibility to the surrounding areas, and not necessarily the popularity of the business.

Chair Loe requested that the applicant Ginny Ferguson step forward to address questions from the Commission.

Commissioner Sofelkanik asked if the applicant was aware of the use of a property that in a light industrial zone would mean that her business would be exposed to noise, dust and all the other outcomes of that type of use.

Ms. Ferguson stated she was aware of this, and had visited all the neighboring businesses herself and was very well received, especially from South Coast Supply.

Chair Loe asked the applicant if, with all the planning at this site, if the school had considered making the pools indoors stead of having them covered with a canopy.

Ms. Ferguson responded that if dust becomes a problem with the pools that they could be enclosed, but she has not noticed this to be a problem with all times she has been to the site.

Applicant Ginny Ferguson stepped down, and Chair Loe asked for other Commissioner comments.

Commissioner DeBolt stated that he was aware that Staff had listed several recommendations to deny the CUP, but felt that one issue was addressed in the lease requirements for the applicant having to fill in the pools and restore the property back to its original state. He continued that another issue that Staff raised had to do with was the stacking of the bricks on the racks at South Coast Supply. After walking the site at South Coast Supply, he noticed that the racks that backed up to Volcano Burger there seemed spaced far enough back that if they fell it would not affect the business next to it. Staff's concern to a possible hazardous condition to the racks that are located at the rear of the property where the applicant is looking at. Commissioner DeBolt didn't feel that it was a concern of the applicant after reviewing that area on

the property. Also, he didn't feel that it was a reason to deny the CUP for a hazard condition that might possibly exist on a neighboring piece of property.

Commissioner DeBolt stated that he believes that the focus is about the compatibility of use at this location. This location is right across from the High School, so it's in an industrial zone but not located in an industrial area. He didn't see that compatibility of use was an issue, for it is an approved use with a CUP. Also, he added that if this business was to leave that another Industrial use could go in at the same location.

Commissioner Sofelkanik agreed with Commissioner DeBolt in that the issue was the land use at this site. He continued that the location is on the perimeter of the Industrial Zone and the applicant is aware that there may be dust and noise caused by the neighboring businesses. In addition, the Commission has had previous discussions with other spaces similar to this of allowing retail businesses, as well as, segregating light Industrial uses from the heavy Industrial ones. Commissioner Sofelkanik gave his support for this project and would send back to Staff a recommendation to make a resolution in favor of the CUP with language that would solidify the hours of operation and make sure that other relevant agencies have been consulted, such as Orange County Fire and if they are comfortable with chemicals being stored.

Chair Loe raised a concern about the neighboring business, South Coast Supply says that everything is great for the swim school to move it, but then six (6) months from now when there are issues of noise, dust or tractors then complaints begin to happen and go straight to the City to address. Next, South Coast Supply gets put into a position where everyone in the neighborhood is in support of the school, and now become against them and their business. Chair Loe pointed out that he was purposely playing the role of the devil's advocate, for not all the land use issues that come to the Planning Commission are an easy decision to make.

Commissioner Riley stated that his concerns were with the compatibility of use and with this type of use in the Industrial Zone.

Motion/Second/: Sofelkanik/DeBolt
Carried 3/2: A Motion was made to approve the Conditional Use Permit (CUP) 14-07, and direct Staff to bring back a resolution for approval with further discussion. The motion was approved.

Assistant City Attorney Lisa Kranitz stated for the record that when the Resolution comes back to the Planning Commission it would be subject to a vote.

Chair Loe closed the public hearing on this item, and granted a one (1) minute break in the meeting.

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)

Associate Planner Oliver acknowledged the Commission members and stated that Site Plan Review (SPR) 14-03 is 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. The applicant, Yoshio Narahara is here tonight with his architect, Lisa Casiano to take any questions from the Commission.

Associate Planner Oliver continued that Mr. Narahara would like to add a 1, 331 sq. foot unit behind a 3,038 sq. foot existing 1980-built duplex structure on a 7,375 sq. foot parcel in the R-2 limited multiple-family residential zone. The project includes demolishing the existing garage, building a new two-car garage in to the unit, adding a two-car carport to the rear of the property, as well as providing two open parking spots, which meets the parking requirements in the zone.

Associate Planner Oliver stated that Staff recommends approval of the SPR 14-03 as proposed with attached Resolution No. 14-29.

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

Applicant Yoshio Narahara introduced himself to the Commission and stated that about 30 years ago he was a long term resident of Los Alamitos. Recently, he had a chance to invest in property that he now wants to fully utilize to its fullest potential. Mr. Narahara stated he was hoping for Commission approval on his site plans, and that they would encourage others in the area to improve their properties to make it all a little better.

Lisa Casiano introduced herself as the Architect and realtor to this project for Mr. Narahara. She stated that she had approached Mr. Narahara about reconfiguring the property that would allow for another family to move onto the site.

Chair Loe asked if anyone else would like to speak on this item, closed the public hearing and open it for Commissioner questions.

Commissioner Grose commented that she liked the fact that the architect had put measurements on the site plans, and that the applicant wanted to take the lead and make the whole project nice to the area.

Motion/Second/: Grose/Sofelkanik
Carried 5/0: A Motion was made to approve the Site Plan Review (SPR) 14-03. The motion was unanimously carried.

E. Consideration of a Five-Unit Condominium Development Application for Tentative Tract Map 17802, Conditional Use Permit 14-08, Site Plan Review 14-04, and a Variance 14-01 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

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

Associate Planner Oliver acknowledged the Commission members and stated that this request is to allow the construction of a five-unit single-family condominium project at 3691 Howard Ave. on a 9,033 sq. 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 an existing craftsman-style single-family home. The applicant, Nick Zamvakellis of Kydos Homes, LLC is here tonight to take any questions from the Commission.

Staff recommends approval of the Conditional Use Permit 14-08, Site Plan Review 14-04, Variance 14-01, and Tentative Tract Map 17802.

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

Applicant Nick Zamvakellis of Kydos Homes, LLC was glad to be presenting this project to the Planning Commission. He explained that this particular project deviated from the usual design from some of the newer planning codes set into place. Most of their past projects have all looked very similar, but this one has large courtyards between the buildings and two (2) duplex buildings that share a common wall. Each property will have a private deck, which will meet the requirements of having open space that could be used as a dog run or a patio. Some added aesthetic elements are stone, single siding and multi-color accents. Mr. Zamvakellis thanked the Planning Staff for the time and being forthcoming with their information.

Chair Loe invited the next person in the audience to address the Commission.

Art DeBolt, from the audience, stated that he owned property within 500 feet of the applicants, and will be impacted with on-street parking. Mr. DeBolt addressed the issue of the Variance 14-01 at 49½ lot width when compared to the average lot size. He did not feel that the use of the average Variance was appropriate in this circumstance. In closing, Mr. DeBolt suggested that the whole project should not be approved at the suggested five units, but scaled back to either three (3) or four (4) units.

