



SPECIAL CITY COUNCIL MEETING

MONDAY, JUNE 13, 2011 – 8:30 A.M.

NOTICE IS HEREBY GIVEN that a Special Meeting of the City Council is hereby called by the Mayor and will be held on MONDAY, June 13, 2011 at 8:30 a.m. in the City Council Chambers, 3191 Katella Avenue, Los Alamitos. The agenda is as follows:

Mayor:
Ken Stephens

Mayor Pro Tem:
Troy D. Edgar

Council Members:
Warren Kusumoto
Gerri L. Graham-Mejia
Marilynn M. Poe

City Manager:
Jeffrey L. Stewart

AGENDA

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 City Clerk's Office or on the City's website at www.ci.los-alamitos.ca.us once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 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 City Clerk's Office at (562) 431-3538, extension 220, 48 hours prior to the meeting so that reasonable arrangements may be made. Assisted listening devices may be obtained from the City Clerk at the meeting for individuals with hearing impairments.

Persons wishing to address the City Council on any item on the City Council Agenda will be called upon at the time the agenda item is called or during the City Council's consideration of the item and may address the City Council for up to three minutes.

1. CALL TO ORDER
2. ROLL CALL - CITY COUNCIL
Council Member Graham-Mejia
Council Member Kusumoto
Council Member Poe
Mayor Pro Tem Edgar
Mayor Stephens

3. ORAL COMMUNICATIONS

At this time, any individual in the audience may come forward to speak on any item within the subject matter jurisdiction of the City Council. Remarks are to be limited to not more than five minutes per speaker.

3191 Katella Avenue
Los Alamitos, CA
90720-5600

Telephone:
(562) 431-3538

FAX (562) 493-1255

www.ci.Los-Alamitos.ca.us

CITY OF LOS ALAMITOS

4. SPECIAL ORDERS OF THE DAY

Approval of Final Parcel Map 2010-119 (3742 Katella Avenue)

The Final Parcel Map 2010-119 for the subdivision of airspace of a single parcel for condominium purposes, located at 3742 Katella Avenue, is ready for submission to the County Recorder's Office for final review.

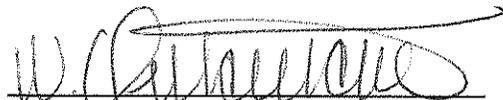
Recommendations:

1. Adopt Resolution No. 2011-09, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2010-119 FOR THE PROPERTY LOCATED AT 3742 KATELLA AVENUE"; and,
2. Find that recording of Final Parcel Map 2010-119 will not be in violation of any of the provisions of Section 66474, 66474.1, and 66474.2 of the Subdivision Map Act; and,
3. Find that the proposed subdivision, together with the provisions for their design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; and,
4. Direct the City Clerk to endorse on the face of Final Parcel Map 2010-119, the certificate which embodies the approval of said maps and submit maps to the County Recorder of Orange County for recording.

5. ADJOURNMENT

The next meeting of the City Council is scheduled for Monday, June 20, 2011, at 7:00 p.m., in the City Council Chambers.

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.


Windmeika Quintanar
Department Secretary

6/10/11
Date

City of Los Alamitos

Agenda Report Special Items of the Day

June 13, 2011
Item No: 4

To: Mayor Kenneth Stephens & Members of the City Council
From: Jeffrey L. Stewart, City Manager
Via: Dave Hunt, City Engineer
Subject: Approval of Final Parcel Map 2010-119 (3742 Katella Avenue)

Summary: The Final Parcel Map 2010-119 for the subdivision of airspace of a single parcel for condominium purposes, located at 3742 Katella Avenue, is ready for submission to the County Recorder's Office for final review.

Recommendations:

1. Adopt Resolution No. 2011-09 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2010-119 FOR THE PROPERTY LOCATED AT 3742 KATELLA AVENUE"; and,
2. Find that recording of Final Parcel Map 2010-119 will not be in violation of any of the provisions of Section 66474, 66474.1, and 66474.2 of the Subdivision Map Act; and,
3. Find that the proposed subdivision, together with the provisions for their design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; and,
4. Direct the City Clerk to endorse on the face of Final Parcel Map 2010-119, the certificate which embodies the approval of said maps and submit maps to the County Recorder of Orange County for recording.