Commissioner Sofelkanik stated that he liked the project and it was very aesthetically pleasing, and he did like the way it looks on the parcel. He began that majority of these properties are 49½ feet wide, and that if we're going to consider a variance for this property that could make it a standard for other properties as well.

Commissioner Sofelkanik continued that he was concerned with the open space requirement, and he believed that the code stated that you need 200 sq. feet per unit, but he did not see where the requirement of contiguous open space of 250 sq. feet was met in the site plans presented. He thought maybe the contiguous open space was being achieved in the whole front parcel of the property. Another issue that Commissioner Sofelkanik had was with the driveway flowing into the one (1) foot setback by the middle unit and questioned if that Staff on it.

Commissioner Grose was concerned about the height of the proposed building being three (3) stories. She stated that the surrounding properties were mostly two (2) stories, and felt that the City would hear about the added height from the neighbors. She added that she did agree with Commissioner Sofelkanik that the project was aesthetically pleasing.

Applicant Nick Zamvakellis addressed that the building height limit is 30 feet, and with including the roof this project, was under 35 feet which is permitted in the code. Mr. Zamvakellis stated that he understood the concern with the variance, but with the garages being 24 feet deep, there would be more than enough space for parking. In regard to the common space, there is 250 sq. feet of common area plus each unit has 100 sq. feet of private open space and a private deck. Finally, to the driveway and set back issue, Mr. Zamvakellis said that every project that his company had completed in Apartment Row has a driveway and a setback.

Commissioner Sofelkanik challenged the responses from the applicant and stated that 200 sq. feet of open space would be 1,000 sq. feet for four (4) units. He read the definition of open space (17.76) which is the area of parcel not occupied by structure or driveways and open to the sky.

Mr. Zamvakellis pointed out areas on the site map that equaled 1,000 sq. feet that was open to the sky.

Commissioner Sofelkanik responded by quoting 17.08.030 Zoning Code under footnote 12 in regards to contiguous space, which is "a minimum of 25% of the covered parcel area should be required in one contiguous location, and be kept free of any or other intrusions that would inhibit the development of the area. He continued that this interprets into a 1,000 sq. feet of open green space that the project would have to include.

Mr. Zamvakellis pointed out that each unit has to have 100 sq. feet of private open space. The code does not address that the private open space has to be separate from the common open space. Each unit has to have 200 sq. feet of open space on the whole property, and out of that 200 sq. feet per unit, 100 sq. feet has to be private space.

Commissioner Sofelkanik turned the issues over to Staff for clarification, but added again how much he liked the project.

Community Development Director Mendoza clarified that there was no requirement for a five (5) foot setback for a parking space in a residential zone. Also, referring to the building height in front, some roof treatment may have to be done to get the building down to the 30 feet height requirement. Community Development Director Mendoza mentioned that Staff has never had to use the code for stepping back the roof past 30ft. to apply to the front or rear setback.

Commissioner Sofelkanik was being cautious from a prior three (3) story project that the Commission had promoted, and then received such negative backlash from the community and wanted to avoid doing this again in the future.

Community Development Director Mendoza clarified to the Commission that the issue of the 200 sq. feet of open space per dwelling can include the 100 sq. feet of private space.

Commissioner Riley stated that he was inclined to support the Variance but without it the developer could proceed with his project of five (5) units and would have to address something funky with the parking. The bottom line is that it doesn't address the other concerns, and he would like to support something with a design that was more appealing. Not to worry so much about the Commission setting a precedent.

Motion/Second: Grose/Riley
Carried 3/1: A Motion was made to approve Resolution 14-26 Variance as written. The motion passed.

Motion/Second: Grose/Riley
Carried 4/0: A Motion was made to approve Resolution 14-25 for Site Plan Review as written. The motion passed.

Motion/Second: Grose/Riley
Carried 4/0: A Motion was made to approve Resolution 14-24 for Conditional Use Permit as written. The motion passed.

Motion/Second: Grose/Riley
Carried 4/0: A Motion was made to approve Resolution 14-23 for Tentative Tract Map as written. The motion passed.

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.

Community Development Director Mendoza summarized that this is a façade improvement a re-modification of an old site plan review for a remodeling of a shopping center.

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

Chair Loe opened the meeting to the public.

John Chipman, of Chipman Architects out of Newport Beach, addressed the Commission and was available to answer any questions that the Commissioners had. Mr, Chipman asked that four (4) conditions be striked from Resolution 14-29 that references landscape architecture. Conditions 14, 15, 18 and 30.

Chair Loe asked for Commissioner comments.

Commissioner Grose stated that it was a wonderful thing for the community of Los Alamitos to see these type of improvements, and hoped that it would rub off on other businesses.

Community Development Director Mendoza stated to the Commission that his staff was comfortable with making the requested conditions to Resolution 14-29.

Motion/Second: Grose/Riley
Carried 4/0: A Motion was made to approve Resolution 14-22 Site Plan Review with Conditions 14, 15, 18, 30 omitted. The motion passed.

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

This item was not discussed, for some of the Commissioners stated that they did not have this report in their packets.

8. STAFF REPORTS
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 current dry cleaner's building.

Community Development Director Mendoza addressed the Commission and stated that this item was not a public hearing, but was a Staff Report coming to the Commission. After being turned down by Staff, Title Max decided that the Planning Commission should interpret the business to be a financial institute to reside at 3391 Katella Avenue at the dry cleaner's building adjacent to the drive thru coffee shop.

Community Development Director Mendoza continued that Staff had reached out to Title Max to try to get an explanation as to why they think their company should be considered a financial institution. Staff received a PowerPoint presentation sent by the applicant. The applicant asks the Commission to make a decision to identify that Title Max is a financial institution, or would they qualify as a similar use, or that Title Max is not permitted in the City to do any business and articulate the reasons why.

Commissioner Sofelkanik seemed to think that the Commission was being asked a legal question to determine if this was a case review, and didn't think the Commission was capable of making that type of a determination.

Assistant City Attorney Lisa Kranitz commented that she didn't think it was a legal decision, but added that some cities are considering these types of loan businesses to be a financial one. If the Commission thinks that they are a State licensed financial service then they would simply be an allowed use and that would end the discussion.

Commissioner DeBolt questioned what the difference was between this business or a credit union, for they loan money and secure it with the pink slip of one's car. They are an equity lender with the equity in this case being a vehicle. He stated that if someone doesn't have good credit, or own a home, one would use their car to get a loan.

Chair Loe opened the discussion to the public for comment.

Catherine Youngman, a representative of Title Max began by stating that there were 1,500 Title Max locations throughout the United States with over 5,000 employees. Currently, California had nine (9) Title Max stores open with another 24 projected to be opened. Ms. Youngman pointed out to the Commission that there are currently five (5) other title loan companies within the City of Los Alamitos that reside in the Commercial General zone. She added that Title Max planned on purchasing the building and improving the façade to blend it with surrounding businesses. In closing, she introduced Rich Stacy from Title Max.