Background

On October 14, 2004, approval was given by the Los Alamitos Planning Commission for the development of an office building at 3742 Katella. In 2009, during construction of the building the developer made the decision to convert the office building into office condominiums and filed the appropriate application for a Tentative Parcel Map.



On August 9, 2010, the Planning Commission of the City of Los Alamitos adopted Resolution No. 10-14, conditionally approving the Tentative Parcel Map for the subdivision of condominium airspace on an existing parcel located at 3742 Katella Avenue in the Commercial-Professional Office (C-O) District.

To keep the applicant's current loan from expiring, the applicant is in need of recording the Final Map and closing his loan prior to the next regularly scheduled City Council meeting.

Discussion

Recording of final maps is a requirement of the conditions contained in Planning Commission Resolution No. 10-14, and by the requirements of Section 66426 of the California Government Code (Subdivision Map Act). The applicant has prepared the final parcel map for the proposed subdivision and has submitted to the City Council for approval and recording. The City Engineer has reviewed the submitted Final Parcel Map and all associated documentation, and is satisfied that the final Parcel Map substantially complies with the Tentative Parcel Map for the subject property and the conditions of approval.

The Orange County Surveyor has also reviewed and approved Final Parcel Map 2010-119, and has certified to the technical correctness and its compliance with the provisions of the Subdivision Map Act.

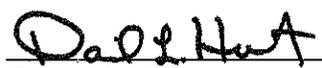
Approval of a Final Map is an opportunity to certify that the applicant has drawn the map appropriately and met all conditions of the Tentative Map that was submitted to the Planning Commission. Final Map processing is often confused as an opportunity to change or alter a project or its conditions – which it is not.

The Subdivision Map Act, Section 66410 – 66499.58 of the California Government Code, provides for the subdivision of property and vests the regulation and control of the design and improvement of subdivisions in the legislative body (the City Council) of the City. Additionally, the Subdivision Map Act requires that, if the Final Map conforms to the Tentative Map and all requirements of the Subdivision Map Act, a Final Map must be approved by the legislative body. The local agency shall disapprove the Final Map if it does not conform. For Parcel Map 2010-119, it has been determined that the County Surveyor has certified the Final Map to be technically correct.

Fiscal Impact

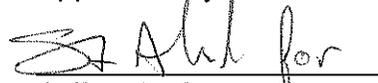
None

Submitted By:



Dave Hunt
City Engineer

Approved By:



Jeffrey L. Stewart
City Manager

Attachments: 1) City Council Resolution No. 2011-09
2) Parcel Map 2010-119
3) Planning Commission Resolution No. 10-14

RESOLUTION NO. 2011- 09**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 2010-119 FOR THE PROPERTY LOCATED AT 3742 KATELLA AVENUE**

WHEREAS, on August 9, 2010, Resolution No. 10-14 of the Planning Commission of the City of Los Alamitos was adopted, which conditionally approved Tentative Parcel Map TM 10-01 (TPM No. 2010-119) for the subdivision of a single parcel for condominium purposes, located at 3742 Katella Avenue, Los Alamitos California; and,

WHEREAS, all necessary documentation associated with this parcel has been reviewed by the City Engineer; and,

WHEREAS, the final parcel map is substantially in compliance with the previously approved Tentative Parcel Map TM 10-01 (TPM No. 2010-119); and,

WHEREAS, the City Council has made the finding that none of the conditions for mandatory denial exist relative to the proposed subdivision, in accordance with Section 66474, 66474.1, and 66474.2 of the Subdivision Map Act; and,

WHEREAS, the City Council finds that the proposed use together with the provisions for its design and improvement, is consistent with the General Plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code; and,

WHEREAS, the City Council finds that Parcel Map No. 2010-119 satisfies the provisions of the Subdivision Map Act, Los Alamitos Municipal Code and the Conditions of Approval.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS DOES RESOLVE AS FOLLOWS:

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

SECTION 2. The City Council of the City of Los Alamitos, California hereby approves final Parcel Map No. 2010-119.