Rich Stacy, in charge of Operations at Title Max, traveled from Phoenix, Arizona to attend this meeting. Mr. Stacy stated that his company brings a good product to a demographic that needs its support. The goal of the company is not to pick up a car in default, but to help customers get back on their feet. In closing, Mr. Stacy added that in San Diego, the Inland Empire and Pasadena areas Title Max had filed as a financial institution and was awarded the licensing to operation in those areas.

Tony Johnson, a district Manager from Title Max stated that his company has a California lender law license, which makes them somewhat different from some of their competitors. Mr. Johnson thanked the Commission for its time.

Debbie Edwards, owner of the coffee shop adjacent to the dry cleaners property at 3391 Katella, stated that she has been at this location for over 20 years and questioned that if, Title Max is a lending company, then isn't a pawn shop considered the same thing? Ms. Edwards continued that someone gives a pawn shop collateral, then the shop gives them money, and once the debt is paid, one can get their collateral back. She couldn't see a difference between a Title Max and a pawn shop. She is very concerned about the image and what seems to be happening in Los Alamitos, and beginning to have this look along Katella that is filled with these type of financial institutes. In closing, Ms. Edwards asked the Commission to set a precedent and not support the opening of Title Max in the City.

Betty Wardle, one of the owners from 3391 Katella, stated that currently the property has a dry cleaner on it and does not look very good, and it has been discussed that the dry cleaners should be located over in the Industrial zone.

The offer for Title Max to move in would take care of these two (2) concerns. In closing, Ms. Wardle stated that there has been another developer involved with the owners of both properties at this location, and was in hopes that the Commission was not using this as a decision making device for Title Max to not move in at this location.

Chair Loe asked if any Commissioners had questions for any of the applicants.

Commissioner Sofelkanik asked what happens to the cars that are repossessed and would they be coming back to the property to be stored?

Mr. Johnson responded that any car that comes back to the company goes straight to an auction house where it is sold. He clarified that the company does not garnish wages of its customers, or hold anything in default to the customer.

Commissioner Sofelkanik asked would there be a substantial amount of cash at the business that is given out to clients?

Mr. Johnson responded that the company operates with checks and no cash is needed.

Commissioner Grose asked Staff for clarification if the Commission was voting on this matter tonight or giving Staff direction.

Community Development Director Mendoza responded that the Commission is interpreting the use of the business.

Assistant City Attorney Lisa Kranitz stated that an interpretation the Commission could use was a California license lender.

Commissioner Sofelkanik stated that if the Commission was to make a decision to define a business or a use that would be referred to or relied upon for the future, he would like to have something that all the Commissioners could review that came from Community Development Director Mendoza and Staff. Commissioner Sofelkanik wanted to make a decision that would be in agreement with the code along with some state requirements or language.

There was a lengthy discussion from the Commissioners and Counsel on the definitions of "banks" and "financial institutes" according to City code.

Motion/Second: DeBolt /Sofelkanik
Carried 4/1: A Motion was made to consider a car title loan company that is a California lender law licensed business is a financial institution under Cities Municipal Code. The motion passed.

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza reminded Commissioners Sofelkanik and Cuilty of the upcoming conference and all the information was emailed to them.

10. COMMISSIONER REPORTS

None.

11. ADJOURNMENT

The Planning Commission was adjourned at 11:53 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

Date

City of Los Alamitos
Planning Commission

Agenda Report	November 10, 2014
Public Hearing	Item No: 7A

To: Chair Loe and Members of the Planning Commission

Via: Steven A Mendoza, Director of Community Development

From: Tom Oliver, Associate Planner

Subject: Community Development Block Grant (CDBG) Discussion Regarding Future Fund Use

Summary: Orange County Community Resources requests that the City hold a community meeting to discuss the use and priority of Community Development Block Grant (CDBG) funds with interested community members. The Planning Commission is acting as a conduit to provide an opportunity for interested parties to provide comments.

Recommendation: Hold the Community Meeting and take testimony as necessary.

Noticing

The public was notified of this community meeting by an advertisement in the News Enterprise on October 29, 2014.

Background

The City of Los Alamitos participates in the County of Orange's Urban County Program (Program) which filters federal Community Development Block Grant (CDBG) monies down to smaller cities. The Program provides federal funds to cities with populations under 50,000 for programs that are targeted towards community development. The funds are intended to be used for neighborhoods that have a substantial number of low, very low, and extremely low-income residents. CDBG shows preference for projects that meet the criteria in the table below:

Community Need Type	Priority Needs Level
Community Development Need	
01 Acquisition of Real Property 570.201(a)	High
02 Disposition 570.201(b)	Medium*
Public Facilities and Improvements Needs 570.201(c)	
03 Public Facilities and Improvements (General)	Medium
03A Senior Centers	High
03B Handicapped Center	Medium
03C Homeless Facilities	High
03D Youth Centers	Medium
03E Neighborhood Facilities/Libraries	High
03F Parks and/or Recreational Facilities	Medium
03G Parking Facilities	Medium
03H Solid Waste Disposal Improvements	Medium
03I Flood Drain Improvements	High
03J Water/Sewer Improvements	High
03K Street Improvements	High
03L Sidewalks	High
03M Child Care Centers	Medium
03N Tree Planting	Medium
03O Fire Stations/Equipment	Medium
03P Health Facilities	Medium
03Q Abused and Neglected Children Facilities	Medium
03R Asbestos Removal	Low*
03S Facilities for AIDS Patients (not operating costs)	Medium
Total Amount of Funds Requested for High Priority Needs	
Total Amount of Funds Used for Project	

Source: FY 2010-15 Consolidated Plan
*Low or medium Priority activities are not eligible for funding under this RFP.

The Grant funds are transferred from HUD to the County annually for use by participating agencies. These funds may be pursued through competitive grant applications sent to the County. The group of participating cities is small so the potential for funding is fairly high. Participating cities help to form the annual plan for spending CDBG funds allowing the City a voice in establishing the criteria on which grant applications will be judged. Once grants are awarded, the County assists cities in managing the projects and preparing required reports to HUD. Whether or not the City seeks funding, the County oversees the program.

To assure citizen participation in the design and implementation of the City's allocation of CDBG funds, the Community Development Department seeks input from a wide variety of community members. Priorities, goals, and objectives are established from citizen input used in applying for future CDBG grants. Citizen participation is an important aspect in this process as it establishes the needs of the community from the grass roots level. This information is provided to the County of Orange to incorporate into its report to the Federal Government (HUD).

A public meeting is held to collect information regarding community needs prior to the City deciding where CDBG will best be distributed. A second public hearing is held to obtain comments from citizens on the planned use of funds prior to submitting and application. This hearing is also held to give the community an opportunity to review and comment on the proposed use of funding and on the performance of the CDBG programs in administration, distribution, and implementation of federal funds. All public hearings are held in a centrally located, handicap accessible building with reasonable accommodation provided for persons with disabilities.

Discussion

The City regularly submits applications to Orange County Community Resources for CDBG funds through the Program. Larger Cities apply directly to the Federal Government for such funds. As a smaller city, Los Alamitos seeks the oversight of the County when using such funds.