SECTION 3. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 13th day of June, 2011.

Kenneth Stephens, Mayor

ATTEST:

Adria M. Jimenez, CMC
City Clerk

APPROVED AS TO FORM:

Sandra J. Levin, City Attorney

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

I, Adria M. Jimenez, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 20th day of June, 2011, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Adria M. Jimenez

SHEET 1 OF 3

1 PARCEL
ACRES -- 0.391 GROSS
ACRES -- 0.341 NET
DATE OF SURVEY
AUGUST 20, 2010
ALL OF TENTATIVE PARCEL
MAP NO. 2010-119

PARCEL MAP NO. 2010-119

IN THE CITY OF LOS ALAMITOS
COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING A SUBDIVISION OF LOT 17 OF TRACT NO. 693, AS SHOWN ON A MAP
RECORDED IN BOOK 20, PAGE 48 OF MISCELLANEOUS MAPS, IN THE OFFICE
OF THE COUNTY RECORDER OF SAID COUNTY.

FOR CONDOMINIUM PURPOSES

C. J. QUEYREL L.S. 2988 ANACAL ENGINEERING COMPANY
AUGUST 2010

ACCEPTED AND FILED AT THE
REQUEST OF:

DATE _____

TIME _____ FEE _____

INSTRUMENT NO. _____

BOOK _____ PAGE _____

TOM DALY
COUNTY CLERK -- RECORDER

BY: _____
DEPUTY

OWNERSHIP CERTIFICATE

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN
THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND
RECORDATION OF SAID MAP, AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

WE HEREBY DEDICATE THAT PORTION OF KATELLA AVENUE FOR STREET PURPOSES AS
SHOWN ON THIS MAP.

WE ALSO HEREBY DEDICATE TO THE PUBLIC THAT PORTION OF THE ALLEY AS SHOWN
ON THIS MAP.

BWC PROPERTIES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

By: NEOKLIS ZAMAKELLIS

TITLE: MANAGING MEMBER

FARMERS & MERCHANT BANK OF LONG BEACH, A CALIFORNIA CORPORATION,
BENEFICIARY UNDER DEED OF TRUST RECORDED NOVEMBER 21, 2008 AS INSTRUMENT
NO. 2008000545334 OF OFFICIAL RECORDS.

By: _____

NAME: _____

TITLE: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A
FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP
ACT AND LOCAL ORDINANCE AT THE REQUEST OF NICK ZAMAKELLIS ON AUGUST 2010.
I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE
POSITIONS INDICATED OR THAT THEY WILL BE SET IN SUCH POSITIONS BY DECEMBER
15, 2011; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE
RETRACED. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE
CONDITIONALLY APPROVED TENTATIVE MAP.

C. J. QUEYREL DATE _____
L.S. NO. 2988
EXPIRATION DATE: 08/30/12

CITY ENGINEER'S STATEMENT

I DAVID L. HUNT, ACTING CITY ENGINEER OF THE CITY OF LOS ALAMITOS, STATE OF
CALIFORNIA, STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE
SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP IF REQUIRED, AS FILED
WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL
PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE
BEEN COMPLIED WITH.

DAVID L. HUNT REC. 30514 DATE _____
ACTING CITY ENGINEER EXP. DATE 3/31/12

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE
CONFORMS WITH THE MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT AND I AM
SATISFIED SAID MAP IS TECHNICALLY CORRECT IN ALL RESPECTS NOT STATED TO BY
THE COUNTY SURVEYOR.

DAVID O. KNELL P.L.S. 5301 DATED _____
ACTING CITY SURVEYOR EXP. DATE 12/31/12

COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO
LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR UNPAID
STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS
TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET
PAYABLE.

AND DO ALSO CERTIFY TO THE COUNTY RECORDER OF ORANGE COUNTY THAT THE
PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING
DEPOSITS TO SECURE THE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COLLECTED
AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS _____ DAY OF _____ 2011.

SHARI L. FREIDENRICH BY _____
COUNTY TREASURER-TAX COLLECTOR DEPUTY TREASURER-TAX COLLECTOR

COUNTY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND THAT ALL MAPPING
PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH AND I AM
SATISFIED SAID MAP IS TECHNICALLY CORRECT.

DATED THIS _____ DAY OF _____ 2011

RAYMOND MATHE, COUNTY SURVEYOR
L.S. 6185 EXPIRATION DATE: 3/31/12

CITY CLERK'S CERTIFICATE

STATE OF CALIFORNIA }
CITY OF LOS ALAMITOS } SS
COUNTY OF ORANGE }

I HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY
COUNCIL OF THE CITY OF LOS ALAMITOS AT A REGULAR MEETING THEREOF HELD ON
THE _____ DAY OF _____ AND THAT THEREUPON SAID COUNCIL DID, BY AN
ORDER DULY PASSED AND ENTERED, APPROVE SAID MAP AND DID ACCEPT ON BEHALF
OF THE PUBLIC, SUBJECT TO IMPROVEMENTS, THE 2.50 FT. DEDICATION FOR ALLEY
PURPOSES AND THE 20 FT DEDICATION OF KATELLA AVENUE FOR STREET PURPOSES.

*AND DID ALSO APPROVE SUBJECT MAP PURSUANT TO THE PROVISIONS OF SECTION
66436(A)(3)(A) OF THE SUBDIVISION MAP ACT.

DATED THIS DATE OF _____ DAY OF _____

ANDREA JIMENEZ
CITY CLERK OF LOS ALAMITOS

SIGNATURE OMISSIONS

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 66436, SUBSECTION (a)(3)(a)(i)
OF THE GOVERNMENT CODE, THE SIGNATURES OF THE FOLLOWING HAVE BEEN
OMITTED, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND
SAID SIGNATURE IS NOT REQUIRED BY THE GOVERNING BODY:

THE SIGNATURE OF THE VARIOUS PARTIES OF RECORD TOO NUMEROUS TO SET
FORTH, HOLDER OF AN EASEMENT FOR PUBLIC UTILITY PURPOSES RECORDED
AUGUST 7, 1924 IN BOOK 533, PAGE 340 OF DEEDS AND JULY 6, 1927 IN BOOK
64, PAGE 207 OF DEEDS, BOTH OF OFFICIAL RECORDS OF ORANGE COUNTY.

THE SIGNATURE OF THE SOUTHERN CALIFORNIA EDISON COMPANY, HOLDER OF AN
EASEMENT FOR PUBLIC UTILITY PURPOSES PER DEED RECORDED MAY 11, 1951
BOOK 2193 PAGE 294, AND MARCH 26, 1956 IN BOOK 3452, PAGE 557, BOTH OF
OFFICIAL RECORDS OF ORANGE COUNTY.

THE SIGNATURE OF THE CITY OF LOS ALAMITOS, HOLDER OF AN EASEMENT FOR
PUBLIC HIGHWAY PURPOSES PER DEED RECORDED FEBRUARY 27, 1970 IN BOOK
9227, PAGE 166 OFFICIAL RECORDS AND AN EASEMENT FOR PUBLIC ALLEY,
DRAINAGE AND UTILITY PURPOSES PER DEED RECORDED SEPTEMBER 8, 2008 AS
INSTRUMENT NO. 2008000423087 BOTH OF OFFICIAL RECORDS OF ORANGE COUNTY.

SEE SHEET 2 FOR NOTARY ACKNOWLEDGMENTS

1 PARCEL
ACRES - 0.391 GROSS
ACRES - 0.341 NET
ALL OF TENTATIVE PARCEL
MAP NO. 2010-119

PARCEL MAP NO. 2010-119

IN THE CITY OF LOS ALAMITOS
COUNTY OF ORANGE, STATE OF CALIFORNIA
FOR CONDOMINIUM PURPOSES

C. J. QUEYREL L.S. 2988 ANACAL ENGINEERING COMPANY
AUGUST 2010

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

ON _____ BEFORE ME, _____
NOTARY PUBLIC, PERSONALLY APPEARED

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND

SIGNATURE _____ MY PRINCIPAL PLACE OF BUSINESS IS
IN _____ COUNTY.
MY COMMISSION NO. _____
MY COMMISSION EXPIRES _____

(NAME PRINTED)