The City of Los Alamitos has used such grants for years, often being awarded CDBG funds to improve Public Facilities within the City's Low Income Census Tracts. CDBG activities must serve residents within the City's usual seven (7) target areas:

1. Apartment Row – Bloomfield Street to Lexington Drive
2. Old Town East
3. Old Town West
4. Royal Oak Park
5. Country Square;
6. Joint Forces Training Base (JFTB), including Parkewood
7. Area bound by Cerritos Avenue, Bloomfield Street, Katella Avenue, and the eastern boundary of the City

The City recently used the funding to bring ADA ramps up to current standards in Apartment Row. During the current Fiscal Year 2014-15, CDBG funds are being used for an alley rehabilitation project in the Apartment Row neighborhood.

Staff has learned a great deal in implementing CDBG funded projects. We have come to the realization that for larger projects, it is more feasible to apply for design monies during year one and then construction monies the following year. Staff will continue in this manner for the larger projects to meet CDBG expenditure deadlines. Below, is a list of projects that Staff could submit as ideas for project that could be applied for this year.

	Project	Approximate Cost
1	Replace Asphalt with concrete in alley and city parking lot behind nonprofit organizations on Reagan	$1500.00 to $2000.00 each
2	Complete 110 remaining ADA ramps citywide	$150,000.00
3	Little Cottonwood Park – Parking lot, basketball court, sewer line, trailer	$300,000.00 maximum
4	Laurel Park – ADA access to parking lot	$100,000.00 to $150,000.00

Attachment: 1. News Enterprise Advertisement

ATTACHMENT 1

PUBLIC NOTICE
CITY OF LOS ALAMITOS
City Council Chambers
3191 Katella Avenue
Los Alamitos, CA 90720

DATE: Monday, November 10, 2014
TIME: 7:00 PM

Each year the County of Orange provides an opportunity for the City to apply for Community Development Block Grant Funds (CDBG). CDBG funds can be used for a wide range of activities, including housing rehabilitation, homeownership assistance, lead-based paint detection and removal, acquisition of land and buildings; construction or rehabilitation of public facilities, including shelters for the homeless, and infrastructure, removal of architectural barriers, rehabilitation of commercial or industrial buildings; and loans or grants to businesses. The primary federal objective is the development of viable urban communities expanding economic opportunities, principally, for persons of low- and moderate-income "Persons of low and moderate income" defined as households whose incomes does not exceed 80 percent of the county median income, adjusted for household size.

This is an opportunities for citizens' input regarding the expenditure of such funds within Los Alamitos. Interested parties are invited to submit suggestions for eligible projects, to benefit low-, very low-, and extremely low-income residents.

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Los Alamitos Planning Commission on Monday, November 10, 2014, at 7:00 p.m., in the Council Chambers, 3191 Katella Avenue, Los Alamitos, to consider Community Development Block Grant funding. You are invited to attend and comment on the proposed action described above. If you have written comments that you wish to submit, please deliver them to the Los Alamitos City Clerk's Office, 3191 Katella Ave., Los Alamitos, California 90720, on or before the beginning of the public hearing.

Questions or comments can be directed to the Community Development Department, (562) 431-3538, Ext. 300, City Hall, 3191 Katella Avenue, Los Alamitos, California 90720. Written and oral testimony is invited.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Community Development Department at (562) 431-3538, Ext. 391. Notification by noon on the date of the public hearing will enable the City to make arrangements to assure accessibility to this meeting.

Respectfully Submitted,
Steven Mendoza,
Secretary
News Enterprise 14-10169
Publish October 29, 2014

City of Los Alamitos
Planning Commission

Agenda Report	November 10, 2014
Public Hearing	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: Continued Consideration of Zoning Ordinance Amendments Relating to Allowable Uses in the Planned Light Industrial Zone (Citywide) (City initiated)

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

Recommendation:

1. 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.

Applicant: City Initiated

Location: Citywide

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

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

Background

This Public Hearing is a continuation from the June 9, 2014, July 14, 2014, August 11, 2014, September 8, 2014, and October 13, 2014 Planning Commission meetings.

The Planning Commission is reviewing the Los Alamitos Municipal Code (LAMC) pertaining to land uses in the Industrial Zone. These uses are described in the land use table, Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*.

The Community Development Department is concerned about the increased interest in placing non-industrial uses in the industrial area. Concerns are related to compatibility, safety, and the preservation of the industrial area.

Preservation of Industrial Area

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

Compatibility

- *A large portion of the City's industrial area is incompatible with businesses catering to recreational uses for children.*
- *The industrial area includes construction yards, lumber yards, large-scale printing firms, and two tow yards.*
- *This area is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from recreational uses.*
- *Industrial uses are more intense and are not always compatible with businesses that cater to children such as batting cages, dance & cheer, or sports related training facilities.*
- *Recreational uses may restrict or preclude the ability of surrounding heavy industrial uses from realizing the full enjoyment of their properties by introducing sensitive receptors (children) into the area.*

Safety

- *Recreation uses have a different traffic generator and the area was not designed to support this type of use.*
- *Speed limits established within the Industrial area do not take into consideration the loading and unloading of children.*