NOTARY ACKNOWLEDGMENT

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS

ON _____ BEFORE ME, _____
NOTARY PUBLIC, PERSONALLY APPEARED

_____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT

WITNESS MY HAND

SIGNATURE _____ MY PRINCIPAL PLACE OF BUSINESS IS
IN _____ COUNTY.
MY COMMISSION NO. _____
MY COMMISSION EXPIRES _____

(NAME PRINTED)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP TPM10-01, A REQUEST TO SUBDIVIDE PROPERTY LOCATED AT 3742 KATELLA AVENUE, FOR THE CONVERSION OF A COMMERCIAL OFFICE BUILDING INTO SIX (6) COMMERCIAL CONDOMINIUMS, WITH CONDITIONS, IN THE COMMERCIAL OFFICE (C-O) ZONING DISTRICT, APN 222-101-139 (APPLICANT: BWC PROPERTIES, LLC.)

WHEREAS, that an application for a Tentative Parcel Map, TPM10-01, was submitted on June 9, 2010 by the owner of the property located at 3742 Katella Avenue to allow the conversion of an existing commercial office building to commercial condominium units in the Commercial-Office (C-O) Zoning District; and,

WHEREAS, that said verified application constitutes a request for a Tentative Parcel Map required by 17.34.070 *Office and industrial condominiums and conversions* of the Los Alamitos Municipal Code; and,

WHEREAS, that a duly noticed public hearing as prescribed by law was continued from July 12, 2010 by the Planning Commission at the request of applicant and staff and held on August 9, 2010; and,

WHEREAS, the Planning Commission finds that the subterranean parking area/basement located below grade and the second floor parking area which is partially enclosed/unenclosed at the finished grade is not included in the calculation for site coverage under the Los Alamitos Municipal Code; and,

WHEREAS, based upon the evidence and testimony presented to the Planning Commission during the public hearing, the Planning Commission determined that the findings for a Tentative Parcel Map required by Section 16.10.100 of the Los Alamitos Municipal Code are met as follows:

1. The design and improvement of the proposed subdivision is consistent with the City's General Plan because the design of the existing structure is found to be visually appealing and sufficiently updated in design; that market conditions are more favorable to commercial condominium development than leasable space; and that the proposed subdivision meets Goal Three of the City's General Plan Economic Development Element which states: "Promote a healthy economic mix among retail, office, and industrial use" and that of Goal Two, which states: "Promote revitalization of existing commercial centers"; and,

design, and Section 17.26.040 which regulates parking development standards.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves C10-05, subject to the following conditions:

Planning

1. Approval of this application is to allow the conversion of an existing commercial office building to six (6) commercial condominium units at 3742 Katella Avenue, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of C10-05 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.
2. Approval of Conditional Use Permit C10-05 shall be valid for a period of eighteen (18) months from the date of determination. If the commencement of the conversion 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 C10-05 is approved exclusively as shown on the relevant drawings 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 location or alteration of this use, a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit 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, subject to the discretion of the Director.

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 prior to issuance of any permits.
9. Applicant shall comply with applicable City, County, and/or State regulations.
10. Covenants, Conditions, and Restrictions (CC&Rs). In order to ensure maintenance of alley, driveways, parking areas, and landscaping within common areas of commercial office condominiums, the following provisions shall be contained in the CC&Rs. The CC&Rs shall not be acceptable until approved by the Director of Community Development as to suitability for the proposed use and maintenance of the alley, driveways, parking areas, landscaping, and other common areas, and approval by the City Attorney as to legal form and effect. These provisions shall include, but not be limited to the following:
 - a. Provisions for the maintenance of parking, alley, landscaping, and other common areas by an association of the individual commercial office condominium unit owners.
 - b. Provisions for the common use of parking facilities and alley by each commercial office condominium unit.
 - c. Provisions requiring the continued maintenance of design and structure standards which are approved through the required conditional use permit, including, but not limited to, construction details, exterior finishes and colors, landscaping, outdoor storage areas and signing. Changes shall be approved through separate conditional use permit.
 - d. The final CC&Rs, upon approval by the City, shall be recorded with the final parcel map.

whenever the name of the contact person(s) changes due to election, resignation, or reorganization.