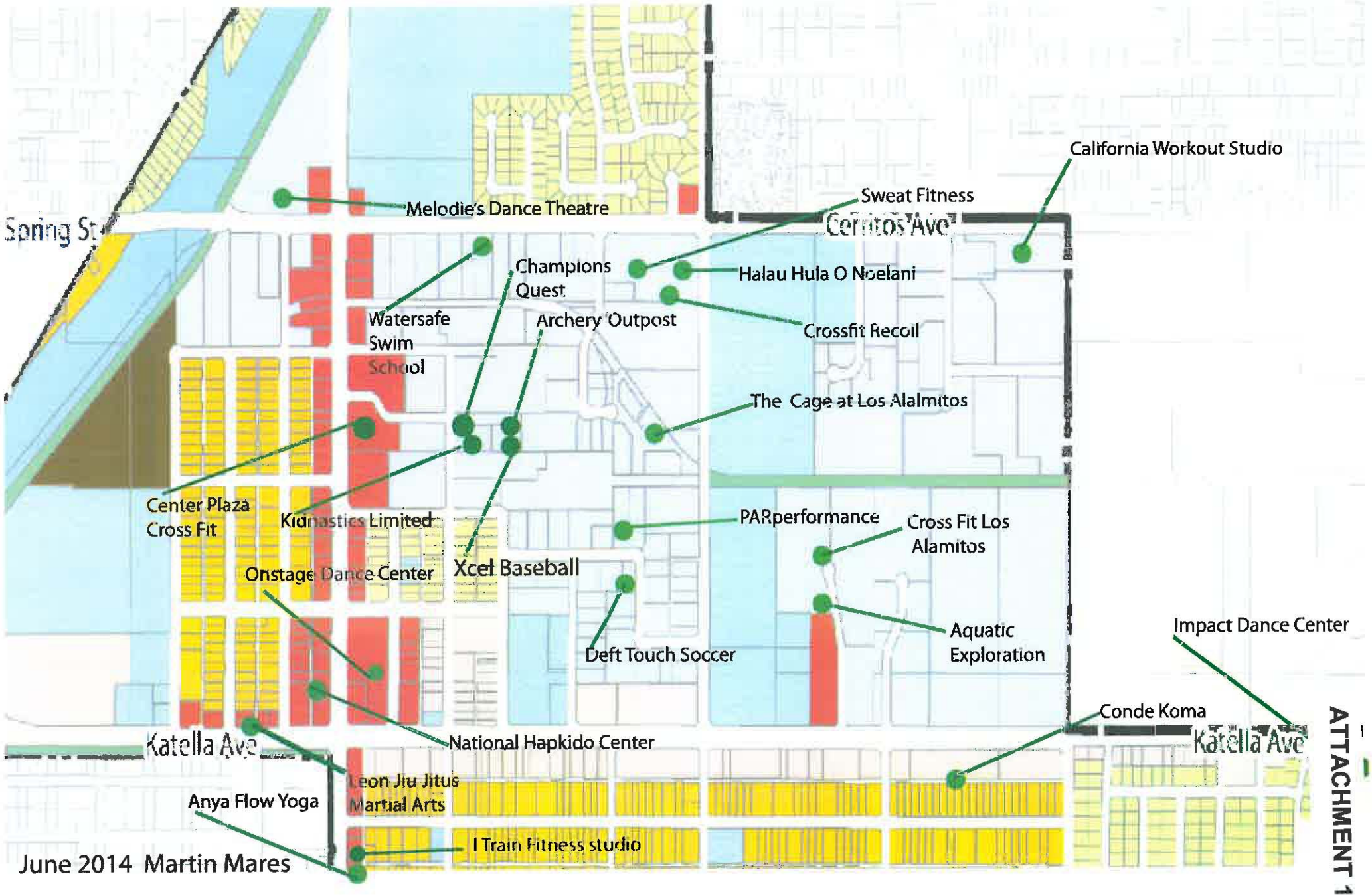
- *The Industrial Zone has been subject to review and consideration in regards to the uses that are traditionally within the Industrial Zones. The industrial area has never been evaluated as a place for children to hang out, explore, and wait for parent pickup.*
- *Truckers do not normally expect to be dodging children or adult joggers in an Industrial area.*

Data

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

The Commission would like to discuss this possibility due to the desirability of these industrial buildings for certain types of retail or other commercial operations. The Planning Commission began this process on April 14, 2014, by approving a Resolution of Intention which is required as a first step in evaluating this subject.

Attachment: 1. Map of Industrial Zone



June 2014 Martin Mares

ATTACHMENT 1

City of Los Alamitos
Planning Commission

Agenda Report	November 10, 2014
Public Hearing	Item No: 7C

To: Chair Loe and Members of the Planning Commission

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

Subject: Continued Consideration of the Proposed 2035 General Plan

Summary: Continued consideration of the 2035 Draft General. The Planning Commission is tasked with reviewing the document and providing a recommendation to the City Council. The Planning Commission is also responsible for providing a recommendation on the Draft Environmental Impact Report (DEIR).

Recommendation:

1. Continue the Public Hearing; and, if appropriate,
2. Take Testimony; and, if appropriate,
3. Direct Staff to make appropriate changes, and revise Resolutions to reflect those changes and bring back for ratification.

Background

The General Plan is a long-range planning program, to guide the orderly growth and development of the Los Alamitos planning area over the long-term. It is intended to communicate the City's vision of its future and to establish a policy framework to govern decision-making concerning the physical development of the community, including assurances that the community-at-large will be supported by an adequate range of public services and infrastructure systems.

The General Plan Update is now in its third year of progress and a great deal of work has been completed to understand the existing conditions, the opportunities for the Los Alamitos community, and the next steps in the process. The goal for this General Plan "Update" was to refresh the General Plan Goals and Policies as a base for the policy document, augmenting these with any new changes resulting from public outreach or from emerging issues, and to address new State laws. The update also addresses

several current and future challenges. Some of these challenges include the lack of diversity in the City's revenue base; aging and antiquated commercial/ industrial properties; the need for commercial recreation, shifting demographics and advancing technologies; and dealing with regional planning issues.

Discussion

At the October 13, 2014 Planning Commission meeting, the Planning Commission began a discussion of the draft 2035 General Plan. The draft Plan, the draft Environmental Impact Report, recommendation resolutions and other materials are attached to this report for tonight's continued discussion. Please note that attachments 1 and 2 are new material for your consideration. The first is a memo from the City's General Plan consulting firm, Placeworks, concerning the environmental impacts of last month's changes, and the second is a letter from the Airport Land Use Commission recapping their discussion at their meeting on October 16, 2014 concerning the Los Alamitos draft General Plan.

Tonight's Action

The Planning Commission is charged with taking testimony regarding the General Plan, make changes that are deemed appropriate by the Commissioners, and provide a recommendation to the City Council.

Staff recommends that the Planning Commission continue public discussion, and then determine whether or not to direct Staff to make appropriate changes and revise the resolutions to reflect those changes and then bring them back to the Commission for ratification.

Future Actions

The changes made tonight will later be formalized in resolutions brought back to the Commission. The Planning Commission recommendations will be forwarded to the City Council. The City Council will take final action to Certify the EIR and the General Plan.

Subsequent action to change the zoning for the parcels will be conducted by the Planning Commission and the City Council. That future action will remove inconsistencies created by this approval.

Attachments:

1. *Memo from the City's Consultant concerning last month's Commission discussion*
2. *Letter from Airport Land Use Commission recapping their meeting concerning the Los Alamitos draft General Plan on October 16, 2014*
3. *General Plan Agenda Item, Dated October 13th*

ATTACHMENT 1

PLACEWORKS

MEMORANDUM

DATE	October 29, 2014
TO	City of Los Alamitos
ADDRESS	3191 Katella Avenue Los Alamitos, California 90720
CONTACT	Steven Mendoza, Community Development Director
FROM	William Halligan, Esq., Principal Environmental Services Nicole Vermilion, Associate Principal
SUBJECT	**Potential environmental impacts of changes to the Proposed Land Use Plan**
PROJECT NUMBER	CLA-01

On Monday October 13, 2014, during the public hearing on the General Plan Update, the Los Alamitos Planning Commission identified potential changes to Proposed Land Use Plan to the following sites:

» Site 5 – 17 parcels on the south side of Katella Avenue

» Site 10 – Arrowhead Products site on Katella Avenue

This memorandum describes these changes and presents how the potential environmental impacts of these changes compare to those identified in the Draft Environmental Impact Report (DEIR) for the Proposed Land Use Plan, as currently presented.

To determine if the potential land use changes result in changes in environmental impacts described in the DEIR, Fehr and Peers, the traffic consultant for the General Plan Update, evaluated changes in trip generation associated with the potential land use changes. Trip generation rates were based on the Institute of Transportation Engineers (ITE) 9th Edition of the Trip Generation Manual. PlaceWorks also evaluated changes in employment based on the employment generation factors used in the DEIR.

As described below, the City of Los Alamitos has reviewed this material and determined that the potential changes to the land use plan are not significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. The potential changes to land use plan would not result in new significant environment impacts.

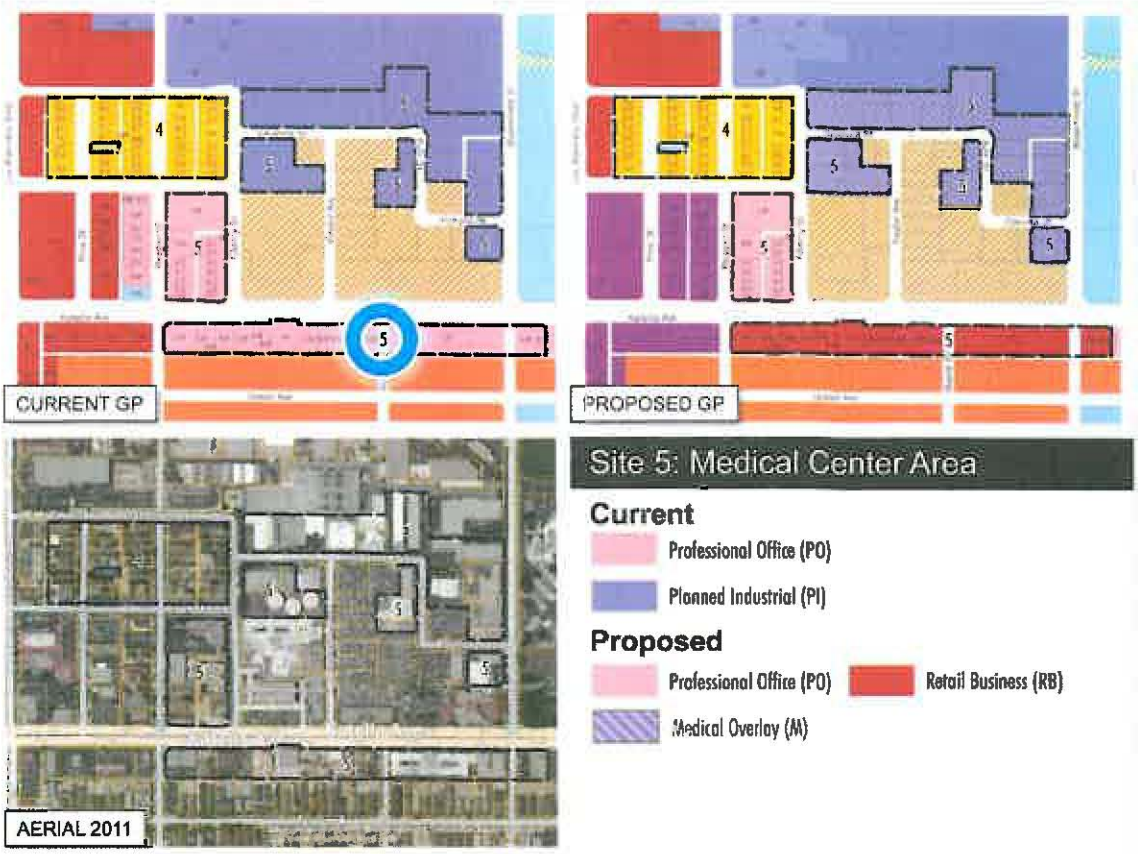
Additionally, the potential changes to the land use plan would not substantially increase the magnitude of existing environmental impacts described in the DEIR, and there would not be any other circumstances requiring recirculation described in CEQA Guidelines Section 15088.5. The changes to the land use plan described below are variations on what has already been presented as they fall between the impacts discussed of the proposed project and the impacts discussed in the No Project Alternative; and therefore, represent insignificant modifications to the DEIR. The City of Los Alamitos could, if is so desired, adopt the proposed project with the potential changes to Site 5, Site 10, or both Site 5 and 10 without any additional environmental review.

SITE 5 – MEDICAL CENTER AREA

In crafting the Draft Land Use Plan, the Planning Commission identified an opportunity to maximize retail development along Katella Avenue and change the land use designation for parcels along the south side of Katella Avenue from Professional Office to Retail Business. The Planning Commission also sought to encourage medical and professional office development to move next to the Los Alamitos Medical Center through the introduction of a Medical Overlay north of the medical center.

However, during the October 13th Planning Commission hearing, property and business owners expressed a strong desire to retain the existing Professional Office land use designation for the parcels on the south side of Katella Avenue (parcel list below). The Planning Commission received and discussed the input and expressed a preliminary recommendation to retain the Professional Office designation for these parcels.

- 222-041-14/15
- 222-101-01
- 222-101-02
- 222-101-03
- 222-101-05
- 222-101-06
- 222-101-07
- 222-101-08
- 222-101-09
- 222-101-11
- 222-101-12
- 222-101-13
- 222-101-32
- 222-101-33
- 222-111-40
- 222-111-44



» **Convert to Retail Business (RB).** The DEIR evaluated buildout of the 17 parcels under the Retail Business land use designation. As proposed in the Draft Land Use Plan, under the Retail Business land use designation, the 17 parcels are projected to support approximately 231,017 square feet of building space. The employment and trip generation rates associated with retail businesses indicate that the area could support 770 employees and generate 8,401 total daily vehicle trips.

» **Retain Professional Office (PO).** If the current Professional Office land use designation is retained, the parcels are projected to support the same estimate of 231,017 square feet of building space. Office uses generally employ more people per square foot of building space than do retail businesses, and the parcels would be projected to support more employees (924). However, the trip generation rate for office uses is less intense and indicates that the area could generate 4,011 total daily vehicle trips.

Retaining the Professional Office land use designation is projected to generate approximately 4,400 fewer trips than that evaluated in the DEIR (see Table 1). According to Fehr and Peers, retaining the Professional Office land use designation would create fewer potential impacts on traffic in the area due to the reduction in projected vehicle trips. As impacts to air quality, greenhouse gas emissions (GHG), and noise are tied directly to the number of vehicle trips, potential impacts for these categories would also be lessened compared to those identified in the DEIR.

Table 1. Potential Changes to Site 5 Compared to the Proposed General Plan

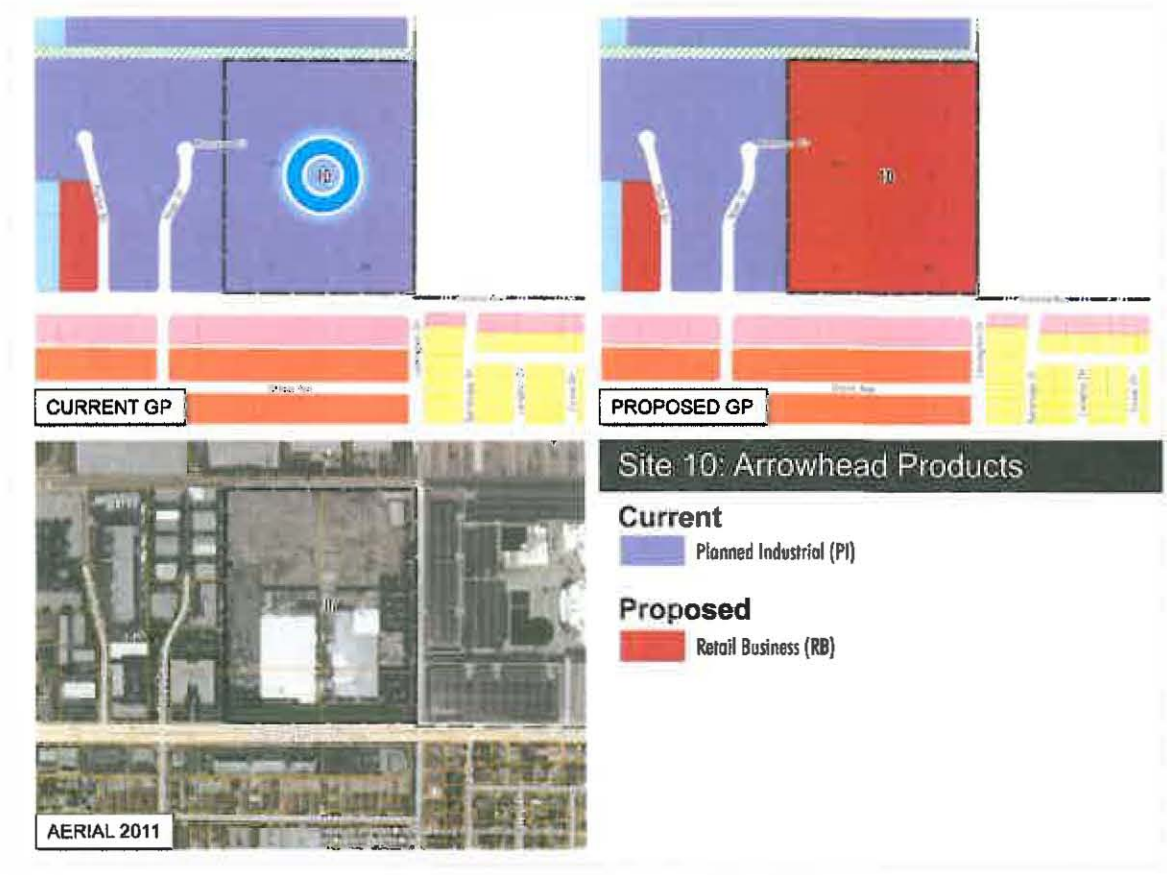
Category	Proposed Project: Convert to Retail Business Designation	Potential Change: Retain Professional Office Designation	Difference From Proposed Project	
			Number	Percent
Total Dwelling Units	8,735	8,735	None	None
Total Population	23,003	23,003	None	None
Total Employment	18,430	18,584	154	1%
Jobs-to-Housing Ratio	2.11	2.13	0.02	1%
Site 5 Daily Trip Generation (south of Katella only)	8,401	4,011	-4,390	-52%

The Professional Office land use designation could result in 154 additional employees. As shown in Table 1, this would result in a nominal increase in the jobs-to-housing ratio and would nominally increase population and employment impacts. However, population and employment impacts would continue to be less than significant.

The changes identified would generate approximately 4,400 fewer trips and would reduce the majority environmental impacts, including transportation, air quality, GHG emissions, and noise, below what was analyzed in the EIR. The City of Los Alamitos could, if is so desired, adopt the proposed project with the change to the aforementioned parcels in Site 5 without any additional environmental review.

SITE 10 – ARROWHEAD PRODUCTS

The DEIR evaluated potential environmental impacts associated with conversion of the Arrowhead Products site from Planned Industrial to Retail Business. This exhibit below for Site 10 identifies the changes to the current Land Use Plan that were evaluated in the DEIR.



During public review of the DEIR the City of Los Alamitos received a comment letter from the property owners of the 28-acre Arrowhead Products site asking the City to retain the Planned Industrial designation. A representative of Arrowhead Products reiterated this desire at the October 13th Planning Commission hearing.

As identified in the response to comment in the Final EIR, one of the alternatives evaluated in the DEIR was the Arrowhead Products Site Alternative. Under this alternative, the Arrowhead Products site would remain designated for Planned Industrial. Industrial land uses generate less traffic than retail uses. Consequently, this land use configuration was selected as an alternative because it would reduce traffic, air quality, GHG emissions, and noise impacts compared to the proposed project.

» **Retail Business (RB).** The DEIR evaluated buildout of the site under the Retail Business land use designation. As proposed in the Draft Land Use Plan under the Retail Business land use designation, the site is projected to support approximately 263,311 square feet of building space. The employment and trip generation rates associated with retail businesses indicate that the area could support 1,020 employees and generate 11,243 total daily vehicle trips.

» **Planned Industrial (PI).** If the current Planned Industrial land use designation is retained, the parcels are projected to support the same 263,311 square feet of building space. The trip and employment generation rates associated with industrial uses is less intense than those for retail businesses, and indicate that the area could support 600 employees and generate 1,835 total daily vehicle trips[1].

Table 2. Potential Changes to Site 10 Compared to the Proposed General Plan

Category	Proposed Project: Convert to Retail Business Designation	Potential Change: Retain Professional Office Designation [1]	Difference From Proposed Project	
			Number	Percent
Total Dwelling Units	8,735	8,735	None	None
Total Population	23,003	23,003	None	None
Total Employment	18,430	18,010	-420	-2%
Jobs-to-Housing Ratio	2.11	2.06	-0.05	-2%
Site 10 Daily Trip Generation	11,243	1,835	-9,408	-84%

Notes:

[1] This change was also identified as the Arrowhead Products Site Alternative in the DEIR.

Retaining the Planned Industrial land use designation at the 28-acre Arrowhead Products site would generate approximately 9,400 fewer trips and 420 fewer jobs[2] than the proposed project.

As retaining the industrial land use designation at the Arrowhead Products site would generate fewer vehicle trips, this change would also reduce potential transportation, air quality, GHG emissions, and noise impacts below what was analyzed in the EIR. Additionally, the decrease in jobs would slightly decrease population and employment impacts.

Accordingly, the City of Los Alamitos could, if is so desired, adopt the proposed project with the requested change to the Arrowhead Products site to retain the Planned Industrial designation without any additional environmental review.

[1] Buildout assumptions for the Arrowhead Products site are based on the current General Plan Alternative, which identified a 10 percent increase in building square footage on the 28-acre site.

[2] The EIR considers only the number of jobs when evaluating potential environmental impacts. It does not distinguish between the pay or skill level associated with jobs based on land use designations.

COMBINED SITE 5 AND SITE 10

If changes to both sites are made to the Proposed Land Use Plan, the Land Use Plan would be projected to generate approximately 13,800 fewer trips and reduce potential transportation, air quality, GHG emissions, and noise impacts below what was analyzed in the EIR.

The changes would also result in 266 fewer employees and slightly decrease potential population and employment impacts. Therefore, the City of Los Alamitos could, if is so desired, adopt the proposed project with the requested changes to both Site 5 and Site 10 without any additional environmental review.

Table 3. Potential Changes to Site 5 and Site 10 Compared to the Proposed General Plan

Category	Proposed Project: Convert Both Sites to Retail Business Designation	Potential Change: Retain Professional Office and Planned Industrial Designations on Sites 5 & 10	Difference From Proposed Project	
			Number	Percent
Total Dwelling Units	8,735	8,735	None	None
Total Population	23,003	23,003	None	None
Total Employment	18,430	18,164	-266	-1%
Jobs-to-Housing Ratio	2.11	2.08	-0.03	-1%
Daily Trip Generation Site 5 (south of Katella only) and Site 10	19,644	5,846	-13,798	-70%

SUMMARY

Changes to Site 5 and Site 10 identified during the Planning Commission hearing on October 13, 2014 would decrease potential transportation, air quality, GHG emissions, and noise impacts compared to the proposed project as analyzed in the EIR. While these potential impacts would be reduced under either or both changes, it is important to recognize that none are substantial enough to reduce impacts from "significant and unavoidable" to "less than significant".

Table 4 shows a summary matrix of the environmental impacts compared to that analyzed in the EIR for each environmental topic area.

Table 4. Summary of Potential Changes to the City of Los Alamitos General Plan Update Proposed Land Use Plan Compared to that Evaluated in the Environmental Impact Report

Resource	Proposed Project Impacts	Impacts Relative to the Proposed Project		
		Site 5: South Side of Katella from Retail Business to Professional Office	Site 10: Arrowhead Products Site from REtail Business to Planned Industrial [1]	Site 10 and Site 5 Land Use Plan Changes
Aesthetics	LTS	No difference	No difference	No difference
Air Quality	S/U	Slightly less impact	Less impact	Least impact
Cultural Resources	LTS/M	No difference	No difference	No difference
Greenhouse Gas Emissions	S/U	Slightly less impact	Less impact	Least impact
Hazards & Hazardous Materials	LTS	No difference	No difference	No difference
Land Use and Planning	LTS	No difference	No difference	No difference
Noise	S/U	Slightly less impact	Less impact	Least impact
Population and Housing	LTS	Slightly higher impact[2]	Least impact	Slightly less impact
Public Services	LTS	No difference	No difference	No difference
Recreation	LTS	No difference	No difference	No difference
Transportation & Traffic	S/U	Slightly less impact	Less impact	Least impact
Utilities & Service Systems	LTS	No difference	No difference	No difference

Notes:

LTS: Less Than Significant; LTS/M: Less Than Significant with Mitigation; S/U: Significant and Unavoidable

[1] This change was also identified as the Arrowhead Products Site Alternative in the DEIR.

[2] While the changes to Site 5 would nominally increase the jobs-to-housing balance, impacts would remain less than significant.

ATTACHMENT 2

PLACEWORKS

MEMORANDUM

DATE	October 29, 2014
TO	City of Los Alamitos
ADDRESS	3191 Katella Avenue Los Alamitos, California 90720
CONTACT	Steven Mendoza, Community Development Director
FROM	William Halligan, Esq., Principal Environmental Services Nicole Vermilion, Associate Principal
SUBJECT	**Inclusion of requested Airport Land Use Commission policies**
PROJECT NUMBER	CLA-01

The Airport Land Use Commission (ALUC) for Orange County held a meeting on Thursday, October 16, 2014, to determine compliance of the Los Alamitos General Plan Update with the Airport Environs Land Use Plan (AELUP) for Los Alamitos Joint Forces Training Base (JFTB) and for the AELUP for Heliports. ALUC staff recommended that the City of Los Alamitos incorporate additional policies into their General Plan to ensure consistency with the AELUPs. This memorandum identifies the potential environmental impacts from incorporating the additional policies compared to that identified in the Draft Environmental Impact Report (DEIR).

Proposed Edits to the Growth Management Element

The City of Los Alamitos has revised the Growth Management Element to include an additional Goal (Goal 3) and supporting policies (Policies 3.1 through 3.7), listed below.

Goal 3: Development that is consistent with the Airport Environs Land Use Plan for the Joint Forces Training Base.

Policy 3.1. Land use compatibility. Approve development and require mitigation measures to ensure existing and future land use compatibility as shown in the City's Noise Ordinance, the Land Use and Noise Compatibility Matrix, the State Interior and Exterior Noise Standards, and the Airport Environs Land Use Plan (AELUP) for the JFTB.

Policy 3.2. Federal Aviation Regulation Part 77. Do not approve buildings and structures that would penetrate Federal Aviation Regulation (FAR) Part 77 Imaginary Obstruction Surfaces for JFTB, Los Alamitos unless found consistent by the Airport Land Use Commission (ALUC). Additionally, in accordance with FAR Part 77, required applicants proposing buildings or structures that penetrate the 100:1 Notification Surface to file a Form 7460-1 Notice of Proposed Construction or Alteration with FAA and provide a copy of the FAA determination to the City and the ALUC for Orange County.

Policy 3.3. Structures above 200 feet. For development projects that include structures higher than 200 feet above existing grade, the City shall inform the ALUC and submit materials to the ALUC for review. Proposed projects that would exceed a height of 200 feet above existing grade shall be required to file Form 7460-1 with the Federal Aviation Administration (FAA).

Policy 3.4. Heliport/helistop approval and requirements. Approve the development of a heliport or helistop only if it complies with the AELUP for Heliports. Ensure that each applicant seeking a conditional use permit or similar approval for the construction or operation of a heliport or helistop complies fully with the state permit procedure provided by law and with all conditions of approval imposed or recommended by the FAA, by Orange County ALUC, and by Caltrans/Division of Aeronautics. This requirement shall be in addition to all other City development requirements.

Policy 3.5. New residential units. Do not approve the construction of new residential units within the 65 dBA CNEL noise contour for the JFTB.

Policy 3.6. JFTB noise contours. Require the use of JFTB noise contours to ensure new development is compatible with the noise environment.

Policy 3.7. Deed disclosure notice. Provide notice of airport in the vicinity where residential development is being proposed within the 60 dBA CNEL noise contours for the JFTB. Require that the following language be included as part of the Deed Disclosure Notice:

> NOTICE OF AIRPORT IN VICINITY
>
> This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

Potential Environmental Impacts

The additional policies listed above mimic Policy 3.1 that is already provided in the Public Facilities and Safety Element as Policy 4.1. They provide more detail and would help ensure consistency of the General Plan Update with the two AELUP documents.

The City of Los Alamitos has determined that none of the policies constitutes the type of significant new information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. The additional policies would not result in new significant environment impacts that were not previously disclosed in the DEIR.

Additionally, the new policies would not substantially increase the severity of a previously identified environmental impacts described in the DEIR, and there would not be any other circumstances requiring recirculation described in CEQA Guidelines Section 15088.5. The additional policies identified above merely amply existing policies and result in insignificant modifications in the DEIR. The City of Los Alamitos could, if is so desired, adopt the proposed project with the additional policies without any additional environmental review.

Please Note

The item called out as attachment 3 of item 7C is located online as Part 2 of this Agenda