- m. Provisions requiring compliance with the CC&Rs shall be provided to each condominium unit owner as well as tenants, lessees, or other persons or parties making use of the commercial office condominium property and/or facilities.
 - n. Nothing within the CC&Rs shall be construed as imposing an obligation or requiring the City to enforce any provision of the CC&Rs.
- 11. The applicant shall submit complete plans for any new construction and obtain all necessary permits for building, electrical, plumbing, and mechanical work.
 - 12. The plans submitted by the applicant to the Building and Safety Department shall demonstrate compliance with the City's adopted 2007 Building, Electrical, Mechanical, Plumbing, and Fire Codes, as well as all current development standards as regulated by the LAMC Title 17, to the satisfaction of the Director and the City Certified Building Official.
 - 13. The project shall comply with all requirements of Chapter 17.24, Noise Control, of the Los Alamitos Municipal Code.
 - 14. No less than 54 parking spaces shall be maintained on the subject property.
 - 15. Approval of C10-05 is subject to the approval of TPM10-01. The applicant shall satisfy and comply with the conditions of approval for both C10-05 and TPM10-01 prior to the issuance of a Certificate of Use and Occupancy.
 - 16. Resolution No. 04-20 and the conditions set forth therein related to the October 14, 2004 Site Plan Review application shall remain in full force and effect. Nothing in this approval shall be construed as modifying or deleting any conditions of approval in Resolution No. 04-20.

Engineering

- 17. A Parcel Map for Condominium Purposes shall be filed to subdivide the two existing parcels into a six (6) unit commercial condominium development. An approved Parcel Map shall be recorded prior to issuance of a Building Permit.

27. Applicant shall, as may be required at the discretion of the City Engineer, reconstruct and/or rehabilitate street pavement on Katella Avenue to the centerline of the street for the entire frontage of the project property. Pavement section design shall be prepared by a qualified Registered Civil Engineer and submitted to the City Engineer for approval.
28. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or damaged during construction shall be reconstructed in accordance with City Standards.
29. A City public works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with City Standards and must be completed before issuance of Certificate of Occupancy.
30. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.
31. Final Grade certification by the Design Civil Engineer and Soil Engineer is required prior to the issuance of Certificate of Occupancy.
32. Applicant shall submit a Condominium Plan that describes the three-dimensional portion or portions of the property prior to recordation of the final map, as defined in subdivision (e) of Civil Code Section 1351.
33. Applicant shall provide a copy of the CC&R's to the City Engineer for review prior to occupancy.
34. Applicant shall post a monument bond to the satisfaction of the City Engineer prior to occupancy.
35. Applicant shall file a copy of all tie notes and corner records with the Office of the City Engineer within one (1) year of the recordation of the final map.
36. All work in the public right of way shall be done in accordance with Orange County Public Facilities and Resources Department Standard Plans 1996 Edition and the Standard Specifications for Public Works Construction, written and promulgated by Public Works Standards, Inc. 2000 Edition, ("Greenbook") (12.04.020).
37. All new drive approaches are to be designed and constructed per City standards.

38. All trees removed during demolition and construction shall be replaced with a City approved tree or shrub.

Building and Safety

39. The project shall comply with all current California Building, Mechanical, Electrical, Plumbing, and Energy requirements.
40. The applicant shall obtain all necessary permits.

Orange County Fire Authority

41. The applicant shall provide The Orange County Fire Authority with any plans, both in hard copy and digital format, for review of tenant improvements.

SECTION 3. The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6.

SECTION 4. The Secretary of the Planning Commission shall certify to the adoption of this resolution, forward a copy of this Resolution to the applicant, , and his counsel, if any, together with a proof of mailing in the form required by law and any person requesting the same, together with a proof of mailing in the form required by law, .and shall enter a certified copy of this resolution in the book of resolution of the City.

PASSED AND APPROVED this 9th day of August 2010, by the following vote:

AYES: Andrade, Daniel, Grose, Loe, Riley, Sofelkanik, Sutherlin
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION