

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION REGULAR MEETING Wednesday, June 24, 2015 – 7:00 PM

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**
 - Chair Riley
 - Vice-Chair Cuijly
 - Commissioner Daniel
 - Commissioner DeBolt
 - Commissioner Grose
 - Commissioner Loe
 - Commissioner Sofelkanik
3. **PLEDGE OF ALLEGIANCE**

4. **ORAL COMMUNICATIONS**

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

5. **APPROVAL OF MINUTES**

A. Approve the Minutes for the Regular Meeting of May 27, 2015

6. **CONSENT CALENDAR**

None.

7. **PUBLIC HEARINGS**

A. **Appeal of Director's Decision**

Unpermitted Expansion of Crossfit at 10893/10895 Portal Drive in the Planned Light Industrial (P-M) Zone APN 241-241-19

David Rael-Brook, owner of a Crossfit at 10893 Portal Drive expanded his legal non-conforming use without seeking approval. The Department Director instructed the Owner to revert to the original footprint. The Owner has appealed the Director's decision seeking permission to expand his legal non-conforming use to the space next door at 10895 Portal Drive in the Planned Light Industrial (P-M) Zone (Applicant: David Rael-Brook, Beyond Ordinary Fitness DBA Crossfit).

Recommendation:

1. Open the Public Hearing;
2. Take Testimony, and,
3. Uphold the decision of the Director; or alternatively,
4. Approve the appeal allowing the use to expand but finalizing such in a future resolution including conditions of approval and findings.

B. **Development Application for a Marriott Fairfield Inn Hotel and Drive-Thru Starbucks, Which Requires a Site Plan Review, a Conditional Use Permit for Hotel Operation, Height, Drive-Thru and Shared Parking for a Parcel at 10650 Los Alamitos Boulevard, APN 242-243-03 (Applicant: Kevin Coleman – Net Development Co.)**

This is a consideration of a Marriott Fairfield Inn Hotel and Drive-Thru Starbucks at 10650 Los Alamitos Boulevard (APN 242-243-03) on a 2.3 acre vacant parcel in the General Commercial (C-G) Zoning District. The project requires a Site Plan Review, and a Conditional Use Permit

covering drive-thru operations, hotel operations, parking and height (Applicant: Kevin Coleman – Net Development Co.).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Adopt Resolution No. PC 15-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-02) TO ALLOW CONSTRUCTION OF A HOTEL AND DRIVE-THRU RESTAURANT AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KEVIN COLEMAN – NET DEVELOPMENT CO.)"; and,
3. Adopt Resolution No. PC 15-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 15-03) TO ALLOW A HOTEL WITH INCREASED BUILDING HEIGHT, A DRIVE-THRU RESTAURANT, AND SHARED PARKING AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03 AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KEVIN COLEMAN – NET DEVELOPMENT CO.)".

C. Modification of Watersafe Swim School Conditional Use Permit (CUP) 14-07M, Site Plan Review (SPR) 14-02M which is an Outdoor Commercial Recreation Facility at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zone and Approval of CEQA Addendum Therefore

During construction, the Planning Division found changes to the site plan that were not approved by the Commission. This report outlines the changes and asks the Commission to consider those modifications to a previously approved swim school at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zone or alternatively, deny the modification (Applicant: Ginny Ferguson – Watersafe Swim School).

Recommendation:

1. Open the Public Hearing; and,

2. Adopt Resolution No. PC 15-09, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING MODIFICATIONS TO THE SITE PLAN, THE CIVIL ENGINEERING PLAN, THE LANDSCAPING PLAN, AND THE SWIMMING POOL PLANS FOR CONDITIONAL USE PERMIT (CUP) 14-07 AND SITE PLAN REVIEW (SPR) 14-02 WHICH ALLOWED AN OUTDOOR COMMERCIAL RECREATION FACILITY (SWIM SCHOOL) WITH TWO NEW SWIMMING POOLS ON A 41,092 SQUARE FOOT PARCEL WITH AN EXISTING 2,505 SQUARE FOOT STRUCTURE AT 3686 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-241-11 (APPLICANT: GINNY FERGUSON - WATERSAFE SWIM SCHOOL) AND APPROVING A CEQA ADDENDUM THEREFORE"; or alternatively,
3. DENY THE MODIFICATION AND DIRECT STAFF TO COME BACK WITH THE APPROPRIATE RESOLUTION.

D. Massage Ordinance Amendment

Consideration of an Ordinance amending Chapter 17 of the Los Alamitos Municipal Code relating to Massage Establishments. (Citywide) (City Initiated) (ZOA 15-02).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Adoption Resolution No. PC 15-08, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE NO. 15-TBD AMENDING TITLE 17 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS.

8. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

None.

9. COMMISSIONER REPORTS

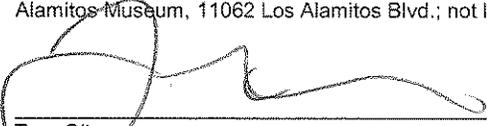
None.

10. ADJOURNMENT

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at 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

6/19/15

Date

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

REGULAR MEETING – May 27, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:00 PM, Wednesday, May 27, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

2. ROLL CALL

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

Staff: Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Dawn Sallade, Department Secretary

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communications.

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

5. APPROVAL OF MINUTES

A. Approve the Minutes of the Special Meeting of April 22, 2015.

Motion/Second: Grose/Cuiilty.

Unanimously Carried: The Planning Commission approved the minutes of the Special meeting of April 22, 2015.

B. Approve the Minutes of the Regular Meeting of April 22, 2015.

Chair Riley indicated that the vote on Item 7A was incorrect in that it reflected a 5/0 vote and it should have been 5/1 vote with Commissioner Loe casting his vote as a no vote.

Motion/Second: Grose/Cuiilty.

Unanimously Carried: The Planning Commission approved the minutes of the Regular meeting of April 22, 2015, as amended.

6. CONSENT CALENDAR

A. Resolution of Intention PC 15-04

Consideration of a Resolution of Intention by the Planning Commission to make zoning changes relating to massage establishments as allowed by Assembly Bill 1147 (Citywide) (City initiated).

Recommendation: Staff recommends that the Planning Commission adopt Resolution PC 15-04, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO AMEND LOS ALAMITOS MUNICIPAL CODE TITLE 17 AND MAKE CHANGES AS ALLOWED BY THE NEWLY ADOPTED ASSEMBLY BILL 1147 ON THE ESTABLISHMENT, EXPANSION, INTENSIFICATION OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS (ZOA 15-02) (CITYWIDE) (CITY INITIATED)."

Community Development Director Mendoza summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. He indicated that once the resolution of intention is approved, Staff will bring it forward to the next Commission meeting to begin work on the zoning changes

Chair Riley asked if there were any comments or questions of Staff. There being none, Chair Riley called for the question.

Motion/Second: Grose/Cuilty

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-04, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO AMEND LOS ALAMITOS MUNICIPAL CODE TITLE 17 AND MAKE CHANGES AS ALLOWED BY THE NEWLY ADOPTED ASSEMBLY BILL 1147 ON THE ESTABLISHMENT, EXPANSION, INTENSIFICATION OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS (ZOA 15-02) (CITYWIDE) (CITY INITIATED)."

7. PUBLIC HEARINGS

A. Consideration of a Five-Unit Condominium Development Application for Tentative Tract Map, Conditional Use Permit, and Site Plan Review at 10742 Walnut Street (APN 242-192-01); Applicant: Olympia Stepakis.

Consideration of a five-unit, townhome-style condominium project at 10742 Walnut Street (APN 242-192-01) on a 9,587 square foot vacant parcel in the Multiple Family (R-3) Zoning District. The project requires a Site Plan Review, Conditional Use Permit and a Tentative Tract Map for condominium subdivision purposes (Applicant: Olympia Stepakis).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 *In-Fill Development Projects*; and,
3. Adopt Resolution No. PC 15-05, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-01) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)"; and,
4. Adopt Resolution No. PC 15-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 15-02) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)"; and,
5. Adopt Resolution No. PC 15-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 15-01 (TTM 17802) TO SUBDIVIDE PROPERTY TO ALLOW FOR DEVELOPMENT OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BY FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)."

Commissioner DeBolt declared a conflict of interest as he has an interest in real estate within 500 feet of the property and excused himself from the Chamber.

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, gave a PowerPoint presentation and indicated he's prepared to answer questions from the Planning Commission.

Chair Riley asked if the Commission had any questions or comments prior to opening the Public Hearing.

Commissioner Grose said that when she reviewed the drawings, she wondered if the location of the trash dumpster will be an issue with the trash company as it appears the turn radius is not adequate.

Mr. Oliver responded that the applicant will speak regarding the trash enclosure issue.

Commissioner Grose said she also had an issue regarding Unit C and the parking situation there and felt that people would park in the space and their car would protrude into the alley.

Mr. Oliver answered that that space was not a designated parking space but supposed it could be.

Commissioner Grose said that it was a high probability that people would indeed park there and Staff needs to ensure that this concern is included in the CC&R's.

Chair Riley opened the item for public comment.

Nick Zamvakellis, President of Tech-Wide Development, Inc., speaking for the applicant, Olympia Stepakis, indicated he is deeply involved in the development of the project, and also appeared before the Commission on another project on Howard Avenue in the City which is in plan check. He indicated both projects are of similar design and are trying to keep a similar design on all the projects they are doing and have done in the City. He indicated Mr. Oliver has already covered all the high points on the project but he said he could address that one spot in the alley that Commissioner Grose was concerned about. He said CC&R's on these types of projects generally already say that, "Resident's cars must be parked in their corresponding garages", and that area that was spoken about in the alley would probably be striped as "No Parking". He said there's ample parking in the rest of the project for the guest parking that is required for this number of units and, of course, each unit has a two-car garage with extra storage space in the garages. If somebody were to park in that area, they would be in violation of the CC&R's and either the association could enforce that or the City could be called to help enforce that.

In response to Commissioner Grose's question regarding the dumpster issue, Mr. Zamvakellis explained that normally the trash hauling person comes out and wheels the dumpster out to empty it and then wheels it back in.

There being no additional speakers, Chair Riley closed the item for public comment and brought it back to the Commission for their comments and action.

Community Development/Public Works Director Steven Mendoza indicated Staff would like to introduce an amendment to enforce the driveway parking in the Conditions of Approval to read:

31-f. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development is the responsibility of the Homeowner's Association, including the common landscaped areas.

Assistant City Attorney Kranitz indicated that the City's Attorney's office has reviewed the letter that Mr. Zamvakellis submitted, the Staff report and resolutions dating back to 2005 when the park fees were adopted and they believe that the appropriate amount to be charged is the R-3 fee and not the R-1 fee as Mr. Zamvakellis indicated in his letter. This would change the fee to \$13,412 per dwelling unit x 5 = \$67,060 and that Condition should be amended to reflect the proper amount. The Condition is No. 8 in Exhibit A.

Responding to Chair Riley's question as to why we're nailing down parks fees, Mr. Mendoza explained that parks fees are triggered by a map. If the applicant did not have a parcel map connected to this, there would be no park fee. So it's really a condition to only the map portion. If he built five units of rentals and didn't sub-divide the air space, there would be zero fee because Quimby (or park fees) are only triggered upon the subdivision of a property. This is a fee that was adopted by the City Council and enforced by Staff.

Assistant City Attorney Kranitz indicated she was going to completely change Condition #8 to simply say:

8-a. In accordance with Government Code Section 66477 and Chapter 1617 of the Los Alamitos Municipal Code the park fee shall be as follows:

- i. Fees: \$67,060 (Quimby Park Fees)
- ii. Dedications: n/a
- iii. Reservations: n/a
- iv. Other Exactions: n/a
- v. The Applicant may appeal the imposition or amount of the fees described above within ninety (90) days following the adoption of this resolution and pursuant to the procedures set forth in the Government Code.

Motion/Second: Grose/Riley

Motion to adopt Resolution No. PC 15-05, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-01) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)"; and,

Adopt Resolution No. PC 15-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 15-02) TO ALLOW CONSTRUCTION OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)", *with amended Conditions No. 8-a and 31-f as reflected above*; and,

Adopt Resolution No. PC 15-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 15-01 (TTM 17802) TO SUBDIVIDE PROPERTY TO ALLOW FOR DEVELOPMENT OF FIVE CONDOMINIUM UNITS IN ONE BUILDING AT 10742 WALNUT STREET, APN 242-192-01, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: OLYMPIA STEPAKIS)."

Chair Riley called for discussion prior to the vote.

Commissioner Daniel had reservations of placing a 3-story structure on a corner lot and questions if this fits the area.

Chair Riley called for the vote.

The motion carried 5/1/0 (Commissioner Riley cast the dissenting vote and Commissioner DeBolt abstained).

Commissioner DeBolt returned to the Chamber.

B. Zoning Ordinance Amendment 15-01

A Zoning Map Amendment to Amend the Zoning Map of the City to Rezone Certain Parcels in the City to Comply with the New 2015-2035 General Plan (Citywide) (City Initiated).

This is a consideration of a Zoning Map Amendment to rezone certain parcels in the City to conform to the requirements of the 2015-2035 General Plan (Citywide) (City Initiated).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. The City Council of the City of Los Alamitos, California, has certified a final Environmental Impact Report for the Los Alamitos General Plan to include land use changes for various parcels and adopting environmental findings, a statement of overriding considerations and a mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act. The EIR for the General Plan covered the corresponding zone changes; and,
3. Adoption of Resolution No. PC 15-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-01 TO AMEND THE ZONING MAP OF THE CITY TO REZONE VARIOUS PARCELS IN THE CITY TO CONFORM TO THE 2015-2035 GENERAL PLAN (CITY INITIATED)".

Community Development Director Steven Mendoza summarized the Staff report, referring to the information contained therein, gave a PowerPoint presentation and indicated he's prepared to answer questions from the Planning Commission.

Chair Riley opened the Public Hearing.

Kevin Hayes, Executive Vice-President that runs Lincoln Property Company in Orange County. He said they are a 50 year old developer/owner/operator of commercial real estate that controls over two hundred million feet nationally. In Southern California the company has a little more than 13 million feet with 5.9 million feet of that in Orange County. He said they acquired 3131 Katella Avenue, sometimes referred to as the Supermedia site, in December of 2014. The Retail use that is being pushed for here today is not feasible. Mr. Hayes read a paragraph out of the General Plan Land Element, "With relatively new shopping centers developed in Seal Beach and Cypress, Los Alamitos may not soon recover to its pre-recession retail sales. The vast majority of popular big box retailers are already located in adjacent cities and Cypress already has land capacity to accommodate additional big box tenants". He went on regarding the types of retail uses that are more feasible and points to downtown Los Alamitos along Los Alamitos Blvd. as the site for that and further discusses short term development opportunities with the Supermedia and Civic Center site today. He went on to say,

“Though it should be not developed to potentially compete with downtown uses” essentially meaning the zoning we’re looking for here is the type of retail that is the least feasible for this site. He said he agrees that one day it can be a good retail location but he also agrees with the City’s own General Plan and the zoning that it is not economically feasible in the near term. Over the last several months, he said they’ve developed five retail site plans, mounds of underwriting and have had over three dozen tenant conversations on the retail front. They’ve had four sets of retail brokers provide analysis and no matter how they slice it, the rents cannot support creation costs without looking for outside concessions. Based on economic feasibility, they intend to operate the property and are deeply in negotiations with two Fortune 200 tenants to continue to use the property as an office building. He said he wants the City to note that that would come with significant upgrades and lots of jobs for the city of Los Alamitos. The General Plan and zoning change before the Commission is going to transition this site to a legal non-conforming status. Arrowhead had the same problem initially; a situation where this plan would have converted their site and their long term use to legal non-conforming. The Commission and Council were able to achieve their long term vision for the site by virtue of a retail over-lay. He said they respectively request the same treatment and he cannot think of a reason why this already created mechanism cannot be applied and does not want to be denied equal protection. There will be no need for CEQA review as what is contained in the over-lay was already studied. Further, in looking at the EIR provided, he cannot fathom why the City would want to intensify the uses at the Supermedia and Civic Center site which currently operates at “D” level of service per the Mobility and Circulation Element and its projected to operate as an “F” with this new land use designation. To be clear, the projection as an “F” is an operation and, “with delays unacceptable to most drivers occurring to over saturation, poor progression and very long cycle links.” The only reason other than tax revenue which they believe will be higher as an office property bringing quality jobs to Los Alamitos, is that the City is to profit on this Civic Center site by virtue of this land use and zoning change. He said they have reached out to pretty much every member of Council as well as having had meetings with Staff and he welcomes the opportunity to provide all this information and would like the Commission to consider this zoning change.

There being no further speakers, Chair Riley closed the Public Hearing.

Motion/Second: DeBolt/Grose

Motion to adopt Resolution No. PC 15-03, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-01 TO AMEND THE ZONING MAP OF THE CITY TO REZONE VARIOUS PARCELS IN THE CITY TO CONFORM TO THE 2015-2035 GENERAL PLAN (CITY INITIATED).”

Chair Riley called for discussion prior to the vote.

Commissioner Daniel asked how this site varies from the other one where they did the overlay.

Community Development/Public Works Director Mendoza indicated that Supermedia was for sale and was in the middle of transitioning. There was a long term tenant in one property and a short term tenant in another and was not looked at in the same way by the Commission or by the Council at the time.

Commissioner Daniel asked if it should have been.

Community Development/Public Works Director Mendoza answered in the negative and explained that when the City chose the opportunity sites, they saw the potential for a change of use on the neighboring site. That's why the City chose the list of ten opportunity sites and reviewed them; the Commission participated in all those reviews and there was clear indication of support for the change on this property and there was a clear indication of allowing Arrowhead to stay.

Commissioner DeBolt said he would just reinforce what Mr. Mendoza just said and wanted to add a little to it. He said they were looking at the opportunity for the sales tax revenue as that site seemed to make sense as a retail use along Katella Avenue and they chose to recommend a zone change. With regards to Arrowhead, in his opinion he felt they should have done the same thing and not overlaid the area and just make the zone change leaving Arrowhead as a non-conforming use.

Responding to Vice-Chair Cuiilty's question, Community Development/Public Works Director Mendoza indicated that Lincoln may not be the long term user or owner of the property. There's different reasons why people don't want to be in a category of legal non-conforming use and that is up to their lenders and their money people and he can't really speak for an applicant about that. He said he feels that they've stated their case and feels they'll continue to state their case as this goes forward to the City Council and he'd rather have them have that forum to do that.

Commissioner Loe said he concurs with Director Mendoza that this is a different situation. He said this has been vetted for well over a year now with this site and thinks the process has come to the point where it needs to go to the City Council.

Chair Riley called for the vote.

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-03, entitled, "A RESOLUTION OF THE PLANNING

COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-01 TO AMEND THE ZONING MAP OF THE CITY TO REZONE VARIOUS PARCELS IN THE CITY TO CONFORM TO THE 2015-2035 GENERAL PLAN (CITY INITIATED)."

8. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

A. Commissioner Request – Commercial Property Leases

This Staff report provides the venue for discussing the collection and storage of commercial property leases as requested by Commissioner Solfelkanik.

Upon being introduced by Community Development Director Mendoza, Commissioner Solfelkanik indicated that upon further reflection and comments by other Commissioners, he would like to withdraw this item.

Chair Riley asked if there was anybody in the audience that would like to speak on this subject. There were none.

B. Project Updates

Community Development Director Steven Mendoza presented a PowerPoint presentation and gave an update on the various projects in the City.

9. COMMISSIONER REPORTS

Commissioner Solfelkanik

- Asked how and why certain projects come before the Commission and why all projects shouldn't come before the Commission instead of only being reviewed by Staff. Staff explained the process.

Commission Discussion

- The Commission introduced the topic of minimum lot size in the Multi-Family residential zone of the City out of their concern for lots that were not conforming to the current code. A long discussion ensued and Staff was directed to do research and bring it back to a future meeting for discussion.

10. ADJOURNMENT

The Planning Commission adjourned at 8:21 PM.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

June 24, 2015
Item No: 7-A

To: Chair and Members of the Planning Commission

From: Steven Mendoza, Community Development/Public Works Director

Subject: Appeal of Director's Decision
Unpermitted Expansion of Crossfit at 10893/10895 Portal Drive in the
Planned Light Industrial (P-M) Zone APN 241-241-19

Summary: David Rael-Brook, owner of a Crossfit at 10893 Portal Drive expanded his legal non-conforming use without seeking approval. The Department Director instructed the Owner to revert to the original footprint. The Owner has appealed the Director's decision seeking permission to expand his legal non-conforming use to the space next door at 10895 Portal Drive in the Planned Light Industrial (P-M) Zone (Applicant: David Rael-Brook, Beyond Ordinary Fitness DBA Crossfit).

Recommendation:

1. Open the Public Hearing;
2. Take Testimony, and,
3. Uphold the decision of the Director; or alternatively,
4. Approve the appeal allowing the use to expand but finalizing such in a future resolution including conditions of approval and findings.

Applicant: David Rael-Brook, Owner of Beyond Ordinary Fitness DBA Crossfit

Location: Planned Light Industrial (P-M) Zone

Approval Criteria: Appeals are authorized in Los Alamitos Municipal Code (LAMC), Chapter 17.68.

Noticing: The Notice of Public Hearing was published in the News Enterprise on Wednesday, June 10, 2015 and mailed to property owners and tenants within 500 feet of the site.

Background

A Crossfit business was mistakenly licensed at 10893 Portal Drive in 2012. After reviewing the matter it was determined that the business would remain as a legal nonconforming use. The determination letter specifically indicated that the site could not be expanded.

In July 2013 the current owner purchased the business. The business was expanded into the next door unit which doubled the space. In order to accomplish this, a demising wall was removed without permits. No permission was granted for the expansion. This situation was brought to the City's attention by a Public Records Act request, questioning why the business was allowed to expand.

City Staff met with Mr. Rael-Brook earlier this year regarding the situation. Despite having empathy for Mr. Rael-Brooks predicament, the fact is that the business was expanded in violation of the Los Alamitos Municipal Code provisions. The location of this business is not in the Limited Industrial area of the General Plan in which recreational uses are allowed. The Director of Community Development issued a decision directing that the business be restored to its originally permitted configuration in order to remain.

The Owner filed a timely appeal of the Director's decision in conformance with Chapter 17.68 of the Los Alamitos Municipal Code.

Recommendation

It is recommended that the Commission hold the Public Hearing, taking testimony from the applicant and from attendees and then either uphold the decision of the Director or alternatively, approve the appeal. In either event, Staff will need to bring back a resolution including findings and conditions of approval, if approved.

*Attachments: 1) Letter to Mr. David Rael-Brook dated May 18, 2015
2) Appeal Application
3) Response from Mr. David Rael-Brook dated June 3, 2015*



CITY OF
Los Alamitos
California

Attachment 1
3191 Katella Avenue
Los Alamitos, CA 90720-5600
Telephone: (562) 431-3538
FAX: (562) 493-1255
www.cityoflosalamitos.org

May 18, 2015

David Rael-Brook
Beyond Ordinary Fitness
DBA: Cross Fit
10893 Portal Drive
Los Alamitos, CA 90720

**SUBJECT: CROSS FIT – NONCONFORMING USE
10893 AND 10895 PORTAL DRIVE**

Dear Mr. Rael-Brook:

This letter is in response to your e-mail dated April 21, 2015. I want to thank you for meeting with us regarding the code enforcement related issues at 10893 Portal Drive. Our meeting was compelling in that we gained great empathy to your issue.

After the meeting, Staff applied the Municipal Code to your situation in an attempt to find a way to legalize your expansion into 10895 Portal Drive. After careful research and many discussions regarding the intent of the Municipal Code, it is my determination as Community Development Director that to remain in your current location you must restore your business to the originally permitted configuration.

The related facts regarding this situation are outlined below:

- The business was first licensed in 2012. At that time, the City determined it was located in the wrong zone. The previous business owner was told that it would be necessary to relocate the business; however, in December 2012, after further reviewing the matter, the previous owner was informed that the business “is and will remain a ‘legal nonconforming use.’” The Letter of Determination specifically indicated that the site could not be expanded. Between your purchase of the property in July 2013 and November 2014, a demising wall was removed and your business was expanded to the adjoining location; this was done without City approval for the expansion of use or proper permits for the building changes.
- Section 17.64.010 of the Los Alamitos Municipal Code addresses nonconforming uses. It is the specific intent of the zoning code to discourage the long-term continuance of nonconformities and provide for their eventual elimination. Section 17.64.050E provides nonconforming uses may not be extended; this is consistent with what was stated in our Letter of Determination to the previous owner dated December 6, 2012.

- On March 23, 2015, the City Council adopted the 2035 General Plan. One of the major land use changes of the 2035 General Plan was to change portions of land designated as "Planned Industrial" to "Limited Industrial" in order to avoid the conflict between commercial recreational businesses and adjacent industrial uses. The General Plan specifically provides that commercial recreation uses are permitted in the Limited Industrial area and prohibited in the Planned Industrial area.
- Any Conditional Use Permit consideration would have to be consistent with the General Plan as well as the zoning. As this consistency finding could not be made, a Conditional Use Permit could not be consistent with the General Plan.

You have the right to appeal my decision to the Planning Commission in accordance with Chapter 17.68 of the Los Alamitos Municipal Code. You would need to file the required notice, along with the filing fee of \$800.00, within twenty (20) calendar days of this decision. A copy of Chapter 17.68 is enclosed for your review. Please be advised that while the Planning Commission may affirm, reverse, or modify my decision, it too would need to make a finding of consistency with the General Plan. Staff's recommendation would be for the Planning Commission to deny any request for a Conditional Use Permit.

In accordance with this decision, you must vacate 10895 Portal (unpermitted portion) no later than June 30, 2015, or appeal this decision to the Planning Commission which would provide you the Public Hearing that you desire.

Please feel free to contact me with any further questions at (562) 431-3538, ext. 301.

Sincerely,

CITY OF LOS ALAMITOS



Steven A. Mendoza
Director of Community Development and Public Works



CITY OF LOS ALAMITOS APPEAL FORM AND HANDOUT

Community Development Department
3191 Katella Ave., Los Alamitos, CA 90720-5600
Phone: (562) 431-3538 Fax: (562) 493-0678

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2015 JUN -4 PM 2:16

FOR OFFICE USE ONLY

(DATE STAMP)

An appeal shall be filed within twenty (20) calendar days (ten (10) calendar days in the case of a large family day care home permit) after the final action of the director or Commission.

APPEAL OF: Director of Community Development Decision (\$800.00 fee)
 Planning Commission Decision (\$1,000 fee)

Type of Permit (example: Conditional Use Permit): Legal Non Conforming Permit Number: _____

Address of Project: 10895 Portal Dr. Decision Date: 5/18/15

APPELLANT INFORMATION

Name of Applicant (Appellant): Beyond Ordinary Fitness Group, LLC - Bernie Lourens David Paet-Brook

Mailing Address: 10893 Portal Dr. Los Alamitos CA 90720

Telephone Number: (562) 900 - 9090 Email: david@crossfitlosal.com

In what capacity is the appellant filing? Recorded Property Owner Interested Party Effected Party

PROPERTY OWNER INFORMATION (IF KNOWN)

Name of Property Owner: Von Der Ahe Real Estate Services

Mailing Address: 26440 La Alameda, Suite 270 Mission Viejo 92691

Telephone Number: (949) 348 - 9690 Email: _____

Describe what portion(s) of the decision you are appealing: Restoring the business to the original condition. Vacating Premises of 10895 Portal Dr.

Describe the Purpose for Your Appeal (be specific): My appeal is to extend the "Legal Non Conforming Use" to be extended to 10895 Portal Dr, to not have to vacate premises and to allow the business to continue as is.

APPLICANT CERTIFICATION:

I hereby certify that all information contained in this application is, to the best of my knowledge, true and correct. FALSE OR MISLEADING INFORMATION GIVEN IN THIS APPLICATION SHALL BE GROUNDS FOR DENYING APPLICATION. I hereby grant the City authority to post required public notices.

June 3, 2015

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Mr. Steve Mendoza
City of Los Alamitos
3191 Katella Avenue
Los Alamitos, CA 90720

RE: LEGAL NON-CONFORMING USE: 18095 Portal Drive

Dear Mr. Mendoza,

I am the owner and operator of Beyond Ordinary Fitness (dba Crossfit Los Alamitos) located at 10893 Portal Drive, Los Alamitos, CA. I am formally appealing to the City to ask that the original *Legal Nonconforming Use* for Crossfit Los Alamitos be extended to 10895 Portal Drive, Los Alamitos.

I am a small business owner and resident of Los Alamitos; in fact I was born and raised in our city. I graduated from Los Alamitos High School in 1998, where I was a police explorer for the Los Alamitos Police Department. I continued my education at Cal State Long Beach and the Rio Hondo Fire Academy.

I have been part of Crossfit Los Alamitos since its opening in 2012. The former owner Tanya Pinto, hired me as a Crossfit coach when the gym was first opened. Being a coach supplemented my income and allowed me to work on my conditioning to become a firefighter.

In July 2013, Ms. Pinto approached me with an offer to acquire her ownership stake in the gym. Due to personal reasons, Ms. Pinto needed to expedite the sale of her stake. Concurrently, I was looking to open my own Crossfit gym and this was a perfect match since I knew the gym's clients and the city. The deal was closed within days.

At the time of the sale, I was led to believe that any and all zoning issues had been resolved. I took over day-to-day operations within 48 hours of closing the sale.

Expansion of the gym had been part of the long-term plan from Day One of the gym's opening. When the adjacent space occupied by No Division Screen Printing at 18095 Portal became available, I began negotiating with the management company to lease the space. The original partner Tanya had always talked about taking over the 10895 address as long as she was here. Beyond Ordinary Fitness amended its lease with the management company in September 2014. I thought it was that simple and that the management would take care of all permits, especially since the management company completed the demolition of the wall between the two spaces and prepared the new space for our expansion. Being a first-time business owner, in hindsight, I should have taken the extra step to make sure we had the proper permits and oversight of the demolition.

I have learned a lot about the city permitting processes having had to go through this experience. I have learned about the General Plan and why the city has zones and

BEYOND ORDINARY FITNESS GROUP, LLC.
10893 Portal Drive, Los Alamitos, CA 90720

different permits. It was brought to my attention that safety is a reason that a gym is not zoned for industrial areas. However, the majority of our classes are only 3-7 participants in size and classes are from 6:00 am - 9:30 am and from 4:00 pm – 8:00 pm, and the vast majority of our classes take place within the four walls of our business. Our daily operations happen while most businesses in the area are closed. We are currently located next to a swimming school and their use is similar to ours. I see no reason why a fitness-oriented business similar to a swimming school should not be allowed to exist next door, where it has been operating and generating tax revenue for the last three years.

Crossfit Los Alamitos has great neighbors and have had no complaints. We are, and strongly wish to continue to be, a positive part of the Los Alamitos community. We provide training for members of city staff; we offer free training sessions for out-of-state members of the Joint Forces base; we host local Boy Scout troops working on their merit badges; and we currently have numerous members of Los Alamitos High School student athletes working with us to supplement their training.

As a small business owner and resident, I am asking that the legal nonconforming use be expanded to include 10895. Forcing us to relocate after three years of operation - especially after building a solid local client base and significant community goodwill – could cause significant negative economic impact to the business. City representatives suggested potentially moving Crossfit Los Alamitos into a commercial space next to two other gyms. We immediately realized that with the increase in client traffic, we would be a burden to the other gyms and cause undue burden to other established small businesses in the complex.

I understand that the City issued a legal non-conforming permit to Ms. Pinto due to an oversight; I also understand that the City has stated that it doesn't want to "make the same mistake twice"; however, I do not see this as a mistake. I see Crossfit Los Alamitos as a positive contributor to the City's economy, and I see this situation as an opportunity to making something right and fair. I believe our business belongs in its current location. I further believe our community, which includes over 150 clients, including Los Alamitos residents and others from the surrounding area, as well as the businesses in the complex support our business. Please allow us to keep our business at its current location and as is currently constructed.

Please feel free to contact me with any questions, comments or concerns. And I thank you in advance for your continued support.

Sincerely,

David Real-Brooks,
Owner & Operator

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

June 24, 2015
Item No: 7B

To: Chair Riley and Members of the Planning Commission

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

Subject: Development Application for a Marriott Fairfield Inn Hotel and Drive-through Starbucks, which requires a Site Plan Review, a Conditional Use Permit for Hotel Operation, Height, Drive Thru and Shared Parking for a parcel at 10650 Los Alamitos Boulevard, APN 242-243-03 (Applicant: Kevin Coleman – Net Development Co.)

Summary: The report presents for Commission consideration a Marriott Fairfield Inn Hotel and Drive-through Starbucks at 10650 Los Alamitos Boulevard (APN 242-243-03) on a 2.3 acre vacant parcel in the General Commercial (C-G) Zoning District. The project requires a Site Plan Review, and a Conditional Use Permit covering drive thru operations, hotel operations, parking and height (Applicant: Kevin Coleman – Net Development Co.).

Recommendation: Open the Public Hearing; and, if appropriate,

1. Adopt Resolution No. 15-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-02) TO ALLOW CONSTRUCTION OF A HOTEL AND DRIVE-THROUGH RESTAURANT AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KEVIN COLEMAN – NET DEVELOPMENT CO.);" and,
2. Adopt Resolution No. 15-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP15-03) TO ALLOW A HOTEL WITH INCREASED BUILDING HEIGHT, A DRIVE-THROUGH RESTAURANT, AND SHARED PARKING AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03 AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KEVIN COLEMAN – NET DEVELOPMENT CO.)."

Applicant: Kevin Coleman – Net Development Co.

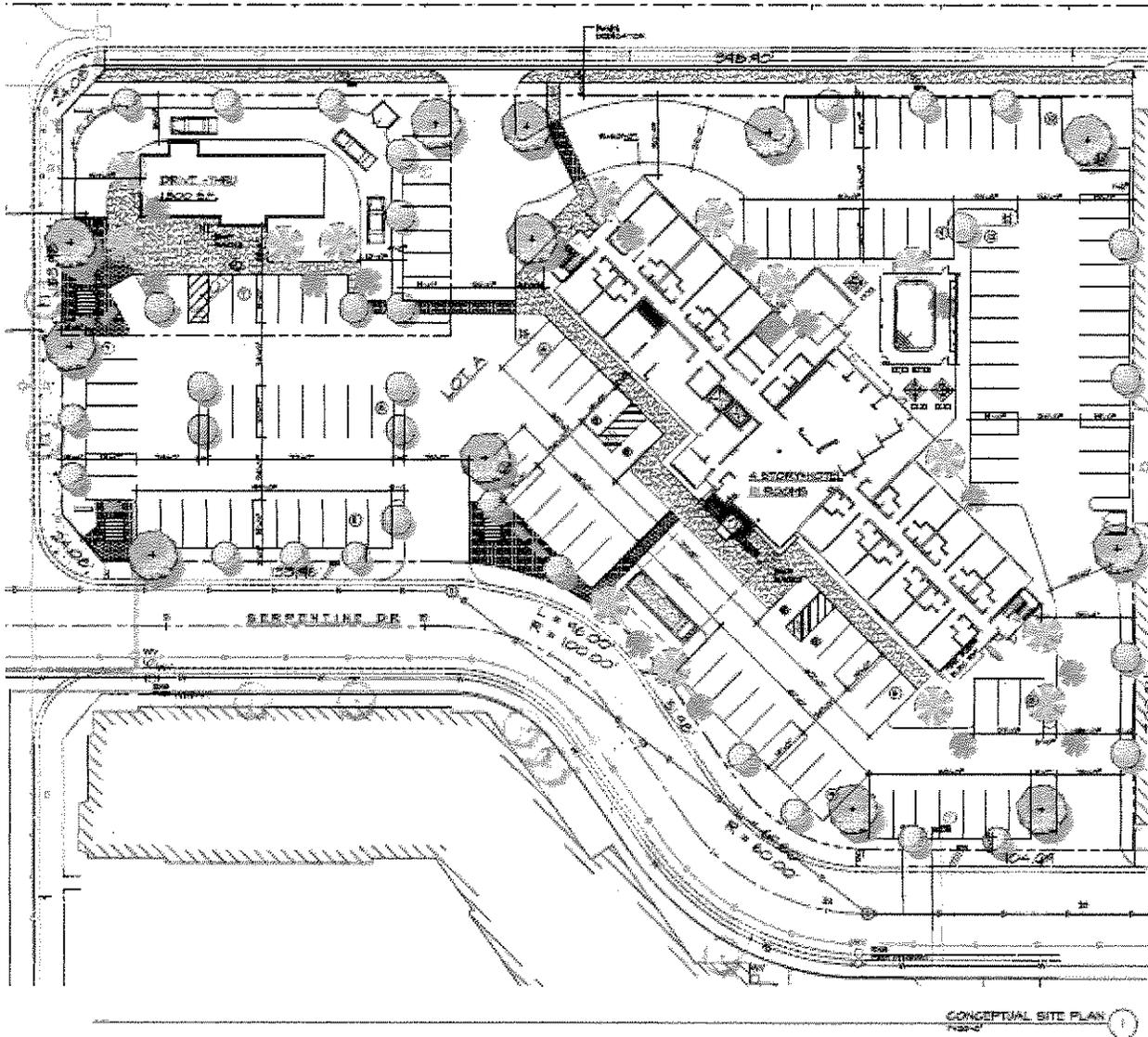
Project Location: 10650 Los Alamitos Boulevard (APN 242-243-03)

Notice: On June 8, 2015, a Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum and at the Site. It was also published in the News Enterprise and public notices were mailed out to all property owners and tenants within 500 feet of the property on this date.

Environmental: Staff has determined that the Project is categorically exempt from CEQA pursuant to Section 15332 (Infill Development) as described in more detail below.

Background:

The Applicant, Kevin Coleman of Net Development has submitted an application for a 55,724 square feet Marriott Fairfield Inn Hotel and 1,800 square feet drive-through Starbucks to be located on 2.3 vacant acres at 10650 Los Alamitos Boulevard. These new commercial buildings require a Site Plan Review, and a Conditional Use Permit which are needed for the hotel, a height increase of the hotel from 40 to 53 feet, the drive-through, and shared parking. All parking will be at grade level.



Discussion

Project Location

The existing property is shown below. The property consists of a 100,188 square foot parcel in the Old Town East neighborhood of the City with no existing structures occupying it. The site has previously been used as an auto dealership. The current owner of the now vacant site is Serpentes Holdings.

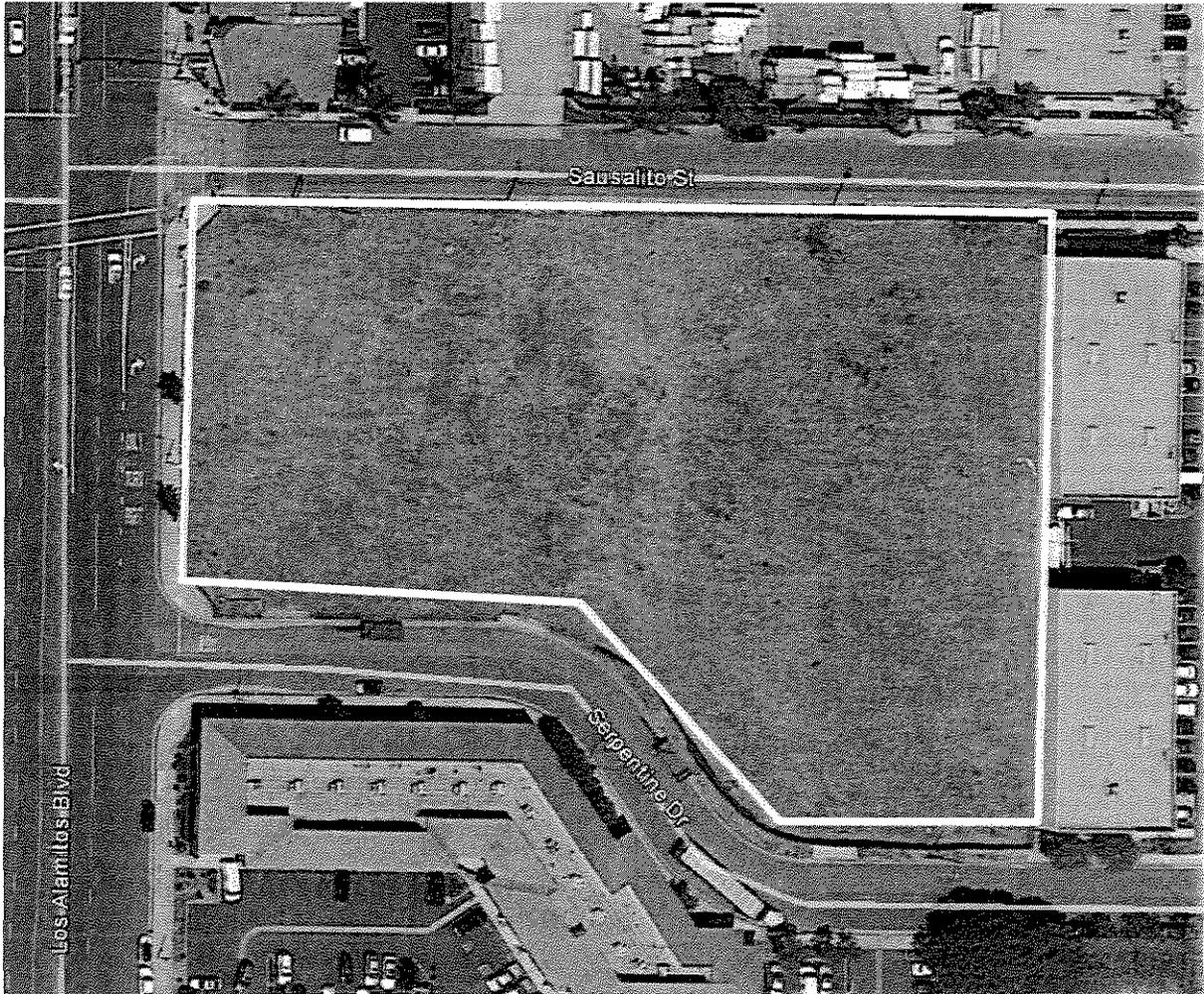


Table 1 Surrounding Zoning and Uses			
Location		Zoning District	Uses
Project Site	Existing	General Commercial (C-G)	Vacant
	Proposed	General Commercial (C-G)	Hotel/Restaurant
North		General Commercial (C-G) Planned Light Industrial (P-M)	Commercial Building Gemini Forest Products
East		Planned Light Industrial (P-M)	Industrial Buildings
West		General Commercial (C-G)	Arbor Shops
South		General Commercial (C-G) Planned Light Industrial (P-M)	Center Plaza and Millie Severson Contractors

Easement or Dedication

The Applicant will be required to dedicate ten (10) feet from the Northern property line to the right of way on Briggeman to straighten the intersection on Los Alamitos Boulevard between Sausalito and Briggeman.

Application and Review Process

The Applicant, Mr. Kevin Coleman of Net Development Co., has entered into an agreement to purchase the site for development purposes and has filed the following applications on April 27, 2015 requesting the following entitlements which are required for the project:

- Site Plan Review (SPR 15-02)
- Conditional Use Permit (CUP 15-03)

The remainder of this Staff Report is divided into an analysis of the various applications listed above including how the development meets the minimum development standards, and how the findings of approval could be met.

Site Plan Review

This project is presented as a commercial site development which requires this Site Plan Review (SPR). A large site plan is attached to this report as an exhibit of the approving resolution. The proposed project would be located in the C-G (General Commercial) Zoning District. The C-G zoning district identifies areas designed to provide General Commercial and highway-related uses. Among the types of development allowed in the district are restaurants, retail sales, and markets. The maximum Floor area Ratio allowed is up to FAR 1.0. The C-G zoning district is

consistent with the "Retail Business" land use designation of the General Plan. Table 1 below identifies the development features that are required under Section 17.10.030 Table 2-05 (Commercial/Industrial Zoning Districts General Development Standards). Please note that although the site plan indicates Lots A and B, at this time the property is one lot and there is no application pending for division into two lots.

Table 2 C-G General Commercial Development Standards			
	Required	Proposed Project	Requirement Met
Parcel Area	6,000 sq. ft.	96,155 sq. ft.	Yes
Parcel Width	60 ft.	201 ft. at thinnest 310 ft. at widest (North 10 ft. will be dedicated to City for Briggeman widening)	Yes
Parcel Depth	100 ft.	416 ft. at longest, 104 ft. at shortest	Yes
Parcel Coverage	90% FAR 1.0	16.3% (hotel and restaurant) FAR .598	Yes
Maximum Height Limit – Main Structures	3 Stories or 40 ft. (2)	4 stories, 53 ft. (hotel)	Yes, with approval of CUP
Landscaping	15% + additional 10% open space when height exceeds 40 feet + 20 sf for each parking space	Project exceeds the 15% landscaping requirements and will be conditioned to increase the open space amount to meet the requirement.	Yes, as conditioned
Distance from Residential Zone	At least 100 feet when height exceeds 40 feet	The site is 270 feet from nearest residential property.	Yes
Setbacks:			
Front	Not required unless abutting a residential zoning district, then 15 ft.	25' (from restaurant)	Yes
Side	None required.	17' (North from Restaurant) 58' (south from hotel)	Yes
Rear	Not required unless abutting a residential zoning district, then 15 ft.	35.4' (from hotel)	Yes

(2) *An additional 20 feet, for a maximum height of five stories (not to exceed 60 feet), may be allowed upon approval of a CUP. Factors to be considered by the Commission:*

- a. *A structure with increased height shall be located at least 100 feet from a residential zoning district.*
- b. *The Commission may require that vision into adjacent residences be limited from a structure with increased height.*
- c. *Open space shall constitute 10 percent of the total site area, in addition to the 10 percent required to be landscaped.*
- d. *The structure shall have no more gross floor area than could have been achieved if the structure were 40 feet or less in height. In computation of gross floor area, floor area devoted to parking shall be disregarded.*

In addition to the requirements set forth above, there are specific requirements that are set forth elsewhere in the Los Alamitos Municipal Code.

Parking - Discussed in the Conditional Use Permit section, below.

Circulation – Access points to the site are located as far as possible from street intersections. Vehicular access will be provided through three driveway curb cuts (aprons); one on the North property line (Briggeman Street) and two on the South (Serpentine Street), and none on Los Alamitos Boulevard. The drive aisles are more than adequate for vehicular movement. The applicant is being required to dedicate 10 feet on Briggeman to realign the intersection with the west side of Los Alamitos which will improve the intersection.

Architecture

Marriott Fairfield Inn Hotel - The proposed architectural style displays a few elements of typical postmodern architecture with a “googie-style” port cochere. There is a flat roof with a trellis-type of structure floating from a parapet above the central section to add an interesting architectural detail to what could be a fairly straight line. The flat planes are broken up to increase interest, and stone elements are added to one off-center plane to further break up the similarity of the large expanses of stucco. Screed lines in the stucco break up these expanses as well, and protect from cracks in the event of earthquake movement. The colors are selected to further enhance the back and forward movement of the surface planes. The proposed site design places buildings in such a way to create pedestrian spaces, courtyards, and plazas that are visually diverse, stimulating and create a sense of vitality and excitement. The arbors and park benches shown on the site plan have been conditioned to be placed, and in the same number, where they are shown.

Starbucks - The proposed architectural style also displays a few elements of typical postmodern architecture, however it does not speak in any way to the architecture of the hotel building. There is a flat roof with a gazebo-type of structure floating from a parapet above the central section to add an interesting architectural detail to what could be a fairly straight roof line. The flat planes are broken up to increase interest, and stone elements are added to one off-center plane to further break up the similarity of the large expanses of stucco. Screed lines in the stucco break up these expanses as well, and protect from cracks in the event of earthquake movement. The colors are selected to further enhance the back and forward movement of the surface planes.

Landscaping - LAMC section 17.20.030 (Landscaping) speaks to landscaping requirements that each land use, except single-family shall provide, and maintain fifteen percent (15%) of the site in landscaped areas. Additionally, in accordance with 17.26.080 each off-street parking area shall provide an area, or areas, landscaped equivalent to twenty (20) square feet for each parking space. Landscaping shall be provided along the periphery of the parking area and shall

consist of trees and plant material. At least one minimum fifteen (15) gallon tree shall be provided for every five parking spaces. In addition, one fifteen (15) gallon tree minimum shall be provided in the interior portions of the parking area for each one thousand five hundred (1,500) square feet of parking area. The attached site plan demonstrates 16% (15,801 square feet). This project will be required to comply with Chapter 13.05 "Water Efficient Landscaping," and Chapter 13.04 "Water Conservation," of the Los Alamitos Municipal Code.

Open Space – LAMC section 17.10.030 requires 10% of the total site area to be open space in addition to the landscaping requirement when the height exceeds 3 stories or 40 feet. The project will be conditioned to meet this requirement upon submittal of the Landscape Plan.

Lighting - The building will include exterior light fixtures located on all four sides of the structures. These lights have been conditioned by Staff in the resolution to direct light only on the subject property.

Staff Conclusion on Site Plan Review - Staff has reviewed the proposed project and application materials and finds that the proposed project design and layout meet the minimum standards of the C-G zoning district, including Section 17.10.030 (Property Development Standards), Section 17.16.040 (Architectural Design), and Chapter 17.20 (Landscaping) and that all of the findings can be made as set forth below. Staff has included a condition that the hotel building and the Starbucks use the same stone and paint.

1. The design and layout of the hotel and restaurant at 10650 Los Alamitos Boulevard, as conditioned, is consistent with the development and design standards/guidelines of the General Commercial (C-G) General Commercial Zoning District. As shown above, the development meets, or will be conditioned to meet, all requirements except for the parking of the property which will have a shared parking agreement between both structures, and recorded with the Orange County Clerk Recorder in the event that the property is subdivided.
2. The design and layout of the hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned, would not interfere with the use and enjoyment of neighboring commercial and industrial developments. The immediately surrounding uses are higher impact uses and this project has less impacts than the maximum use that have been studied for the General Plan. The approved location is appropriate for a hotel and drive-through restaurant. The location of the private driveway ingress/egress access to the surrounding streets would not create traffic or pedestrian hazards and would create a safe environment along Los Alamitos Boulevard with no curb cuts, Briggeman Street with one curb cut, and the less travelled Serpentine Drive with two curb cuts. The property is zoned for this type of development.

3. The design of the hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned would maintain and enhance the attractive, harmonious, and orderly development of the property. The design is in harmony with surrounding development and improves upon the City's architecture with an updated commercial building design, extensive landscaping, and property maintenance required under the zoning code.
4. The design of the hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned, would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, landscaping, and color as described above. Such changes will enhance the existing property and maintain an appropriate level of maintenance, through the implementation of maintained landscaping, removal of an aged screening fence for a vacant property, and adding on-site management presence. The hotel use at this location is recognized as a low intensity use that will result in fewer impacts to the existing industrial and commercial uses surrounding this parcel, with regards to traffic, noise and aesthetics than other commercial type businesses.
5. The proposed hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned, would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity as the development will improve a long-vacant commercial site rather than leaving an unmaintained, fenced off area in the middle of the City's commercial business area. As stated in the Notice of Exemption, the Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts as the applicant has submitted studies which show that the project will not result in any traffic, noise or air impacts. Compliance with standard conditions of approval will insure there are no water quality impacts, lighting or issues related to signage.
6. The hotel and restaurant at 10650 Los Alamitos Boulevard, as conditioned would not depreciate property values in the vicinity, as the area is zoned for this type of use and it will actuality improve the aesthetics by eliminating the blighted vacant lot.

Conditional Use Permit

The applicant requests a Conditional Use Permit to permit a hotel, increased height for the hotel, plus a drive through and shared parking for the two uses in the C-G (General Commercial) Zoning District as required by Sections 17.10.020, 17.10.030 and 17.26.050 of the LAMC. Staff has combined all four CUP's into one resolution.

Analysis

Shared Parking - The site plan provides for 126 parking spaces of the required 129 spaces, leaving the project three spaces short, in total. The requirements in the General Commercial (C-G) Zoning District require 1 (one) space for each guestroom in a hotel. For restaurants 1 (one) space is required per 100 square feet of gross floor area. Table 3 identifies the required parking spaces for the proposed project which shows three parking spaces short of the required amount.

Table 3 C-G Parking Requirements		
	Required	Proposed
Hotel Spaces (@1 space per guestroom)	111	112
Restaurant Spaces (@1 per 100 sq. ft.)	18	14
Totals	129	126

To account for the three spaces the Applicant would like to be approved for a Shared Parking Agreement. Shared parking is described in section 17.26.050 (Shared parking) of the Municipal Code. Joint or shared use of required off-street parking facilities may be allowed, provided a conditional use permit is first obtained and it meets the following requirements; A comprehensive list of uses by type and area (gross floor area); An analysis of parking demands by uses for morning, midday and evening periods for each twenty-four (24) hour period, seven days a week; A peak demand calculation by adding the various components together to determine the parking demand. The highest figure represents the minimum number of spaces to be provided; and finally the project is conditioned to have Private parking agreements or easements encumbering required parking.

Table 9. Shared Parking Analysis³

Hour	Fast-Food w/ Drive-Through		Hotel		Total
	Utilization	Accumulation	Utilization	Accumulation	
12-4 AM	--	--	--	--	--
5 AM	--	--	--	--	--
6 AM	5% ²	1	100%	111	112
7 AM	10% ²	2	96%	107	109
8 AM	20% ²	4	90%	100	104
9 AM	30% ²	5	87%	97	102
10 AM	41%	7	82%	91	98
11 AM	63%	11	77%	85	96
12 PM	100%	18	77%	85	103
1 PM	92%	17	75%	83	100
2 PM	61%	11	73%	81	92
3 PM	45%	8	70%	78	86
4 PM	55%	10	71%	79	89
5 PM	80%	16	70%	78	94
6 PM	95%	17	74%	82	99
7 PM	48%	9	75%	83	92
8 PM	--	--	79%	88	--
9 PM	--	--	85%	94	--
10 PM	--	--	87%	97	--
11 PM	--	--	97%	108	--

1. Shared Parking methodology and hourly utilization percentages based on Parking Generation, 4th Edition, Institute of Transportation Engineers, 2010.
2. The ITE Parking Generation, 4th Edition did not have utilization rates from 6AM to 9AM, therefore utilization rates from ULI's Shared Parking were used.

Staff Conclusion on Shared Parking

A shared parking analysis was conducted as part of the Transportation Impact Analysis (TIA) for the project. The study concluded that the proposed supply of 126 parking spaces would be sufficient to serve the peak parking demand for both structures on the parcel. At the highest peak of parking demand an extra 14 spaces would be available for any unforeseen demand. In addition to the regular CUP findings, additional findings are required for the shared parking. Staff is recommending the adoption of the following findings.

1. Adequate parking will be available at all times for employees and customers of the uses affected by the joint use parking plan. A shared parking study was conducted as part of the Traffic Impact Analysis (TIA) that the peak parking demand will be 112 spaces;

2. Surrounding property owners, residents, and businesses shall not be adversely affected by the joint use parking plan. There will not only be enough parking for the peak demands of the project, but also surplus for unforeseen situations.

As an aside to the shared parking, the width of the parking spaces is not shown on the site plan, so Staff has conditioned that spaces be 9' x 19' in dimension.

Hotel and Hotel Height Use Conditional Use Permit

Section 17.10.020 of the LAMC requires a conditional use permit for a hotel use in the C-G zone. Section 17.10.030 of the LAMC requires a conditional use permit for the building to exceed the 40 foot height requirement. There are many benefits to the addition of a hotel in this location of the City. Some, but not all, of those benefits are noted below:

- Increased property tax with the improvement of the property
- Increase in Transient Occupancy Tax (TOT)
- Elimination of a blighted property (surrounded by an old broken fence with torn screening, etc...)
- New customers for surrounding businesses
- Construction jobs during building phase
- Straightening of the intersection between Sausalito and Briggeman, including a 10 foot dedication to the City
- Improved image of Los Alamitos as a destination

In addition to the regular CUP findings, Section 17.10.030 requires the following factors to be considered by the Commission:

- a. A structure with increased height shall be located at least 100 feet from a residential zoning district – This project 265 feet from the nearest residence.
- b. The Commission may require that vision into adjacent residences be limited from a structure with increased height – This is not an issue under any circumstance given the distance to the nearest residence.
- c. Open space shall constitute 10 percent of the total site area, in addition to the 15 percent required to be landscaped - Open space excluding building footprint, parking and landscaping is equal to 8,288 just below the 10 requirement therefore staff will condition for this to increase to 10% upon landscape plan approval.
- d. The structure shall have no more gross floor area than could have been achieved if the structure were 40 feet or less in height. In computation of gross floor area, floor area devoted to parking shall be disregarded – The FAR allowed in this zone is 1.0; the total site is developed at an FAR of 0.598.

Staff Conclusion on hotel and building height:

Staff is recommending approval of both the hotel use and the height of the hotel as the subject property is designated Retail Business on the City's Land Use Policy Map and is further compatible with the adjacent industrial and commercial uses and will further be constructed in a manner to insulate various noises that could occur. Further, the use will serve the area medical community and provide a customer base for area shops and restaurant. The project does not exceed the maximum FAR in the land use category is 1.0 and the project has an FAR of .598.

Drive-Through Starbucks Concerns

The Drive Thru Starbucks will need to shield headlight glare with some type of structure or landscape berm to block headlight lights as autos a facing toward the west which is included in the conditions.

Staff Conclusion:

Staff believes the proposed Conditional Use Permit meets the requirements established within the Codes and is recommended the adoption of the following findings:

1. The project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Thru, the extended Height and Shared Parking as proposed and conditioned, will not endanger the public health, or general welfare. The property is zoned for this type of hotel and drive-through restaurant and the project complies with all applicable building and development codes. The project will not foster circumstances that tend to generate nuisance conditions such as noise, glare, odor, or vibrations because it is 265 feet from the nearest residence and is consistent with the surrounding industrial and commercial uses. The nearby businesses are higher impact type businesses (shopping centers, industrial buildings, and lumber yards) and would not be impacted with approval of a hotel, or drive thru close to them.
2. The project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Thru, the extended Height and Shared Parking as proposed and conditioned meets all of the required conditions and specifications set forth in the zoning district where it is proposed to locate as this commercial development project complies with all of the development standards for the General Commercial (C-G) Zoning, with the exception of the height requirement for which a conditional use permit is being granted. The General Commercial Zone allows commercial uses that could by their nature result in more intense impacts to the area such as; shopping center(s), nightclubs, theaters (live entertainment-movie).
3. The project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Thru, the extended Height and Shared Parking as proposed and conditioned will be in harmony with the area in which it is to be located and in general conformity with

the 2035 General Plan because the Marriott Fairfield Inn Hotel and Starbucks Drive-Thru are compatible with the similar surrounding uses, and these types of projects are in fact intended to be built, in conformity with the City's General Plan, in this area, as more fully discussed below.

Moreover, this property was specifically identified as an Opportunity Site in the recently adopted General Plan Update and development is to complement the goals and policies of the General Plan and the downtown effort. With regard to the latter, the downtown is to be a walkable, human-scaled area in which to shop, work, eat and have time with friends and family. It is to provide a unique retail shopping environment. The proposed Project, is for a high-caliber Marriott Fairfield Inn Hotel which will provide a base of customers to stimulate and support thriving downtown businesses. The Starbucks Drive-Through provides a coffee shop in which people can gather and relax, unlike a typical fast-food restaurant. The Site Plan that has been provided shows a pedestrian-friendly, well-landscaped development with trellises and benches for the public. The benefits that are expected to occur from this development will not happen without the quality tenants which have been proposed.

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
Land Use Element	
Goal 1: An attractive and pedestrian-friendly town center that serves as the heart of the community.	This new project can set a trend for a pedestrian-friendly downtown, such as that suggested in the Corridors project. The streetscape is inviting with its gazebos, benches, and enhanced flatwork.
Policy 1.1 Promote the development of a unique town center around Los Alamitos Boulevard, with spaces designed for community celebrations and events.	This project has pedestrian-friendly features. The hotel and Starbucks will bring in people who will help support other businesses that will make up a unique town center.
Policy 1.2 Invest in public improvements to transform Los Alamitos Boulevard into an attractive and pedestrian-friendly street.	The project will create a pedestrian-friendly environment with trellis and benches. Additionally, the project will dedicate right-of-way and realign the Biggeman/Los Alamitos intersection to create a more pedestrian-friendly environment.
Policy 1.3 Diverse businesses and activities. Attract and retain a variety of shopping, dining, and entertainment options for residents and visitors in the town center. Encourage the creation of daytime, nighttime, and weekend activity in the town center.	This is a project that would set a high bar for quality, commercial structures in the City. The layout creates a welcoming environment for people to walk in, walk out, and walk along the borders of the project. The project will place visitors in the downtown area to frequent surrounding businesses.
Goal 2: Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.	Restaurants are high tax earners for the City, and importantly, hotels are required to pay bed tax to the City, all of which create income for the City that is above and beyond ordinary sales tax.
Policy 1.6 Public art. Encourage the incorporation of art in public and private spaces that celebrates	Staff has conditioned the project to invest in public art visible from Los Alamitos Blvd.

the community's history and imagines a greater future.	
Economic Development Element	
Goal 1: Development patterns and a mix of uses that provide a fiscal balance sufficient to continue and increase public investment in the community's quality of life.	Staff believes that the high-quality services that these two structures will provide are an exciting addition to the City. The requirement of the plan presented Starbucks and Fairfield Inn tenants have been conditioned for approval of the project.
Goal 4: An economic development mindset integrated throughout City Hall.	Staff has encouraged developers to explore the construction of this type of business to seek an appropriate site in the town, and believes that this project is a direct result of that encouragement.
Policy 4.1 Economic development responsibility. Promote an ethos in which economic development is the responsibility of each elected official, appointed official, and City employee.	Staff has encouraged developers to explore the construction of this type of business to seek an appropriate site in the town, and believes that this project is a direct result of that encouragement.
Open Space, Recreation, and Conservation Element	
Policy 3.2 Urban forest. Maintain and enhance a diverse and healthy urban forest on public and private lands. Incorporate and preserve mature and specimen trees at key gateways, landmarks, and public facilities.	58 new trees will be added by the project.
Policy 3.3 Landscaping. Establish and maintain attractive landscaping on public and private property visible to the public, including rights-of-way, freeways access points, building frontages, and trails.	The elevation provided from across Los Alamitos Boulevard (in the large set of plans) shows the proposed view from the Boulevard. This project would present an attractive, encouraging addition to the commercial areas along this corridor.
Policy 4.8 Stormwater management. Encourage the use of low impact development techniques that retain or mimic natural features for stormwater management.	This management is satisfied through requirement of the Water Quality Management Plan (WQMP).
Action 4.2 Construction activities. Encourage the use of best management practices during construction activities to reduce emissions of criteria pollutants as outlined by the SCAQMD.	These BMP's are all noted in the conditions.
Mobility and Circulation Element	
Action 1.11 New development. Require new development to finance and construct internal and adjacent roadway circulation and citywide improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities. Additional requirements could include transportation demand management programs.	Staff has added conditions to address each of these matters. Traffic fees are to be collected, bike racks added, the Applicant will dedicate land to widen Briggeman, repair sidewalks, underground utilities, and upgrade intersections and roadways surrounding the project.

The recommended findings are based on the quality of tenants that are identified for this project.

4. The decision to approve the project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Through, the extended Height and Shared Parking as proposed and conditioned is based on substantial evidence in view of the record as a whole before the Commission as Conditional Use Permit 15-03 is based on the Planning Commission's review of the plans and specifications submitted for the proposed project and on testimony given at the public hearing on June 24, 2015, before the Planning Commission.

Environmental

The applicant has provided studies for air, traffic, noise and a Phase 1 environmental assessment all of which show there will be no impact on the property. Based on this, Staff has determined that the Project is categorically exempt from CEQA pursuant to Section 15332 (Infill Development) as it complies with the following seven requirements.

1. The Project is Consistent with the Applicable General Plan Designation, General Plan Policies, and Zoning

Existing Zoning - The property is zoned C-G (General Commercial). The C-G zone is for the development of general commercial and highway related uses. Both drive thru restaurants and hotels are allowed pursuant to a conditional use permit. The property complies with the development standards for the zones, except for the height of 53 feet which is allowed pursuant to a conditional use permit.

Existing General Plan Land Use Element - The subject property is designated Retail Business on the City's Land Use Policy Map. The Retail Business designation is for Commercial retail uses that include supermarkets, drugstores, personal services, restaurants, and facilities that offer a variety of retail products. General services such as auto-related sales and repair, nurseries, plumbing outlets, and home appliance stores are permitted subject to special review procedures. The maximum FAR in the land use category is 1.0 and the project has an FAR of .598.

2. The Project is Located within City Limits

The subject property is located within the City limits of Los Alamitos.

3. The Project is surrounded by development on all sides

The property is surrounded by development on all sides.

North: Gemini Forest Products

East: Industrial Buildings

West: Arbor Shops

South: Center Plaza and Millie Severson

4. The Project site is less than 5 acres in size

The project site is 2.3 acres in size.

5. The Project Site Has No Value as Habitat for Endangered, Rare or Threatened Species

As indicated above, the subject property is located in an area of the City that has been extensively developed and urbanized. The 2.3-acre property has previously been utilized as a site to sell and service automobiles. The site is entirely devoid of native habitat and supports neither sensitive habitat nor plant or animal species. Because the project site is located in a highly urbanized area, with no natural open space and is without a direct connection to large areas of open space or native habitat, neither the subject property nor the surrounding area serves as a wildlife corridor. Furthermore, no trees exist on the subject property that would support nesting avian species. Therefore, the site neither supports sensitive species nor has any values as habitat for endangered species.

6. The Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts

The applicant has submitted studies which show that the project will not result in any traffic, noise or air impacts. Compliance with standard conditions of approval will insure there are no water quality impacts.

7. The Project Can Be Served By All Necessary Public Services and Utilities

The subject property is situated in an area of Los Alamitos that is fully developed. All necessary public services and utilities are readily available to adequately serve the site. The subject property is currently served by all of the City's public services, including police and fire protection.

8. Exceptions to the Exemption

None of the exceptions to the exemptions apply. There are no cumulative impacts as there are no successive projects of the same type in the same place which will be developed. There are no unusual circumstances and there is not a reasonable possibility that the activity will have a significant effect on the environment. The Project is not located in an area which is a scenic resource or on a hazardous waste site. There are not historical resources which will be affected by this Project.

Recommendation

Staff is recommending that the Commission open the public hearing, take public testimony and if appropriate adopt the attached resolutions of approval.

Attachments

1. *SPR Resolution No. 15-10 including Exhibits*
 - A. *Conditions of Approval*
 - B. *Site Plan*
 - C. *Notice of Exemption*

2. *Conditional Use Permit Resolution No. 15-11*
 - A. *Conditions of Approval (see Conditions to SPR Reso)*
 - B. *Site Plan (See Site Plan attached to SPR Reso)*
 - C. *Notice of Exemption*

3. *On CD and available in the Community Development Department*
 - Hotel Supplemental Reports**
 - a. *Transportation Impact Analysis Dated June 2015.*
 - b. *Air Quality/Greenhouse Gas Emissions Impact Analysis Dated June 15, 2015*
 - c. *Noise Impact Analysis Dated June 15, 2015*
 - d. *Phase 1 Environmental Site Assessment Dated June 15, 2015*

RESOLUTION NO. 15-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 15-02) TO ALLOW CONSTRUCTION OF A HOTEL AND DRIVE-THROUGH RESTAURANT AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KEVIN COLEMAN – NET DEVELOPMENT CO.)

WHEREAS, an application for a Site Plan Review was submitted by Kevin Coleman of Net Development Company on April 27, 2015, requesting approval for grading of an empty lot, and building a hotel and restaurant with a drive-through, to be located at 10650 Los Alamitos Boulevard, APN 242-243-03; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) and Section 17.10.020 Table 2-04 (Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review at a duly noticed public hearing on June 24, 2015, at which time it considered all of the evidence presented, both written and oral.

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

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

SECTION 2. The Planning Commission hereby makes the following findings which are based on all of the evidence presented, both written and oral; the staff report is incorporated by reference:

- A. The design and layout of the hotel and restaurant at 10650 Los Alamitos Boulevard, as conditioned, is consistent with the development and design standards/guidelines of the General Commercial (C-G) General Commercial Zoning District. As shown above, the development meets, or will be conditioned to meet, all requirements except for the parking of the property which will have a shared parking agreement between both structures, and recorded with the Orange County Clerk Recorder in the event that the property is subdivided.
- B. The design and layout of the hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned, would not interfere with the use and enjoyment

of neighboring commercial and industrial developments. The immediately surrounding uses are higher impact uses and this project has less impacts than the maximum use that have been studied for the General Plan. The approved location is appropriate for a hotel and drive-through restaurant. The location of the private driveway ingress/egress access to the surrounding streets would not create traffic or pedestrian hazards and would create a safe environment along Los Alamitos Boulevard with no curb cuts, Briggeman Street with one curb cut, and the less travelled Serpentine Drive with two curb cuts. The property is zoned for this type of development.

- C. The design of the hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned would maintain and enhance the attractive, harmonious, and orderly development of the property. The design is in harmony with surrounding development and improves upon the City's architecture with an updated commercial building design, extensive landscaping, and property maintenance required under the zoning code.
- D. The design of the hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned, would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, landscaping, and color as described above. Such changes will enhance the existing property and maintain an appropriate level of maintenance, through the implementation of maintained landscaping, removal of an aged screening fence for a vacant property, and adding on-site management presence. The hotel use at this location is recognized as a low intensity use that will result in fewer impacts to the existing industrial and commercial uses surrounding this parcel, with regards to traffic, noise and aesthetics than other commercial type businesses.
- E. The proposed hotel and restaurant at 10650 Los Alamitos Boulevard as conditioned, would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity as the development will improve a long-vacant commercial site rather than leaving an unmaintained, fenced off area in the middle of the City's commercial business area. As stated in the Notice of Exemption, the Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts as the applicant has submitted studies which show that the project will not result in any traffic, noise or air impacts. Compliance with standard conditions of approval will insure there are no water quality impacts, lighting or issues related to signage.
- F. The hotel and restaurant at 10650 Los Alamitos Boulevard, as conditioned would not depreciate property values in the vicinity, as the area is zoned for this type of use and it will actuality improve the aesthetics by eliminating the blighted vacant lot.

SECTION 3. The Commission concurs with Staff's determination that the project qualifies for an Infill Exemption under CEQA based on the following:

- A. The Project is Consistent with the Applicable General Plan Designation, General Plan Policies, and Zoning:
 - 1. Existing Zoning - The property is zoned C-G (General Commercial). The C-G zone is for the development of general commercial and highway related uses. Both drive thru restaurants and hotels are allowed pursuant to a conditional use permit. The property complies with the development standards for the zones, except for the height of 53 feet which is allowed pursuant to a conditional use permit.
 - 2. Existing General Plan Land Use Element - The subject property is designated Retail Business on the City's Land Use Policy Map. The Retail Business designation is for Commercial retail uses that include supermarkets, drugstores, personal services, restaurants, and facilities that offer a variety of retail products. General services such as auto-related sales and repair, nurseries, plumbing outlets, and home appliance stores are permitted subject to special review procedures. The maximum FAR in the land use category is 1.0 and the project has an FAR of .598.
- B. The Project is Located within the City limits of Los Alamitos.
- C. The Project is surrounded by development on all sides.
- D. The Project site is 2.3 acres.
- E. The Project Site has no value as habitat for endangered, rare or threatened species as it has been extensively developed and is entirely vacant.
- F. The Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts as shown by the studies submitted and the conditions of approval.
- G. The Project is situated in an area of Los Alamitos that is fully developed and all public services and utilities are readily available.
- H. None of the exceptions to the exemptions apply. There are no cumulative impacts as there are no successive projects of the same type in the same place which will be developed. There are no unusual circumstances and there is not a reasonable possibility that the activity will have a significant effect on the environment. The Project is not located in an area which is a scenic resource or on a hazardous waste site. There are not historical resources which will be affected by this Project

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review SPR15-02, as represented by the plans and elevations in "Exhibit B" and subject to the conditions located in "Exhibit A."

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

PASSED, APPROVED, AND ADOPTED this 24th day of June, 2015, by the following vote:

ATTEST:

John Riley, Chair

Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 24th day of June, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven A. Mendoza, Secretary

HOTEL AND DRIVE THROUGH RESTAURANT PROJECT CONDITIONS OF APPROVAL SPR 15-02 & CUP15-03

GENERAL CONDITIONS

1. Approval of this application is to develop a 55,724 square foot Marriott Fairfield Inn Hotel and a 1,800 square foot Starbucks drive through at 10650 Los Alamitos Boulevard (APN 243-243-03) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, Conditional Use Permit 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 and any applicable state law. If any changes are proposed regarding the use, tenancy, location or alteration of the plans dated June 10, 2015 (as amended during the hearing); a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.
2. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. The applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. The property 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.

4. In case of violation of any of the conditions of approval of applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
5. Approval of Site Plan Review 15-02 and Conditional Use Permit 15-03 shall be valid for a period of eighteen (18) months from the date they are approved. If construction is commenced within this eighteen (18) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.
6. Within forty eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department, a CASHIER'S CHECK payable to the County Clerk in the amount of fifty dollars (\$50.00) to enable the City to file the appropriate environmental documentation for the project. If within such forty eight (48) hour period the applicant has not delivered to the Community Development Department the above - noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act could be significantly lengthened.

PLANNING

7. Hotel shall not be an extended stay hotel.
8. Hotel Shall be developed to the AAA Three Diamond standard or better as described below:
 - a. More attention has been paid to style and décor, and amenities and services have been added:
 - b. Better curb appeal, landscaping and lighting in the parking lot; porte-cochere entry
 - c. Carpet, wood or tile floors with accent rugs; more seating in the registration area; luggage carts
 - d. Small gift shop
 - e. Swimming pool, hot tub and an exercise room
 - f. Full service restaurant or food court (or an expanded continental breakfast) and a lounge
 - g. Larger guest rooms with coordinated furniture and décor, better bed linens, blackout drapes or shades, closet with hangers, TV on a credenza with remote and movie channels, coffee maker, two-line phone, video games, wall-mounted hair dryer, shampoo.
 - h. Internet access, elevator, valet laundry, telephone, vending, ice machines

9. Restaurant drive thru Site shall be a Starbucks, Coffee Bean, Peets or equivalent.
10. The Building Permit for the Drive-through Starbucks shall not be issued until the Marriott Fairfield Inn building foundation has passed inspection by City's Building Official.
11. Applicant shall ensure that bicycle racks are installed on site for both patrons and employees.
12. Prior to issuance of a building permit for perimeter fences and / or walls, the specific design, placement, screening, height, and other design components of the proposal shall be reviewed and approved by the Director of Community Development. The fence and / or wall design proposed to occur along the perimeter of the property shall be compatible with the overall project design, as determined by the Director of Community Development.
13. Prior to the issuance of any building permit, the design, location, and placement of required screening for rooftop or ground - level equipment (e.g., parapets, fencing, panels, etc.) shall be reviewed and approved by the Director of Community Development. As directed, minor revisions to the parapet design or other building elevation design elements shall be made to ensure that all rooftop equipment is adequately screened to the satisfaction of the Director of Community Development.
14. The applicant shall provide as a minimum two standard trash enclosures for solid waste and recycling that is five (5) foot by eight (8) foot clear interior dimension, with a solid roof designed to the satisfaction of the Director of Community Development. Walls shall be a minimum of five (5) feet high and constructed of reinforced masonry or similar material. Wrought iron or equivalent gates with latch shall be provided. The top one-foot of the gates shall be open work with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to meet the solid waste and recycling needs of the development project.
15. Applicant will promptly remove any graffiti or unapproved writing on the exterior walls of any structures within twenty-four hours of the onset of such graffiti or writing at the sole expense of the applicant.
16. Bollards shall be used to separate pedestrians from traffic at all fire hydrant, gazebo, and bench locations.
17. The Applicant shall apply the same stone, as shown on the hotel, in locations identified for stone on the restaurant.
18. The Applicant shall paint the restaurant with a combination of the same and identical colors used the hotel.

19. Parking Spaces shall be dimensioned not less than 9 feet by 19 feet for all spaces as required by Los Alamitos Municipal Code chapter 17.26.
20. Applicant shall incorporate a structure or berm to block drive-through headlights from interfering with Los Alamitos Blvd. traffic.
21. Applicant shall incorporate Public art that celebrates the community's history and imagines a greater future which is visible from Los Alamitos Blvd. The fee shall be one percent (1%) of the building valuation as computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO). The maximum fee per project will be set at one hundred fifty thousand dollars (\$150,000.00).
22. The conditional use permit for shared parking issued in compliance with these conditions shall be subject to review, modification, or revocation if any of the following events occur:
 - a. A substantial change in any of the participating uses occurs;
 - b. Additional or other users commence legal use of the jointly used facilities or which changes substantially the factors described in the parking management plan which are the basis for the permit.

Landscaping Conditions

23. A landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Community Development Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.
24. Applicant shall modify the site plan to demonstrate how they meet LAMC section 17.10.030 requiring 10% of the total site area to be open space in addition to the landscaping requirement.
25. Landscaping shall comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation), Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code, and any provisions in the California Green Code.
26. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.

27. All submitted landscape plans shall reflect the site plan dated June 10, 2015 and changes incorporated by the Commission.

28. All arbors and benches shown on conceptual site plan shall be installed as illustrated on June 10, 2015 conceptual site plan.

Lighting Conditions

29. The applicant shall submit specs for the proposed on-site light poles and light pole base for review by the Community Development Department. Light pole base(s) shall utilize a decorative design to provide an enhanced appearance at the pedestrian level.

30. Photometric data must be provided to indicate that the parking area will meet one (1) foot-candle of minimum maintained illumination per square foot of parking surface, over the entire paved area. The parking area shall be illuminated from dusk until the termination of business every operating day.

31. Said lighting shall be constructed by using sufficient poles and fixtures so that the lighting is evenly distributed over the surface and does not impact adjacent public and/or private properties.

32. Lighting shall be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited.

33. Prior to permit issuance, applicant shall submit a lighting plan to the Community Development Department to the satisfaction of the Director of Community Development.

34. The applicant shall provide adequate exterior lighting for each building that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.

35. The applicant shall provide an illuminated uniform address number near the entryway of each building, or other location acceptable to the Director of Community Development.

36. All utility service lines shall be placed underground.

37. All utilities, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each building shall be separately metered.

Signage Conditions

38. Signage shall conform to Chapter 17.28 of the Los Alamitos Municipal Code or to an adopted sign program approved by the Community Development Director. Applicant shall file future Sign Applications for monument and building signage. Pole Signs are not permitted

Construction Conditions

39. During construction, the applicant will display a sign visible to the public from all surrounding streets with a contact number of the construction superintendant to address any questions or concerns about demolition, grading, and construction activities.
40. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Director of Community Development.
41. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of an existing dwelling shall be equipped with properly operating and maintained mufflers.
42. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.
43. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.
44. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation. The contractor must use one of the City's approved solid waste haulers.

PUBLIC WORKS DEPARTMENT

45. Applicant shall dedicate 10 feet of the northern property for street purposes along Briggeman Ave. The applicant shall satisfy dedication and / or reservation requirements as applicable, including, but not limited to, dedication in Fee Title of all required street rights of way; dedication of all required flood control right of way easements; and dedication of vehicular access rights defined and approved as to specific locations by the City Engineer (at no cost to the City) and / or other agencies.
46. Applicant shall underground power and any other utility on the poles along Briggeman Ave.
47. Provide two new driveway approaches on Serpentine Dr and one on Briggeman Ave per City standards.
48. Remove and construct new sidewalks without tree wells along Los Alamitos Blvd.

49. Provide two new ADA Curb Ramps per the newest standard. One at the southeast corner of Los Alamitos Blvd and Briggeman Ave and the other at the northeast corner of Los Alamitos Blvd at Serpentine Dr
50. Prior to issuance of an Encroachment Permit, The Applicant shall submit Improvement Plans for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance. The applicant shall submit to the Public Works Department 24" x 36" reproducible street improvement plans, as prepared by a California Registered Civil Engineer, for approval. The plans shall clearly show existing and proposed surface and underground improvements, including construction and / or replacement of any missing or damaged public improvements adjacent to this development. Said plans shall include, but not be limited to, the following:
- | | |
|---|-------------------------------|
| a) Curb and gutter | h) Domestic water facilities |
| b) Sidewalk, including curb ramps for the physically disabled | i) Reclaimed water facilities |
| c) Drive aprons | j) Sanitary sewer facilities |
| d) Signing / striping | k) Landscape / irrigation |
| e) Street paving | l) Dry utility lines |
| f) Street lighting | m) Traffic signal |
| g) Catch basin / storm drain laterals /connection to existing storm drain system. | |
51. Current Federal Americans with Disabilities Act (ADA) requirements shall be met at all driveways and sidewalks adjacent to the site. City of Los Alamitos standards shall apply, unless otherwise approved by the City Engineer
52. The applicant shall coordinate the relocation of an existing Southern California Edison (SCE) street light with SCE. The applicant shall be responsible for all costs associated with the relocation of the SCE street light.
53. 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 demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.
54. Driveway slope shall be a minimum slope of 1% for asphalt and .5% for concrete and Parking lot slope shall be a minimum slope of 1%.
55. If utility cuts are excessive in the street the street must be have a grid and overlay place on it per the satisfaction of the City Engineer. See Public Work Encroachment Conditions.
56. 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.

57. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
58. An on-site drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan.
59. Provide catch basin that meet NPDES standards along the north side of Serpentine Drive east of the first drive near Los Alamitos Blvd and connect to the storm drain in Serpentine Drive.
60. An on-site grading plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan.
61. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.
62. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.
63. The Development shall comply with all applicable provisions of the City of Los Alamitos Water Quality Ordinance and all Federal, State, and Regional Water Quality Control Board rules and regulations.
64. Developer shall prepare a sedimentation and erosion control plan for all work related to this development.
65. Prior to issuance of a Grading Permit, a final grading plan, prepared by a California Registered Civil Engineer, shall be submitted and approved. The plan shall be consistent with the approved site plan and landscaping plans.
66. Prior to issuance of a Grading Permit, a grading bond (on a form acceptable to the City) will be required. The engineer's estimate, which covers the cost of all work shown on the grading plan, including grading, drainage, water, sewer and erosion control, shall be submitted to the City for approval.
67. Prior to issuance of any permits, the applicant shall submit for approval by the Community Development and Public Works Departments, a Water Quality Management Plan (WQMP). If the WQMP has been determined to be a Priority WQMP, it shall identify Low Impact Development (LID) principles and Best Management Practices (BMPs) that will be used on-site to retain storm water and treat predictable pollutant run-off. The Priority WQMP shall identify: the

implementation of BMPs, the assignment of longterm maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessees, etc.) and reference to the location(s) of structural BMPs.

68. Prior to final inspection of the project, a Water Quality Management Plan (WQMP) shall be recorded with the County of Orange and presented to the Planning Department.
69. Prior to issuance of any permits, the applicant shall record a "Covenant and Agreement Regarding O & M Plan to Fund and Maintain Water Quality BMPs, Consent to Inspect, and Indemnification", with the County Clerk - Recorder. These documents shall bind current and future owner(s) of the property regarding implementation and maintenance of the structural and non-structural BMPs as specified in the approved WQMP.
70. Prior to issuance of a Grading Permit, the applicant shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Quality Control Board.

Traffic / Street Lights

67. Applicant shall move or install new traffic signal poles as required by current standards at Los Alamitos Blvd and Briggeman Ave.
68. Applicant shall move traffic signal control boxes that are on Los Alamitos Blvd sidewalk to Briggeman Ave sidewalk.
69. Applicant shall install new street light on the north side of Serpentine Dr along the curved portion of the roadway.
70. Applicant shall remove the wooden street light pole and replace with marble pole and underground the power to the other poles mentioned in Condition 69 above which is located at the south eastern portion of the property
71. Applicant shall replace the existing street light on Briggeman Ave where the power lines are being undergrounded with a new marblelite pole.
72. Provide a traffic impact analysis pursuant to City Resolution 1469. Based on the review and approval of this analysis, additional conditions and/or fees may be required.
73. Pursuant to and in accordance with Government Code Section 66020(d)(1), the Project Applicant is hereby notified as follows:
74. The fees, dedications, reservations and other exactions ("impositions") imposed on this development and which are subject to notification pursuant to Government Code Section 66020(d)(1) are based upon the May 2015 Traffic

Impact Analysis provide by the Transpo Group: The proposed project is anticipated to generate 1,362 net new daily trips with 81 occurring during the AM peak hour and 107 occurring during the PM peak hour. The Applicant is hereby notified that any protest to the impositions described above must be made within 90 days from the date of this Resolution's approval. The Applicant also is notified that any lawsuit to protest these impositions must be filed within 180 days from the date of this notice and that the timely making of a 90-day protest is a prerequisite to filing such.

Traffic Impact Fees:	Commercial \$3.36 square foot.
Dedication:	10 feet along Biggeman
Improvement:	Realignment of intersection of Biggeman and Los Alamitos Boulevard to match with Sausalito and Los Alamitos Boulevard

ROSSMOOR/LOS ALAMITOS SEWER DISTRICT

75. The developer will be responsible for paying all related permit, connection, plan checking and inspection fees for this project.
76. *The applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.*

BUILDING AND SAFETY DIVISION

77. The applicant must comply with all current California Building Codes.
78. The applicant shall submit three sets of complete building plans to the Building and Safety Department for review.
79. Prior to obtaining grading permits, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.
80. At the time of building permit application, the plans shall comply with the latest edition of the codes, City Ordinances, State, Federal laws, and regulations as adopted by the City Council of the City of Los Alamitos.
81. At permit issuance, the Building Department will collect fees on behalf of the Orange County Sanitation District.
82. Prior to permit issuance, school fees must be paid to the Los Alamitos Unified School District.
83. The Applicant shall submit a liquefaction report, by a registered geotechnical engineer, with build plans.

84. Prior to permit issuance, the Applicant shall submit a copy of the front page of the approved Orange County Fire Authority plan set.

ORANGE COUNTY FIRE AUTHORITY

85. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a grading permit, or a building permit if a grading permit is not required:

- fire master plan (service code PR145)

Prior to issuance of a building permit:

- architectural (service codes PR200-PR285)
- underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)
- fire sprinkler system (service codes PR400-PR465)

Prior to concealing interior construction:

- sprinkler monitoring system (service code PR500)
- fire alarm system (service code PR500-PR520)
- hood and duct extinguishing system (service code PR335) if applicable

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

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

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 222
Sacramento, CA 95814

From: City of Los Alamitos
3191 Katella Ave.
Los Alamitos, CA 90720

X Orange County Registrar-Recorder /County Clerk
12 Civic Center Plaza, Room 106
P.O. Box 238
Santa Ana, California 92702

Project Title: Fairfield Hotel and Starbucks

Project Applicant: Kevin Coleman, Net Development Co.

Project Location: 10650 Los Alamitos Boulevard (APN 242-243-03)

Project Location: - City of Los Alamitos, Orange County:

Description of Nature, Purpose, and Beneficiaries of Project: The proposed project consists of the construction of 55,724 sf Marriott Fairfield Inn Hotel consisting of 111 rooms and an 1,800 square foot drive thru Starbucks. The project will be constructed on an 100,188 sf vacant parcel.

Name of Public Agency Approving Project: City of Los Alamitos

Name of Lead Agency City of Los Alamitos

Name of Person or Agency Carrying Out Project: Kevin Coleman, Net Development Co.

Exempt Status: (check one)

- Ministerial (Sec. 21080(b); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- X Categorical Exemption; Type and Section Number: Article 19, Section 15332 (Infill Development)
- Statutory Exemptions; Code Number:

Reasons why project is exempt - The development of the proposed by the applicant complies with the requirements prescribed in Section 15332 of the CEQA Guidelines for "in-fill" development. Specifically, the proposed project is: (1) consistent with the land use and zoning adopted for the site; (2) located within the City of Los Alamitos; (3) surrounded by development on all sides of the property; (4) less than five acres in size; (5) has no value as habitat for endangered and/or sensitive species; (6) will not result in significant noise, traffic, air quality or water quality impacts; and (7) can be served by the existing public services and utilities as discussed below.

1. The Project is Consistent with the Applicable General Plan Designation, General Plan Policies, and Zoning

Existing Zoning - The property is zoned C-G (General Commercial). The C-G zone is for the development of general commercial and highway related uses. Both drive thru restaurants and hotels are allowed pursuant to a conditional use permit. The property

Notice of Exemption

complies with the development standards for the zones, except for the height of 53 feet which is allowed pursuant to a conditional use permit.

Existing General Plan Land Use Element - The subject property is designated Retail Business on the City's Land Use Policy Map. The Retail Business designation is for Commercial retail uses that include supermarkets, drugstores, personal services, restaurants, and facilities that offer a variety of retail products. General services such as auto-related sales and repair, nurseries, plumbing outlets, and home appliance stores are permitted subject to special review procedures. The maximum FAR in the land use category is 1.0 and the project has an FAR of .645.

2. The Project is Located within City Limits

The subject property is located within the City limits of Los Alamitos.

3. The Project is surrounded by development on all sides

The property is surrounded by development on all sides.

North:	Gemini Forest Products
East:	Industrial Buildings
West:	Arbor Shops
South:	Center Plaza and Millie Severson

4. The Project site is less than 5 acres in size

The project site is 2.3 acres in size.

5. The Project Site Has No Value as Habitat for Endangered, Rare or Threatened Species

As indicated above, the subject property is located in an area of the City that has been extensively developed and urbanized. The 2.3-acre property has previously been utilized as a site to sell and service automobiles. The site is entirely devoid of native habitat and supports neither sensitive habitat nor plant or animal species. Because the project site is located in a highly urbanized area, with no natural open space and is without a direct connection to large areas of open space or native habitat, neither the subject property nor the surrounding area serves as a wildlife corridor. Furthermore, no trees exist on the subject property that would support nesting avian species. Therefore, the site neither supports sensitive species nor has any values as habitat for endangered species.

6. The Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts

The applicant has submitted studies which show that the project will not result in any traffic, noise or air impacts. Compliance with standard conditions of approval will insure there are no water quality impacts.

7. The Project Can Be Served By All Necessary Public Services and Utilities

The subject property is situated in an area of Los Alamitos that is fully developed. All necessary public services and utilities are readily available to adequately serve the site. The subject property is currently served by all of the City's public services, including police and fire protection.

Contact Person: Steven A. Mendoza

Phone Number: 562-431-3538 x 300

RESOLUTION NO. 15-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP15-03) TO ALLOW A HOTEL WITH INCREASED BUILDING HEIGHT, A DRIVE-THROUGH RESTAURANT, AND SHARED PARKING AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03 AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: KEVIN COLEMAN – NET DEVELOPMENT CO.)

WHEREAS, an application for a Conditional Use Permit was submitted for the construction of a hotel and restaurant at 10650 Los Alamitos Boulevard, APN 242-243-03, on April 27, 2015; and,

WHEREAS, the verified application constitutes a request under Section 17.10.020 for a Conditional Use Permit for a hotel and drive-through restaurant, Section 17.10.030 for height in excess of 40 feet, and Section 17.26.050 for shared parking in the General Commercial (C-G) zone; and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on June 24, 2015 at which time it considered all of the evidence presented, both written and oral;

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

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

SECTION 2. Conditional Use Permit 15-03 is hereby approved to allow: the construction of a hotel; a height of 53 feet for the hotel; a drive-through restaurant; and shared parking all at 10650 Los Alamitos Boulevard as depicted on the Site Plans attached hereto as Exhibit A and subject to the conditions attached hereto as Exhibit. This approval is based on the following findings set forth in the following sections which are supported by the evidence presented at the hearing, both written and oral, and the staff report which is incorporated herein by reference.

SECTION 3. Standard Conditional Use Permit Findings.

- A. The project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Through, the extended Height and Shared Parking as proposed and conditioned, will not endanger the public health, or general welfare. The property is zoned for this type of hotel and drive-through restaurant and the project complies with all applicable building and development codes.

The project will not foster circumstances that tend to generate nuisance conditions such as noise, glare, odor, or vibrations because it is 265 feet from the nearest residence and is consistent with the surrounding industrial and commercial uses. The nearby businesses are higher impact type businesses (shopping centers, industrial buildings, and lumber yards) and would not be impacted with approval of a hotel, or drive thru close to them.

- B. The project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Thru, the extended Height and Shared Parking as proposed and conditioned meets all of the required conditions and specifications set forth in the zoning district where it is proposed to locate as this commercial development project complies with all of the development standards for the General Commercial (C-G) Zoning, with the exception of the height requirement for which a conditional use permit is being granted. The General Commercial Zone allows commercial uses that could by their nature result in more intense impacts to the area such as; shopping center(s), nightclubs, theaters (live entertainment-movie).
- C. The project, including the Marriott Fairfield Inn Hotel, Starbucks Drive-Thru, the extended Height and Shared Parking as proposed and conditioned will be in harmony with the area in which it is to be located and in general conformity with the 2035 General Plan because the Marriott Fairfield Inn Hotel and Starbucks Drive-Thru are compatible with the similar surrounding uses, and these types of projects are in fact intended to be built, in conformity with the City's General Plan, in this area, as more fully discussed below.

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
Land Use Element	
Goal 1: An attractive and pedestrian-friendly town center that serves as the heart of the community.	This new project can set a trend for a pedestrian-friendly downtown, such as that suggested in the Corridors project. The streetscape is inviting with its gazebos, benches, and enhanced flatwork.
Policy 1.1 Promote the development of a unique town center around Los Alamitos Boulevard, with spaces designed for community celebrations and events.	This project has pedestrian-friendly features. The hotel and Starbucks will bring in people who will help support other businesses that will make up a unique town center.
Policy 1.2 Invest in public improvements to transform Los Alamitos Boulevard into an attractive and pedestrian-friendly street.	The project will create a pedestrian-friendly environment with trellis and benches. Additionally, the project will dedicate right-of-way and realign the Biggeman/Los Alamitos intersection to create a more pedestrian-friendly environment.
Policy 1.3 Diverse businesses and activities. Attract and retain a variety of shopping, dining,	This is a project that would set a high bar for quality, commercial structures in the City. The layout

and entertainment options for residents and visitors in the town center. Encourage the creation of daytime, nighttime, and weekend activity in the town center.	creates a welcoming environment for people to walk in, walk out, and walk along the borders of the project. The project will place visitors in the downtown area to frequent surrounding businesses.
Goal 2: Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.	Restaurants are high tax earners for the City, and importantly, hotels are required to pay bed tax to the City, all of which create income for the City that is above and beyond ordinary sales tax.
Policy 1.6 Public art. Encourage the incorporation of art in public and private spaces that celebrates the community's history and imagines a greater future.	Staff has conditioned the project to invest in public art visible from Los Alamitos Blvd.
Economic Development Element	
Goal 1: Development patterns and a mix of uses that provide a fiscal balance sufficient to continue and increase public investment in the community's quality of life.	Staff believes that the high-quality services that these two structures will provide are an exciting addition to the City. The requirement of the plan presented Starbucks and Fairfield Inn tenants have been conditioned for approval of the project.
Goal 4: An economic development mindset integrated throughout City Hall.	Staff has encouraged developers to explore the construction of this type of business to seek an appropriate site in the town, and believes that this project is a direct result of that encouragement.
Policy 4.1 Economic development responsibility. Promote an ethos in which economic development is the responsibility of each elected official, appointed official, and City employee.	Staff has encouraged developers to explore the construction of this type of business to seek an appropriate site in the town, and believes that this project is a direct result of that encouragement.
Open Space, Recreation, and Conservation Element	
Policy 3.2 Urban forest. Maintain and enhance a diverse and healthy urban forest on public and private lands. Incorporate and preserve mature and specimen trees at key gateways, landmarks, and public facilities.	58 new trees will be added by the project.
Policy 3.3 Landscaping. Establish and maintain attractive landscaping on public and private property visible to the public, including rights-of-way, freeways access points, building frontages, and trails.	The elevation provided from across Los Alamitos Boulevard (in the large set of plans) shows the proposed view from the Boulevard. This project would present an attractive, encouraging addition to the commercial areas along this corridor.
Policy 4.8 Stormwater management. Encourage the use of low impact development techniques that retain or mimic natural features for stormwater management.	This management is satisfied through requirement of the Water Quality Management Plan (WQMP).
Action 4.2 Construction activities. Encourage the use of best management practices during construction activities to reduce emissions of criteria pollutants as outlined by the SCAQMD.	These BMP's are all noted in the conditions.
Mobility and Circulation Element	
Action 1.11 New development. Require new development to finance and construct internal and adjacent roadway circulation and citywide	Staff has added conditions to address each of these matters. Traffic fees are to be collected, bike racks added, the Applicant will dedicate land to widen

<p>improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities. Additional requirements could include transportation demand management programs.</p>	<p>Briggeman, repair sidewalks, underground utilities, and upgrade intersections and roadways surrounding the project.</p>
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- D. These findings are specifically based on the construction of a Marriott Fairfield Inn Hotel and a Drive-Through Starbucks as it is the quality of these tenants that make the project consistent with the zoning and General Plan. A lesser quality hotel and different type of Drive-Through restaurant would not necessarily qualify for these findings.

SECTION 4. Shared Parking Findings. In addition to the findings made in Section 3 above, the Planning Commission hereby finds as follows with regard to the approval for Shared Parking:

- A. Adequate parking will be available at all times for employees and customers of the uses affected by the joint use parking plan. A shared parking study was conducted as part of the Traffic Impact Analysis (TIA) that the peak parking demand will be 112 spaces;
- B. Surrounding property owners, residents, and businesses shall not be adversely affected by the joint use parking plan. There will not only be enough parking for the peak demands of the project, but also surplus for unforeseen situations.

SECTION 5. Increased Height Findings. In addition to the findings made in Section 3 above, the Planning Commission hereby finds that they have considered the additional factors set forth in Section 17.10.030 and find that such additional requirements have been met:

- A. The hotel is not within 100 feet of a residential zone;
- B. The hotel has the required open space; and
- C. The FAR does not exceed that which is allowed if the project were only 40 feet in height.

SECTION 6. The Commission concurs with Staff's determination that the project qualifies for an Infill Exemption under CEQA based on the following:

- A. The Project is Consistent with the Applicable General Plan Designation, General Plan Policies, and Zoning:
 - 1. Existing Zoning - The property is zoned C-G (General Commercial). The C-G zone is for the development of general commercial and highway related uses. Both drive thru restaurants and hotels are

allowed pursuant to a conditional use permit. The property complies with the development standards for the zones, except for the height of 53 feet which is allowed pursuant to a conditional use permit.

2. Existing General Plan Land Use Element - The subject property is designated Retail Business on the City's Land Use Policy Map. The Retail Business designation is for Commercial retail uses that include supermarkets, drugstores, personal services, restaurants, and facilities that offer a variety of retail products. General services such as auto-related sales and repair, nurseries, plumbing outlets, and home appliance stores are permitted subject to special review procedures. The maximum FAR in the land use category is 1.0 and the project has an FAR of .598.
- B. The Project is Located within the City limits of Los Alamitos.
 - C. The Project is surrounded by development on all sides.
 - D. The Project site is 2.3 acres.
 - E. The Project Site has no value as habitat for endangered, rare or threatened species as it has been extensively developed and is entirely vacant.
 - F. The Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts as shown by the studies submitted and the conditions of approval.
 - G. The Project is situated in an area of Los Alamitos that is fully developed and all public services and utilities are readily available.
 - H. None of the exceptions to the exemptions apply. There are no cumulative impacts as there are no successive projects of the same type in the same place which will be developed. There are no unusual circumstances and there is not a reasonable possibility that the activity will have a significant effect on the environment. The Project is not located in an area which is a scenic resource or on a hazardous waste site. There are not historical resources which will be affected by this Project

SECTION 7. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file the Notice of Exemption, attached hereto as Exhibit C, with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 24th day of June, 2015, by the following vote:

John Riley, Chair

ATTEST:

Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 24th day of June, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven A. Mendoza, Secretary

HOTEL AND DRIVE THROUGH RESTAURANT PROJECT CONDITIONS OF APPROVAL SPR 15-02 & CUP15-03

GENERAL CONDITIONS

1. Approval of this application is to develop a 55,724 square foot Marriott Fairfield Inn Hotel and a 1,800 square foot Starbucks drive through at 10650 Los Alamitos Boulevard (APN 243-243-03) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, Conditional Use Permit 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 and any applicable state law. If any changes are proposed regarding the use, tenancy, location or alteration of the plans dated June 10, 2015 (as amended during the hearing); a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.
2. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. The applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. The property 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.

4. In case of violation of any of the conditions of approval of applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
5. Approval of Site Plan Review 15-02 and Conditional Use Permit 15-03 shall be valid for a period of eighteen (18) months from the date they are approved. If construction is commenced within this eighteen (18) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.
6. Within forty eight (48) hours of approval of the subject project, the applicant shall deliver to the Community Development Department, a CASHIER'S CHECK payable to the County Clerk in the amount of fifty dollars (\$50.00) to enable the City to file the appropriate environmental documentation for the project. If within such forty eight (48) hour period the applicant has not delivered to the Community Development Department the above - noted check, the statute of limitations for any interested party to challenge the environmental determination under the provisions of the California Environmental Quality Act could be significantly lengthened.

PLANNING

7. Hotel shall not be an extended stay hotel.
8. Hotel Shall be developed to the AAA Three Diamond standard or better as described below:
 - a. More attention has been paid to style and décor, and amenities and services have been added:
 - b. Better curb appeal, landscaping and lighting in the parking lot; porte-cochere entry
 - c. Carpet, wood or tile floors with accent rugs; more seating in the registration area; luggage carts
 - d. Small gift shop
 - e. Swimming pool, hot tub and an exercise room
 - f. Full service restaurant or food court (or an expanded continental breakfast) and a lounge
 - g. Larger guest rooms with coordinated furniture and décor, better bed linens, blackout drapes or shades, closet with hangers, TV on a credenza with remote and movie channels, coffee maker, two-line phone, video games, wall-mounted hair dryer, shampoo.
 - h. Internet access, elevator, valet laundry, telephone, vending, ice machines

9. Restaurant drive thru Site shall be a Starbucks, Coffee Bean, Peets or equivalent.
10. The Building Permit for the Drive-through Starbucks shall not be issued until the Marriott Fairfield Inn building foundation has passed inspection by City's Building Official.
11. Applicant shall ensure that bicycle racks are installed on site for both patrons and employees.
12. Prior to issuance of a building permit for perimeter fences and / or walls, the specific design, placement, screening, height, and other design components of the proposal shall be reviewed and approved by the Director of Community Development. The fence and / or wall design proposed to occur along the perimeter of the property shall be compatible with the overall project design, as determined by the Director of Community Development.
13. Prior to the issuance of any building permit, the design, location, and placement of required screening for rooftop or ground - level equipment (e.g., parapets, fencing, panels, etc.) shall be reviewed and approved by the Director of Community Development. As directed, minor revisions to the parapet design or other building elevation design elements shall be made to ensure that all rooftop equipment is adequately screened to the satisfaction of the Director of Community Development.
14. The applicant shall provide as a minimum two standard trash enclosures for solid waste and recycling that is five (5) foot by eight (8) foot clear interior dimension, with a solid roof designed to the satisfaction of the Director of Community Development. Walls shall be a minimum of five (5) feet high and constructed of reinforced masonry or similar material. Wrought iron or equivalent gates with latch shall be provided. The top one-foot of the gates shall be open work with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to meet the solid waste and recycling needs of the development project.
15. Applicant will promptly remove any graffiti or unapproved writing on the exterior walls of any structures within twenty-four hours of the onset of such graffiti or writing at the sole expense of the applicant.
16. Bollards shall be used to separate pedestrians from traffic at all fire hydrant, gazebo, and bench locations.
17. The Applicant shall apply the same stone, as shown on the hotel, in locations identified for stone on the restaurant.
18. The Applicant shall paint the restaurant with a combination of the same and identical colors used the hotel.

19. Parking Spaces shall be dimensioned not less than 9 feet by 19 feet for all spaces as required by Los Alamitos Municipal Code chapter 17.26.
20. Applicant shall incorporate a structure or berm to block drive-through headlights from interfering with Los Alamitos Blvd. traffic.
21. Applicant shall incorporate Public art that celebrates the community's history and imagines a greater future which is visible from Los Alamitos Blvd. The fee shall be one percent (1%) of the building valuation as computed using the latest building valuation data as set forth by the International Conference of Building Officials (ICBO). The maximum fee per project will be set at one hundred fifty thousand dollars (\$150,000.00).
22. The conditional use permit for shared parking issued in compliance with these conditions shall be subject to review, modification, or revocation if any of the following events occur:
 - a. A substantial change in any of the participating uses occurs;
 - b. Additional or other users commence legal use of the jointly used facilities or which changes substantially the factors described in the parking management plan which are the basis for the permit.

Landscaping Conditions

23. A landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Community Development Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.
24. Applicant shall modify the site plan to demonstrate how they meet LAMC section 17.10.030 requiring 10% of the total site area to be open space in addition to the landscaping requirement.
25. Landscaping shall comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation), Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code, and any provisions in the California Green Code.
26. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.

27. All submitted landscape plans shall reflect the site plan dated June 10, 2015 and changes incorporated by the Commission.
28. All arbors and benches shown on conceptual site plan shall be installed as illustrated on June 10, 2015 conceptual site plan.

Lighting Conditions

29. The applicant shall submit specs for the proposed on-site light poles and light pole base for review by the Community Development Department. Light pole base(s) shall utilize a decorative design to provide an enhanced appearance at the pedestrian level.
30. Photometric data must be provided to indicate that the parking area will meet one (1) foot-candle of minimum maintained illumination per square foot of parking surface, over the entire paved area. The parking area shall be illuminated from dusk until the termination of business every operating day.
31. Said lighting shall be constructed by using sufficient poles and fixtures so that the lighting is evenly distributed over the surface and does not impact adjacent public and/or private properties.
32. Lighting shall be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited.
33. Prior to permit issuance, applicant shall submit a lighting plan to the Community Development Department to the satisfaction of the Director of Community Development.
34. The applicant shall provide adequate exterior lighting for each building that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.
35. The applicant shall provide an illuminated uniform address number near the entryway of each building, or other location acceptable to the Director of Community Development.
36. All utility service lines shall be placed underground.
37. All utilities, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each building shall be separately metered.

Signage Conditions

38. Signage shall conform to Chapter 17.28 of the Los Alamitos Municipal Code or to an adopted sign program approved by the Community Development Director. Applicant shall file future Sign Applications for monument and building signage. Pole Signs are not permitted

Construction Conditions

39. During construction, the applicant will display a sign visible to the public from all surrounding streets with a contact number of the construction superintendant to address any questions or concerns about demolition, grading, and construction activities.
40. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Director of Community Development.
41. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of an existing dwelling shall be equipped with properly operating and maintained mufflers.
42. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.
43. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.
44. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation. The contractor must use one of the City's approved solid waste haulers.

PUBLIC WORKS DEPARTMENT

45. Applicant shall dedicate 10 feet of the northern property for street purposes along Briggeman Ave. The applicant shall satisfy dedication and / or reservation requirements as applicable, including, but not limited to, dedication in Fee Title of all required street rights of way; dedication of all required flood control right of way easements; and dedication of vehicular access rights defined and approved as to specific locations by the City Engineer (at no cost to the City) and / or other agencies.
46. Applicant shall underground power and any other utility on the poles along Briggeman Ave.
47. Provide two new driveway approaches on Serpentine Dr and one on Briggeman Ave per City standards.
48. Remove and construct new sidewalks without tree wells along Los Alamitos Blvd.

49. Provide two new ADA Curb Ramps per the newest standard. One at the southeast corner of Los Alamitos Blvd and Briggeman Ave and the other at the northeast corner of Los Alamitos Blvd at Serpentine Dr
50. Prior to issuance of an Encroachment Permit, The Applicant shall submit Improvement Plans for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance. The applicant shall submit to the Public Works Department 24" x 36" reproducible street improvement plans, as prepared by a California Registered Civil Engineer, for approval. The plans shall clearly show existing and proposed surface and underground improvements, including construction and / or replacement of any missing or damaged public improvements adjacent to this development. Said plans shall include, but not be limited to, the following:
- | | |
|---|-------------------------------|
| a) Curb and gutter | h) Domestic water facilities |
| b) Sidewalk, including curb ramps for the physically disabled | i) Reclaimed water facilities |
| c) Drive aprons | j) Sanitary sewer facilities |
| d) Signing / striping | k) Landscape / irrigation |
| e) Street paving | l) Dry utility lines |
| f) Street lighting | m) Traffic signal |
| g) Catch basin / storm drain laterals /connection to existing storm drain system. | |
51. Current Federal Americans with Disabilities Act (ADA) requirements shall be met at all driveways and sidewalks adjacent to the site. City of Los Alamitos standards shall apply, unless otherwise approved by the City Engineer
52. The applicant shall coordinate the relocation of an existing Southern California Edison (SCE) street light with SCE. The applicant shall be responsible for all costs associated with the relocation of the SCE street light.
53. 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 demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.
54. Driveway slope shall be a minimum slope of 1% for asphalt and .5% for concrete and Parking lot slope shall be a minimum slope of 1%.
55. If utility cuts are excessive in the street the street must be have a grid and overlay place on it per the satisfaction of the City Engineer. See Public Work Encroachment Conditions.
56. 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.

57. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
58. An on-site drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan.
59. Provide catch basin that meet NPDES standards along the north side of Serpentine Drive east of the first drive near Los Alamitos Blvd and connect to the storm drain in Serpentine Drive.
60. An on-site grading plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan.
61. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.
62. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.
63. The Development shall comply with all applicable provisions of the City of Los Alamitos Water Quality Ordinance and all Federal, State, and Regional Water Quality Control Board rules and regulations.
64. Developer shall prepare a sedimentation and erosion control plan for all work related to this development.
65. Prior to issuance of a Grading Permit, a final grading plan, prepared by a California Registered Civil Engineer, shall be submitted and approved. The plan shall be consistent with the approved site plan and landscaping plans.
66. Prior to issuance of a Grading Permit, a grading bond (on a form acceptable to the City) will be required. The engineer's estimate, which covers the cost of all work shown on the grading plan, including grading, drainage, water, sewer and erosion control, shall be submitted to the City for approval.
67. Prior to issuance of any permits, the applicant shall submit for approval by the Community Development and Public Works Departments, a Water Quality Management Plan (WQMP). If the WQMP has been determined to be a Priority WQMP, it shall identify Low Impact Development (LID) principles and Best Management Practices (BMPs) that will be used on-site to retain storm water and treat predictable pollutant run-off. The Priority WQMP shall identify: the

implementation of BMPs, the assignment of longterm maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessees, etc.) and reference to the location(s) of structural BMPs.

68. Prior to final inspection of the project, a Water Quality Management Plan (WQMP) shall be recorded with the County of Orange and presented to the Planning Department.
69. Prior to issuance of any permits, the applicant shall record a "Covenant and Agreement Regarding O & M Plan to Fund and Maintain Water Quality BMPs, Consent to Inspect, and Indemnification", with the County Clerk - Recorder. These documents shall bind current and future owner(s) of the property regarding implementation and maintenance of the structural and non-structural BMPs as specified in the approved WQMP.
70. Prior to issuance of a Grading Permit, the applicant shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Quality Control Board.

Traffic / Street Lights

67. Applicant shall move or install new traffic signal poles as required by current standards at Los Alamitos Blvd and Briggeman Ave.
68. Applicant shall move traffic signal control boxes that are on Los Alamitos Blvd sidewalk to Briggeman Ave sidewalk.
69. Applicant shall install new street light on the north side of Serpentine Dr along the curved portion of the roadway.
70. Applicant shall remove the wooden street light pole and replace with marble pole and underground the power to the other poles mentioned in Condition 69 above which is located at the south eastern portion of the property
71. Applicant shall replace the existing street light on Briggeman Ave where the power lines are being undergrounded with a new marblelite pole.
72. Provide a traffic impact analysis pursuant to City Resolution 1469. Based on the review and approval of this analysis, additional conditions and/or fees may be required.
73. Pursuant to and in accordance with Government Code Section 66020(d)(1), the Project Applicant is hereby notified as follows:
74. The fees, dedications, reservations and other exactions ("impositions") imposed on this development and which are subject to notification pursuant to Government Code Section 66020(d)(1) are based upon the May 2015 Traffic

Impact Analysis provide by the Transpo Group: The proposed project is anticipated to generate 1,362 net new daily trips with 81 occurring during the AM peak hour and 107 occurring during the PM peak hour. The Applicant is hereby notified that any protest to the impositions described above must be made within 90 days from the date of this Resolution's approval. The Applicant also is notified that any lawsuit to protest these impositions must be filed within 180 days from the date of this notice and that the timely making of a 90-day protest is a prerequisite to filing such.

Traffic Impact Fees: Commercial \$3.36 square foot.
Dedication: 10 feet along Biggeman
Improvement: Realignment of intersection of Biggeman and Los Alamitos Boulevard to match with Sausalito and Los Alamitos Boulevard

ROSSMOOR/LOS ALAMITOS SEWER DISTRICT

75. The developer will be responsible for paying all related permit, connection, plan checking and inspection fees for this project.
76. *The applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.*

BUILDING AND SAFETY DIVISION

77. The applicant must comply with all current California Building Codes.
78. The applicant shall submit three sets of complete building plans to the Building and Safety Department for review.
79. Prior to obtaining grading permits, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.
80. At the time of building permit application, the plans shall comply with the latest edition of the codes, City Ordinances, State, Federal laws, and regulations as adopted by the City Council of the City of Los Alamitos.
81. At permit issuance, the Building Department will collect fees on behalf of the Orange County Sanitation District.
82. Prior to permit issuance, school fees must be paid to the Los Alamitos Unified School District.
83. The Applicant shall submit a liquefaction report, by a registered geotechnical engineer, with build plans.

84. Prior to permit issuance, the Applicant shall submit a copy of the front page of the approved Orange County Fire Authority plan set.

ORANGE COUNTY FIRE AUTHORITY

85. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a grading permit, or a building permit if a grading permit is not required:

- fire master plan (service code PR145)

Prior to issuance of a building permit:

- architectural (service codes PR200-PR285)
- underground piping for private hydrants and fire sprinkler systems (service code PR470-PR475)
- fire sprinkler system (service codes PR400-PR465)

Prior to concealing interior construction:

- sprinkler monitoring system (service code PR500)
- fire alarm system (service code PR500-PR520)
- hood and duct extinguishing system (service code PR335) if applicable

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

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

Notice of Exemption

complies with the development standards for the zones, except for the height of 53 feet which is allowed pursuant to a conditional use permit.

Existing General Plan Land Use Element - The subject property is designated Retail Business on the City's Land Use Policy Map. The Retail Business designation is for Commercial retail uses that include supermarkets, drugstores, personal services, restaurants, and facilities that offer a variety of retail products. General services such as auto-related sales and repair, nurseries, plumbing outlets, and home appliance stores are permitted subject to special review procedures. The maximum FAR in the land use category is 1.0 and the project has an FAR of .645.

2. The Project is Located within City Limits

The subject property is located within the City limits of Los Alamitos.

3. The Project is surrounded by development on all sides

The property is surrounded by development on all sides.

North:	Gemini Forest Products
East:	Industrial Buildings
West:	Arbor Shops
South:	Center Plaza and Millie Severson

4. The Project site is less than 5 acres in size

The project site is 2.3 acres in size.

5. The Project Site Has No Value as Habitat for Endangered, Rare or Threatened Species

As indicated above, the subject property is located in an area of the City that has been extensively developed and urbanized. The 2.3-acre property has previously been utilized as a site to sell and service automobiles. The site is entirely devoid of native habitat and supports neither sensitive habitat nor plant or animal species. Because the project site is located in a highly urbanized area, with no natural open space and is without a direct connection to large areas of open space or native habitat, neither the subject property nor the surrounding area serves as a wildlife corridor. Furthermore, no trees exist on the subject property that would support nesting avian species. Therefore, the site neither supports sensitive species nor has any values as habitat for endangered species.

6. The Proposed Project Will Not Result in Noise, Traffic, Air or Water Quality Impacts

The applicant has submitted studies which show that the project will not result in any traffic, noise or air impacts. Compliance with standard conditions of approval will insure there are no water quality impacts.

7. The Project Can Be Served By All Necessary Public Services and Utilities

The subject property is situated in an area of Los Alamitos that is fully developed. All necessary public services and utilities are readily available to adequately serve the site. The subject property is currently served by all of the City's public services, including police and fire protection.

Contact Person:  Steven A. Mendoza

Phone Number: 562-431-3538 x 300



FAIRFIELD
INN & SUITES
Marriott
 111 UNITS

SHEET INDEX

- A1 COVER SHEET
- A2 CONCEPTUAL SITE PLAN
- A3 COLOR ELEVATIONS
- A4 COLOR ELEVATIONS
- A5 1ST FLOOR PLAN
- A6 TYPICAL FLOOR PLAN
- A7 ELEVATIONS

**HOTEL SITE
 and DRIVE THRU**

10650 Los Alamitos Blvd
 Los Alamitos, CA

**net
 developmentco**
 5130 Arroyo Avenue, Costa Mesa, California 92626
 Phone (714) 724-4454 Fax (714) 724-0129

REVISIONS	DATE
SITE PLAN	03 JAN 95
REVISION	

THIS SET OF PLANS AND SPECIFICATIONS FOR THE HOTEL SITE AND DRIVE THRU AT 10650 LOS ALAMITOS BLVD, LOS ALAMITOS, CALIFORNIA, IS THE PROPERTY OF NET DEVELOPMENT CO. AND IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR MODIFICATION OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF NET DEVELOPMENT CO. IS PROHIBITED.

COVER SHEET

A1

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

June 24, 2015
Item No: 7-C

To: Chair Riley and Members of the Planning Commission

Via: Steven Mendoza, Community Development/Public Works Director

From: Tom Oliver, Associate Planner

Subject: Modification of Watersafe Swim School Conditional Use Permit (CUP) 14-07M, Site Plan Review (SPR) 14-02M which is an Outdoor Commercial Recreation Facility at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zone and Approval of CEQA Addendum Therefore

Summary: During construction, the Planning Division found changes to the site plan that were not approved by the Commission. This report outlines the changes and asks the Commission to consider those modifications to a previously approved swim school at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zone or alternatively, deny the modification (Applicant: Ginny Ferguson – Watersafe Swim School).

Recommendation:

1. Open the Public Hearing; and,
2. Adopt of Resolution No. PC 15-09, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING MODIFICATIONS TO THE SITE PLAN, THE CIVIL ENGINEERING PLAN, THE LANDSCAPING PLAN, AND THE SWIMMING POOL PLANS FOR CONDITIONAL USE PERMIT (CUP) 14-07 AND SITE PLAN REVIEW (SPR) 14-02 WHICH ALLOWED AN OUTDOOR COMMERCIAL RECREATION FACILITY (SWIM SCHOOL) WITH TWO NEW SWIMMING POOLS ON A 41,092 SQUARE FOOT PARCEL WITH AN EXISTING 2,505 SQUARE FOOT STRUCTURE AT 3686 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-241-11 (APPLICANT: GINNY FERGUSON WATERSAFE SWIM SCHOOL) AND APPROVING A CEQA ADDENDUM THEREFORE"; or alternatively,
3. DENY THE MODIFICATION AND DIRECT STAFF TO COME BACK WITH THE APPROPRIATE RESOLUTION.

Applicant: Ginny Ferguson – Watersafe Swim School

Location: 3686 Cerritos Avenue, APN 242-241-11 in the Planned Light Industrial (P-M) Zone

Environmental: The City of Los Alamitos previously prepared a Mitigated Negative Declaration (MND) in connection with the originally approved project. The MND includes proposed mitigation measures that will ensure that the proposed project will not result in any significant, adverse effects on the environment. The CEQA Consultant considers the changes to the project insignificant, and has determined that an Addendum is the appropriate document to use for the reasons set forth therein. The Addendum simply needs to be approved by the Planning Commission and filed with the existing Mitigated Negative Declaration (MND).

Approval Criteria: Planning Commission Resolution 14-30, in its original approval of this project, states, “If any changes are proposed regarding the location or alteration of the plans dated 05-29-14 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.” The Director feels that the changes are substantial enough to require Planning Commission review.

Noticing: Public Hearing Notices were mailed to all property owners and commercial occupants within 500 feet of the proposed location on June 10, 2015. A Public Hearing notice regarding this meeting was also published in the News Enterprise on June 10, 2015.

Background

On October 13, 2014 the Planning Commission adopted Resolution No. 14-30 approving this swim school as an outdoor recreation facility with two 4-foot deep swimming pools. During construction the Planning Staff noticed one of the pools was now a seven (7) foot depth. Staff placed a Stop Work order on this pool. In further

communications with the applicant, Staff was advised that there were a few other changes made to the project without the applicant seeking approval from the Planning Department. Now, Ms. Ginny Ferguson, operator of the Seal Beach Watersafe Swim School has applied for a modification of CUP 14-07 and SPR 14-02 to make changes to her Swim School (Outdoor Commercial Recreation Facility) in the Planned Light Industrial Zone project. Here is a current view of the project thus far:



Staff has summarized the changes in Table 1 below.

TABLE 1 Project Changes		
Change Requested	Watersafe's Explanation	Staff Response
1.1 Architectural Site Plan:		
1.1.1 The walking surface along the building and adjacent to the swimming pools was raised 6" above the surface of the parking lot.	It was previously flush with the existing asphalt and identified with truncated domes. The raised, smooth sidewalk provides a safer walking surface.	Staff feels that this will not create any negative issues, and will eliminate the need for parking blocks/stops.
1.1.2 The fire truck hammerhead was removed at the south end of the parking lot.	At an in-person preliminary review, OCFA indicated a fire truck hammerhead would be needed. When the drawings were formally submitted and reviewed, they informed the applicant that the hammerhead was not required. Correspondence from the OCFA was forwarded to both Mark Abbott and Tom Oliver.	Staff asked the Applicant's architect to replace the OCFA eliminated hammerhead with landscaping and parking. The landscaping required behind the South-facing block wall would then not be required to bring up the landscaping percentage.
1.1.3 As a consequence of the removal by OCFA of the hammerhead, the parking has now been increased from 62 spaces to 65 spaces.	The removal of the hammerhead increased on-site parking by four spaces. It allows for placement of two additional trees at the southern end of the parking lot.	This is beneficial in case parking eventually becomes a problem due to anticipated success of the business in the future.
1.1.4 As part of the plan check correction process,	As part of this recalculation, the sizes of the various artificial turf	This increased landscaping and the uncovered space behind the block

TABLE 1 Project Changes		
Change Requested	Watersafe's Explanation	Staff Response
and at the request of Tom Oliver, the landscaped area was recalculated such that the project met the required landscaped area within the current location of the concrete block walls along the southern and eastern property lines.	areas were increased to provide additional landscaping.	wall will be better for water infiltration over the long term.
1.1.5 The light standards were changed from a more noticeable dark bronze to a neutral white.	The white light standards help to visibly define the property from the adjacent construction materials storage uses.	This color will better match the trim colors of the building and pool cover.
1.1.6 A new removable wrought iron panel (not a gate) was added at the concrete block wall towards the southern part of the property.	This may be used in the future to facilitate change-outs in equipment should that need arise; it also increases security by providing additional visibility into the pool area.	Staff agrees that this will be an acceptable change.
1.1.7 A new 6' high wrought iron fence, and sliding gates, was added along the northern (street) property line for site safety reasons	The property can be closed when school staff are not present; this will increase site security.	This will add to after-hours security for the school and is a common fixture among industrial sites in the City; furthermore a gated fence was existent in the previous incarnation of the site.
1.2 Civil Engineering Plan		
1.2.1 The walking surface along the building and swimming pools was raised 6" above the surface of the parking lot.	It was previously flush with the existing asphalt and identified with truncated domes.	This will better protect pedestrians from vehicles.
1.2.2 Site drainage was modified.	A costly, proprietary system was replaced with a conventional system to manage on-site drainage. Civil engineering review supports this change and the WQMP was revised accordingly.	The Applicant has submitted a new Water Quality Management Plan to the City and our Consultant will make a determination on this. Also, the City's CEQA consultant has made the determination that this will not effect the Mitigated Negative Declaration.
1.2.3 The on-site water retention system was modified in the approved landscaping plans.	The site and landscaping plans reflect this change in bio-retention and drainage.	Same comment as above.
1.3 Landscape Plan		
1.3.1 The amount of landscape and size of some of the artificial turf was changed to match the architectural site plan	That had been changed as part of plan check corrections from City planning.	Correct. This will make possible the plan for the amount of landscaping they originally planned to have on site.
1.3.2 Two large trees were	This further enhances views	Staff agrees that this will enhance

TABLE 1 Project Changes		
Change Requested	Watersafe's Explanation	Staff Response
added at the southern end of the property when the fire truck hammerhead was removed.	through the property from Cerritos Avenue.	the view.
1.3.3 Specific plant materials were identified since approval of the CUP.	The project description approved by the CUP called for a mix of evergreen and deciduous trees, using water-conserving designs.	Staff agrees that the identified plantings are sufficient, and feels that the number of trees added will contribute to the separation of uses between this property and the surrounding industrial uses.
1.4 Swimming Pool Plans		
1.4.1 The second pool, which was always envisioned to have a "deep end" in order to allow for shallow diving entries, has been corrected on the plans, and built to the original concept.	The omission, on the original pool plan description, of the "to 7 feet" from the reported depth of 4 feet is corrected on the current plans. The <u>USA Swimming 2015 Rulebook</u> requires a minimum of 6'7" depth, extending 3'3" to 16'5" from the wall, in order to teach diving starts.	Staff is concerned that with the starting blocks, diving depth and tiled competition lanes could facilitate this morphing into a competitive event destination. Staff has added Conditions No. 52, 53, 54 and 55 to prevent this from occurring.
1.4.2 The pool canopy was changed from painted plaster over a wooden framework, to a long-lasting, but somewhat more expensive, painted metal structure.	The overall size, height and shape included in the CUP remains the same.	This is a quality material that should be a suitable replacement as far as the longevity of the project structures.
1.4.3 The pool equipment enclosure increased in size.	This better accommodates the storage of needed supplies.	Staff feels that this will not create an issue.

Findings

Staff feels that the previous findings from the original approval for the Project are not substantially changed with these modifications and the original findings which are set forth below can stand.

Conditional Use Permit findings as required by Section 17.42.050 of the Los Alamitos Municipal Code:

A. The use will not endanger the public health, safety, or general welfare if located where proposed and will not allow conditions which tend to generate nuisance conditions.

The use is for a swim school which will actually improve the public health, safety and general welfare as it will provide an opportunity for Los Alamitos residents and others in the surrounding community to become more water safe. The swim school will not generate any type of nuisance conditions. Although there was initially concern about the impacts relating to nearby

industrial businesses, surrounding businesses indicated their support of the Project and the applicant has indicated that it will work with neighboring businesses to insure that the area is safe for the swim school operations. Additionally, the Applicant indicated that she was well aware of the surrounding uses and did not consider them to be a problem for the swim school. Conditions have been imposed to further insure the safety including the following:

** Applicant shall work with neighboring property owners and businesses to insure that materials are not stored higher than the wall height or appropriate safety measures shall be taken by Applicant to keep people away from such areas from which materials could fall.

** If the surrounding industrial uses become a problem for the operation of the Project by creating health, safety, general welfare, or nuisance concerns, Applicant shall be required to enclose the pools or find other alternative mitigation rather than seek that legally operating industrial uses change their business operations.

** If at any time Applicant, or a successor in interest, ceases operations of the swim school, Applicant shall be required to restore the property to its previous conditions and compaction operations shall be overseen and approved by the City.

B. The use meets the required conditions and specifications of the P-M zone in which it will be located.

Outdoor recreation facilities are conditionally approved in the P-M zone with a CUP. The Project meets all of the required site development standards and appropriate conditions have been imposed.

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

Although the P-M zone is designed for light-industrial uses, this type of use is conditionally approved with a Conditional Use Permit. The Project site is located on Cerritos Avenue across the street from single-family residences and the high school so it is not in an area where the "grittier" industrial uses would be located. The Planning Commission has recently recommended approval of allowing retail uses in industrial storefronts along Cerritos Avenue and this is in keeping in line with such recommendation. The project will greatly enhance the aesthetics of the area.

Given the location at the edge of the P-M zone, the swim school will be compatible with the adjacent uses as required by the Los Alamitos Municipal Code and conditions have been imposed to insure compatibility.

The Project will assist in the long-term fiscal viability of the City by utilizing and improving a parcel of land which has been vacant for years. Additionally, the Project will provide additional jobs in the City which are well above minimum wage and which provide benefits to the workers.

The Project will increase the landscaping on the Project site, some of which will be viewable from the public right of way. There will be a front yard landscaped area and additional landscaping along the parking lot on both sides and within the pool area.

The Project will provide a surplus of on-site parking.

Site Plan Review findings as required by Section 17.50.040 of the Los Alamitos Municipal Code:

A. The design and layout of the proposed development are consistent with the development and design standards/guidelines of the P-M zone.

The Project meets or exceeds all of the design and development standards of the P-M zone.

B. The design and layout of the proposed development would not interfere with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards.

The Project is for a swim school and has been conditioned to not interfere with neighboring industrial businesses. The swim school is also compatible with the residential uses and high school across Cerritos Avenue. The Project has been conditioned so that it will need to enclose the pools or make other changes if industrial uses become problematic for the swim school as set forth above.

The Mitigated Negative Declaration showed that there will not be traffic issues created by this Project. Additionally, there will not be pedestrian hazards as there is ample parking provided on site.

C. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by the Site Plan Review chapter of the Los Alamitos Municipal Code.

The Project will enhance the aesthetics of the area. There will be a front yard landscaped area and additional landscaping along the parking lot on both sides and within the pool area. The office building will be painted and updated to a more modern design, improving the appearance of the area.

- D. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance.**

The design of the swim school will also be desirable for the occupants and visiting public as well as the neighbors. As state above, there will be increased landscaping and improvements to the existing building. The Project will be built to current ADA standards. The Applicant has run swim schools in two other locations that continue to exist. Given the Applicant's commitment to her business, Applicant will maintain the Project site. Additionally, standard conditions are imposed required ongoing maintenance.

- E. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

As shown by the Mitigated Negative Declaration, with the imposed measures, there are no impacts that should occur from this Project to the public health, safety or welfare.

- F. The proposed development would not substantially depreciate property values in the vicinity.**

The improvements that will be made by the Project will enhance the area and will not cause any depreciation in property values in the area.

However, the deeper pool along with the fact that starting blocks have been put in place and lanes designated in the pool, gives Staff pause for the possibility it presents for competition or other events that could be held at the school which were not of concern when both pools were at a four-foot depth. Staff has added the following conditions to prevent this from occurring:

52. Competitive events involving non-members of the Los Alamitos location of Water Safe Swim School shall not be permitted.
53. Temporary or permanent bleachers may not be erected or constructed on the parcel.

54. Water Safe Swim School, or portion thereof, shall not be rented out for parties or gatherings.

55. Public Address systems shall not be permitted without a future modification of the Conditional Use Permit so that noise related impacts could be evaluated.

Recommendation

The Commission, after hearing testimony can approve the Project as modified with conditions or deny the modification.

Staff believes the original findings remain valid. But in order to prevent the Swim School from morphing into more of an event space due to the new pool depth, Staff suggests conditions be added to enforce the nature of the business as proposed last year as a "Swim School." The recommended new conditions appear in Exhibit "A" as new Condition numbers 52 through 55. Staff recommends that the Planning Commission approve the modifications to the Swim School project with the added Conditions and also approve the Addendum to the MND.

Attachments:

- 1) *Resolution No. PC 15-09*
- 2) *Supplemental Packet "Minor Modifications" from Applicant's Representative*
- 3) *Addendum to Mitigated Negative Declaration*

Exhibits:

- A. *Modified Conditions of Approval*
- B. *Amended Site Plan*

Attachment 1

RESOLUTION NO. PC 15-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING MODIFICATIONS TO THE SITE PLAN, THE CIVIL ENGINEERING PLAN, THE LANDSCAPING PLAN, AND THE SWIMMING POOL PLANS FOR CONDITIONAL USE PERMIT (CUP) 14-07 AND SITE PLAN REVIEW (SPR) 14-02 WHICH ALLOWED AN OUTDOOR COMMERCIAL RECREATION FACILITY (SWIM SCHOOL) WITH TWO NEW SWIMMING POOLS ON A 41,092 SQUARE FOOT PARCEL WITH AN EXISTING 2,505 SQUARE FOOT STRUCTURE AT 3686 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-241-11 (APPLICANT: GINNY FERGUSON WATERSAFE SWIM SCHOOL) AND APPROVING A CEQA ADDENDUM THEREFORE.

WHEREAS, on October 13, 2014, the Planning Commission held a duly noticed public hearing after which time it adopted Resolution No. 14-30, approving Conditional Use Permit (CUP) 14-07 and Site Plan Review (SPR) 14-02 to develop an outdoor swim school (an Outdoor Commercial Recreation Facility) on a 41,092 square foot parcel at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zoning District; and,

WHEREAS, an application was received from Ginny Ferguson for modifications to Conditional Use Permit (CUP) 14-07 and a Site Plan Review (SPR) 14-02; and,

WHEREAS, the requested modifications to the WaterSafe Swim School project are shown in the table below:

1.1 Architectural Site Plan:
1.1.1 The walking surface along the building and adjacent to the swimming pools was raised 6" above the surface of the parking lot.
1.1.2 The fire truck hammerhead was removed at the south end of the parking lot.
1.1.3 As a consequence of the removal by OCFA of the hammerhead, the parking has now been increased from 62 spaces to 65 spaces.
1.1.4 As part of the plan check correction process, and at the request of Tom Oliver, the landscaped area was recalculated such that the Project met the required landscaped area within the current location of the concrete block walls along the southern and eastern property lines.
1.1.5 The light standards were changed from a more noticeable dark bronze to a neutral white.
1.1.6 A new removable wrought iron panel (not a gate) was added at the concrete block wall towards the southern part of the property.
1.1.7 A new 6' high wrought iron fence, and sliding gates, was added along the northern (street) property line for site safety reasons
1.2 Civil Engineering Plan
1.2.1 The walking surface along the building and swimming pools was raised 6" above

the surface of the parking lot.
1.2.2 Site drainage was modified.
1.2.3 The on-site water retention system was modified in the approved landscaping plans.
1.3 Landscape Plan
1.3.1 The amount of landscape and size of some of the artificial turf was changed to match the architectural site plan
1.3.2 Two large trees were added at the southern end of the property when the fire truck hammerhead was removed.
1.3.3 Specific plant materials were identified since approval of the CUP.
1.4 Swimming Pool Plans
1.4.1 The second pool, which was always envisioned to have a “deep end” in order to allow for shallow diving entries, has been corrected on the plans, and built to the original concept.
1.4.2 The pool canopy was changed from painted plaster over a wooden framework, to a long-lasting, but somewhat more expensive, painted metal structure.
1.4.3 The pool equipment enclosure increased in size.

and,

WHEREAS, Planning Commission Resolution 14-30, in its original approval of this Project, states, “If any changes are proposed regarding the location or alteration of the plans dated 05-29-14 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting;” and,

WHEREAS, the Director has reviewed the modifications and feels that the changes are substantial enough to require Planning Commission review; and,

WHEREAS, the City contracted with Keeton Kreitzer Consulting (“Consultant”) to perform the environmental review of the modifications to the Project; and,

WHEREAS, the Consultant studied these modifications to the previously approved Initial Study and Mitigated Negative Declaration for the Project; and,

WHEREAS, the Consultant considers the changes to the Project insignificant, and has prepared an Addendum for the changes to the Project; and,

WHEREAS, the Planning Commission considered said modifications and the Addendum at a duly noticed Public Hearing on June 24, 2014, at which time it took into account all evidence, both written and oral.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Addendum. The Planning Commission concurs that that there are no substantial changes to the Project which would trigger the requirement for a subsequent negative declaration and an addendum to the previously adopted negative declaration is all that is required. The Planning Commission directs Staff to attach the Addendum included herewith as Exhibit A to the previously approved Mitigated Negative Declaration.

SECTION 3. The modifications to Conditional Use Permit 14-07 and Site Plan Review 14-02 as listed in the table above are hereby approved subject to the findings originally set forth in Resolution No. 14-30, which are hereby readopted as set forth in full herein, and the conditions set forth on Exhibit B, attached hereto and incorporated herein by reference.

SECTION 4. Except as modified herein, Resolution No. 14-30 shall remain in full force and effect.

SECTION 5. Record of Proceedings. The complete record of proceedings upon which the Negative Declaration and these approvals are based can be found in the Community Development Department of City Hall located at 3191 Katella Avenue in Los Alamitos, California. Steven Mendoza, the Community Development Director, is the custodian of record.

SECTION 6. The Planning Commission shall forward a copy of this Resolution to the Applicant and any person requesting the same, and Staff shall file the Notice of Determination with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 24th day of June, 2015.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 24th day of June 2015, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven Mendoza, Secretary

**WATERSAFE SWIM SCHOOL PROJECT
MODIFIED CONDITIONS OF APPROVAL
Conditional Use Permit 14-07M, Site Plan Review 14-02M, and the
Mitigated Negative Declaration**

GENERAL CONDITIONS

1. Approval of this modification application is to continue to build an outdoor swim school (an Outdoor Commercial Recreation Facility) on a 41,092 square foot parcel at 3686 Cerritos Avenue in the Planned Light Industrial (P-M) Zoning District, APN 242-241-11, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Mitigated Negative Declaration, Conditional Use Permit, and Site Plan Review noted thereon, and on file in the Community Development Department. Subsequent submittals for this Project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of the plans plotted and dated 05-10-15 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.
2. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. The applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. The property 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.

4. In case of violation of any of the conditions of approval or City law, the property owner and tenant will be issued a Notice of Correction if said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all Staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
5. Project plans for the Project shall be subject to a complete code compliance review with the Community Development Department when the building plans are submitted for plan check and shall comply with all applicable City of Los Alamitos ordinances, regulations, and policies prior to building permit issuance, including, but not limited to, the requirements established or authorized by the City of Los Alamitos Municipal Code.
6. Approval of Site Plan Review 14-02M and Conditional Use Permit 14-07M shall be valid for a period of eighteen (18) months from the date they are approved. If construction is commenced within this eighteen (18) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.

PLANNING

7. In accordance with Government Code section 66477 and Chapter 16.17 of the Los Alamitos Municipal Code, the applicant shall be required to pay \$0.00 in parkland dedication (Quimby) fees.
8. A landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Community Development Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.
9. Landscaping shall comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.
10. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.

11. Prior to permit issuance Applicant shall submit a lighting plan to the Community Development Department to the satisfaction of the Director of Community Development.
12. Any signs shall comply with the provisions under Chapter 17.28 (Signs) of the Los Alamitos Municipal Code and shall be subject to the approval of the Director of Community Development. If there are more than five non-directional signs, this would require a Planned Sign Program in conformance of Section 17.28.060 (Planned Sign Program) of the Los Alamitos Municipal Code.
13. The Applicant shall provide sidewalks and gutters with the latest ADA accessibility features required by state and federal law.
14. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to the Building and Safety Division Plan check.
15. Any above ground utility equipment (e.g., electrical, gas, telephone, and pool filtration) shall be screened if located in setback area on Cerritos Avenue, or any parking spaces or sidewalks, and shall be screened to the satisfaction of the Director of Community Development.
16. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading.
17. During construction, the Applicant will display a sign visible (32 square foot minimum) to the public from Cerritos Avenue with a contact number of the construction superintendant to address any questions or concerns about demolition, grading, and construction activities.
18. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a federal holiday celebrated by the City of Los Alamitos without express approval by the Director of Community Development.
19. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of an existing dwelling shall be equipped with properly operating and maintained mufflers.
20. The Applicant shall have rodent and pest controls on site during demolition and grading activities to mitigate impacts to the surrounding properties.
21. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen

- material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.
22. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.
 23. The Applicant shall install a bike rack in a location that is satisfactory to the Director of Community Development.
 24. The Applicant shall provide as a minimum a standard trash enclosure for solid waste and recycling that is five (5) foot by eight (8) foot clear interior dimension. Walls shall be a minimum of five (5) feet high and constructed of reinforced masonry or similar material. Wrought iron or equivalent gates with latch shall be provided. The top one-foot of the gates shall be open work with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to meet the solid waste and recycling needs of the development project. The trash enclosure shall be constructed with a roof designed to the satisfaction of the Director of Community Development.
 25. Applicant shall construct and maintain at all times a minimum of sixty (60) parking spaces on the combined parcels and a minimum nine (9) foot by nineteen (19) foot dimension per parking space with minimum drive aisle widths of twenty-four (24) feet.
 26. Overnight parking of vehicles, recreational vehicles, or trucks shall not be permitted on the premises except for employees of the business or customers that are attending classes, purchasing items, or taking care of administrative requirements for classes.
 27. Applicant will promptly remove any graffiti or unapproved writing on the exterior walls of any structures within twenty-four hours of the onset of such graffiti or writing at the sole expense of the Applicant.
 28. Parking lot sweeping shall not take place between the hours of 8:00 P.M. and 7:00 A.M. on weekdays, including Saturday, or at any time on Sunday or a federal holiday.
 29. Applicant shall work with neighboring property owners and businesses to insure that materials are not stored higher than the wall height or appropriate safety measures shall be taken by Applicant to keep people away from such areas from which materials could fall.
 30. If the surrounding industrial uses become a problem for the operation of the Project by creating health, safety, general welfare, or nuisance concerns, Applicant shall be required to enclose the pools or find other alternative mitigation rather than seek that legally operating industrial uses change their business operations.

31. If at any time Applicant, or a successor in interest, ceases operations of the swim school, Applicant shall be required to restore the property to its previous conditions and compaction operations shall be overseen and approved by the City.

ENGINEERING

32. The Applicant shall submit Improvement Plans prepared by a Registered Civil Engineer for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance.
33. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.
34. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
35. Driveway slope shall be a minimum slope of one (1) percent for asphalt and .5% for concrete.
36. The Applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.
37. Applicant shall provide new driveway and approaches per City standards.
38. Applicant is responsible for new curb and gutter and 5 foot sidewalk, with required tree wells, along the entire front of property.
39. If utility cuts are excessive in the street, the street must have a grid and overlay placed on it per the satisfaction of the City Engineer.
40. 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 demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.
41. 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 APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of a temporary or permanent Certificate of Occupancy.

42. 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.
43. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.
44. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.
45. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the Applicant shall submit to the City for review and approval a *Final* Water Quality Management Plan (WQMP) that:
 - Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, and conserving natural areas.
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - Incorporates Treatment Control BMPs as defined in the DAMP.
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

PUBLIC WORKS

46. The Applicant shall install or retain two street trees that are planted outside of Site Safety Triangles.

ROSSMOOR/LOS ALAMITOS AREA SEWER DISTRICT

47. The Applicant shall contact the Rossmoor/Los Alamitos Area Sewer District once plans are completed for plumbing. Please call (562) 431-2223 for submittal.

BUILDING AND SAFETY DIVISION

48. The Applicant must comply with all current California Building Codes.

49. The Applicant shall submit three sets of complete building plans to the Building and Safety Department for review.
50. Prior to obtaining grading permits, the Applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.

ORANGE COUNTY FIRE AUTHORITY (OCFA)

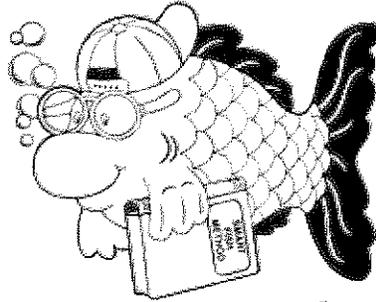
51. Plan Submittal: The Applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

Prior to issuance of a building permit:

- Hazardous Materials Compliance and Chemical Classification (service codes PR315-PR328) (***pool chemicals***)
- Specific submittal requirements may vary from those listed above depending on actual Project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting www.ocfa.org and clicking on "Fire Prevention" and then "Planning & Development Services."
- If you need additional information or clarification, please contact the OCFA by phone at (714) 573-6133, by fax at (714) 368-8843, or by email: lynnepivaroff@ocfa.org.

NEW CONDITIONS ADDED ON JUNE 24, 2015

52. Competitive events involving non-members of the Los Alamitos location of Water Safe Swim School shall not be permitted.
53. Temporary or permanent bleachers may not be erected or constructed on the parcel.
54. Water Safe Swim School, or portion thereof, shall not be rented out for parties or gatherings.
55. Public Address systems shall not be permitted without a future modification of the Conditional Use Permit so that noise related impacts could be evaluated.



Watersafe Swim School

**Minor Modifications to
Approved CUP 14-07 and SPR 14-02
for the WaterSafe Swim School**

Prepared for

CITY OF LOS ALAMITOS

Steven Mendoza, Community Development Director

Prepared by

Malkoff and Associates
1828 N. Woodside Street
Orange, CA 92865
(714) 288-6200

May 11, 2015



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APPENDICES 6

Updated Project Team Directory

Supplemental Geotechnical Review Letter

Supplemental WQMP Review Letter (*pending*)



SUMMARY OF PROJECT PLAN CHANGES

The WaterSafe Swim School project was approved by the City of Los Alamitos in 2014. CUP 14-07 and SPR 14-02 were reviewed and approved. Since that time, and as proposed construction drawings were submitted to the City and to the Orange County Fire Authority, a number of changes were recommended to be made.

There was also a level of detail difference between the planning approval documents, and the much more refined for-construction improvement plans. For example, a sturdier, long-lasting pool canopy was chosen. Another example was the Fire Authority's conclusion that a hammerhead was not needed on this small site. That led to opportunities to add more parking spaces, as well as a few more trees to enhance the viewshed. And with a professional Landscape Architect added to the project team, specificity was made in plant selections and the raw spaces between the property lines and the actual location of nearby walls (offsite), allowing for additional planting areas.

The following sections enumerate the minor changes made since the CUP was adopted. The modifications are divided by subject area, and reduced-size copies of these plans are included in Section 2.1, which follows.

1.1 Architectural Site Plan:

- 1.1.1 The walking surface along the building and adjacent to the swimming pools was raised 6" above the surface of the parking lot. It was previously flush with the existing asphalt and identified with truncated domes.
- 1.1.2 The fire truck hammerhead was removed at the south end of the parking lot. At an in-person preliminary review with the OCFA, they indicated a fire truck hammer head would be needed. When the drawings were formally submitted and reviewed, they informed the applicant that the hammerhead was not required. Correspondence from the OCFA was forwarded to both Mark Abbott and Tom Oliver.
- 1.1.3 As a consequence of the removal by OCFA of the hammerhead, the parking has now been increased from 62 spaces to 65 spaces.
- 1.1.4 As part of the plan check correction process, and at the request of Tom Oliver, the landscaped area was recalculated such that the project met the required landscaped area within the current location of the concrete block walls along the southern and eastern property lines. As part of this recalculation the sizes of the various artificial turf areas changed.
- 1.1.5 The light standards were changed from a more noticeable dark bronze to a neutral white.
- 1.1.6 A new removable wrought iron panel (not a gate) was added at the concrete block wall towards the southern part of the property. This may be used in the future to facilitate change-outs in equipment should that need be determined to exist.
- 1.1.7 A new 6' high wrought iron fence, and sliding gates, was added along the northern (street) property line for site safety reasons.



1.2 Civil Engineering Plan

- 1.2.1 The walking surface along the building and swimming pools was raised 6” above the surface of the parking lot. It was previously flush with the existing asphalt and identified with truncated domes.
- 1.2.2 Site drainage was modified.
- 1.2.3 The on-site water retention system was modified in the approved landscaping plans.

1.3 Landscape Plan

- 1.3.1 The amount of landscape and size of some of the artificial turf was changed to match the architectural site plan that had been changed as part of plan check corrections from city planning.
- 1.3.2 Two large trees were added at the southern end of the property when the fire truck hammerhead was removed. This further enhances views through the property from Cerritos Avenue.
- 1.3.3 Specific plant materials were identified since approval of the CUP.

1.4 Swimming Pool Plans

- 1.4.1 The second pool, which was always envisioned to have a “deep end” in order to allow for shallow diving entries, has been corrected on the plans, and built to the original concept. The omission, on the original pool plan description, of the “to 7 feet” from the reported depth of 4 feet is corrected on the current plans.
- 1.4.2 The pool canopy was changed from painted plaster over a wooden framework, to a long-lasting, but somewhat more expensive, painted metal structure. The overall size, height and shape included in the CUP remains the same.
- 1.4.3 The pool equipment enclosure increased in size. This better accommodates the storage of needed supplies.



2.0 PROJECT PLANS

2.1 Project Plans with Changes

The revised project plans are included on the pages that follow. They have been reduced to 11x17 inches. They appear in the same order as the discussions in Sections 1.1 through 1.4, namely architectural, civil engineering, landscape, and pool plans.

2.2 Full-sized Project Plans

Two Sets of Plans were submitted on May 11, 2015 for city staff review (under separate cover).



APPENDICES

An updated Project Team Directory has been attached on the pages that follow. It reflects the additions of a Civil Engineer for construction, a Landscape Architect, and the General Contractor for construction of the WaterSafe Swim School project.

Albus-Keefe was asked to review the potential geotechnical implications of building pool number 2 with a deep-water section, up to 7 feet deep. Their review and recommendations letter is included here. No concerns were raised by this minor change.

ITF and Associates (civil engineer for site planning) and Ventura Engineering (for construction) have been asked to review the minor site changes with respect to the previously approved Water Quality Management Program (WQMP) for this project. The review is pending, as of May 11, 2015, and *will be submitted under separate cover* shortly.



WATERSAFE SWIM SCHOOL

TEAM DIRECTORY

Updated May 4, 2015

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SITE INFO

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CUP 14-07, SPR 14-02

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For pre-development services

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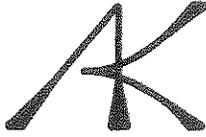
GENERAL CONTRACTOR

For site construction

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Nic Estanislau
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(714) 420-3871 Bill
(714) 271-4510 Nic
nic@neconstructionservices.com

=====
OWNER:
William H. Mobley Trust
13455 Noel Road, #1900
Dallas, TX 75240



ALBUS-KEEFE & ASSOCIATES, INC
GEOTECHNICAL CONSULTANTS

May 11, 2015
J.N.: 2287.00

Mr. Mel Malkoff
Malkoff & Associates
1750 E. Deere Ave., 2nd Floor
Santa Ana, CA 92705

Subject: Supplemental to Preliminary Investigation Report, Proposed Swim School, 3686 Cerritos Ave., Los Alamitos, California

Reference: *Preliminary Geotechnical Investigation and Percolation Study for Proposed Swim School, 3686 Cerritos Ave., Los Alamitos, California*, prepared by Albus-Keefe & Associates, Inc., dated June 10, 2014 (J.N. 2287.00)

Dear Mr. Malkoff,

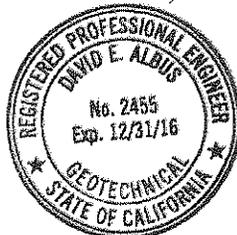
The correspondence is a supplement to our referenced preliminary geotechnical report. We have reviewed the latest plans by Blue Pacific Pools for the subject site. The plans indicate that Pool #2 will have a depth of 4 to 7 feet rather than a maximum depth of 4 feet as indicated in our referenced report. The pool will be located 7 feet from the easterly property line. As indicated in our report, cuts extending more than 5 feet in depth will require a lay back slope of 1:1 to provide adequate temporary stability. Based on the current proposed depth of the pool and setback from the property line, the pool can be constructed with an open cut excavation. The previous recommendations provided in our referenced report remain applicable for the larger, deeper pool now proposed at location No. 2. This newer configuration is not anticipated to cause an adverse effect to adjacent properties provided the recommendations of our referenced report are followed.

We appreciate this opportunity to be of service to you. If you have any questions regarding the contents of this correspondence, please do not hesitate to call this office.

Sincerely,

ALBUS-KEEFE & ASSOCIATES, INC.


David E. Albus
Principal Engineer
GE 2455



DRAFT**CHAPTER 1.0 – INTRODUCTION AND PURPOSE****1.0 INTRODUCTION AND PURPOSE****1.1 CEQA Compliance**

The City of Los Alamitos is the lead agency under the California Environmental Quality Act (CEQA) for the proposed WaterSafe Swim School Project (the “Project”). In accordance with Section 15164(a) of the CEQA Guidelines, *Addendum to an EIR or Negative Declaration*, this Addendum to the WaterSafe Swim School Project has been prepared by the City of Los Alamitos. Section 15162(a) of the State CEQA Guidelines states the following with respect to an Addendum to an EIR:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

On October 13, 2014 the City of Los Alamitos adopted the WaterSafe Swim School Mitigated Negative Declaration (Adopted MND) for the project described in Chapter 2.0 of the Adopted MND, *Project Description* (the “Original Project”). Subsequently, the applicant has proposed to revise the Original Project to modify specific elements of the site plan from that previously approved by the Los Alamitos Planning Commission in 2014. Pursuant to the analysis contained in this addendum, the City has determined that the proposed modifications to the Original Project do not require preparation of a Subsequent or Supplemental EIR.

1.2 Decision Not To Prepare a Subsequent Negative Declaration

The City of Los Alamitos, as lead agency, has determined that the proposed modifications to the Original Project do not require the preparation of a Subsequent or Supplemental EIR. Sections 15162 and 15164 of the State CEQA Guidelines mandate that:

Section 15162. Subsequent EIRs and Negative Declarations

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
 - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
 - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

CHAPTER 1.0 – INTRODUCTION AND PURPOSE

- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The potential environmental consequences of the proposed modifications to the WaterSafe Swim School Project have been thoroughly analyzed with respect to the conditions cited above. Based on an analysis of the proposed modifications to the Original Project, no new significant environmental impacts would occur, nor would the severity of impacts previously identified substantially increase. Nor is there any new information that suggests that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or that mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The City of Los Alamitos has determined that none of the conditions identified in Section 15162 of the State CEQA Guidelines have occurred. Therefore, an addendum, pursuant to Section 15164 of the State CEQA Guidelines, has been prepared and submitted to the City's decision-makers, along with the Adopted MND for the WaterSafe Swim School Project, for consideration prior to taking action to approve the proposed modifications to the Original Project.

Section 15164 Addendum to an EIR or Negative Declaration:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

1.3 Use of an Addendum

This Addendum has been prepared pursuant to Section 15164(a) of the State CEQA Guidelines that states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

The revisions to the Original Project described in this Addendum to the Adopted MND is considered to be a refinement of the approved plan that will not require any major revisions to the Adopted MND. Most importantly, the proposed revisions have been determined to be minor and, further, will not result in significant new or more severe impacts and/or the requirement for additional mitigation measures. As a result, the proposed changes do not require the preparation of a subsequent MND. However, should a future proposal for development of the subject property exceed the parameters described in the Adopted MND and this addendum meet the conditions described in Section 15162 of the State CEQA Guidelines, it will be subject to additional environmental review and analysis (e.g., subsequent MND).

The Los Alamitos Planning Commission and, if necessary, other responsible agencies identified in the Adopted MND will consider the information contained in this Addendum along with the WaterSafe Swim School Project Adopted MND prior to making a final decision on the proposed revisions to the Original Project.

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CHAPTER 1.0 - INTRODUCTION AND PURPOSE

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2.0 PROJECT DESCRIPTION

2.1 Project Location

The project site is located at 3686 Cerritos Avenue in the City of Los Alamitos, California. The proposed swim school site, approximately one acre in size (41,092 square feet), is currently developed with a small industrial building; however, the building and the site are unoccupied. Due to the fact that the site has been occupied for decades, and despite the fact that it has sat vacant recently, all conventional infrastructure exists at the site, including sanitary sewers, water mains, and electricity and natural gas. Direct vehicular access to the site is available from two existing curb cuts along Cerritos Avenue, which abuts the site on the north. Regional Access is available from the I-605 Freeway, which is located west of the project site.

2.2 Existing Improvements

As indicated above, the subject industrial property is currently improved with a surface parking lot and a single building encompassing approximately 2,505 square feet. In addition, a covered wash rack exists in the rear (south) of the nearly one acre property. With the exception of two trees located within the right-of-way of Cerritos Avenue, the project site is devoid of landscaping.

2.3 Approved Project

On October 13, 2014, the City of Los Alamitos approved the WaterSafe Swim School on the approximately one-acre property in the City of Los Alamitos. Conditional Use Permit (CUP) 14-07 and Site Plan Review (SPR) 14-02 were reviewed and approved. The Original Project includes the redevelopment of the vacant industrial site as a swim school. The approved WaterSafe Swim School includes the following improvements: (1) conversion and remodeling and painting of the existing approximately 2,505-square-foot office building for use as the swim school’s office; (2) the addition of a covered outdoor shower area in the rear; (3) construction of two new in-ground, heated swimming pools (one with an open-sided hard canopy); and (4) the provision of surplus of parking on-site. Both the building and the parking lot would be upgraded to meet American Disability Act (ADA) requirements. Other site improvements include the elimination of the two existing street curb cuts and the addition of one new one, the addition of extensive landscaping to the site, and the addition of updated parking layouts with wheel stops and an Orange County Fire Authority (OCFA) required turn-around at the rear of the site. The approved Site Plan is illustrated on Exhibit 2-1.

2.4 Amended Project Description

The WaterSafe Swim School project was approved by the City of Los Alamitos in 2014. CUP 14-07 and SPR 14-02 were reviewed and approved. Since that time, and as proposed construction drawings were submitted to the City and to the Orange County Fire Authority, a number of changes were recommended to be made.

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CHAPTER 2.0 – PROJECT DESCRIPTION

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CHAPTER 2.0 – PROJECT DESCRIPTION

Exhibit 2-1

Approved Site Plan

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CHAPTER 2.0 – PROJECT DESCRIPTION

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There was also a level of detail difference between the planning approval documents, and the much more refined for-construction improvement plans. For example, a sturdier, long-lasting pool canopy was chosen. Another example was the Fire Authority’s conclusion that a hammerhead was not needed on this small site. That led to opportunities to add more parking spaces, as well as a few more trees to enhance the viewshed. And with a professional Landscape Architect added to the project team, specificity was made in plant selections and the raw spaces between the property lines and the actual location of nearby walls (offsite), allowing for additional planting areas.

The following sections enumerate the minor changes made since the CUP was adopted. The modifications are divided by subject area.

Architectural Site Plan

- The walking surface along the building and adjacent to the swimming pools was raised 6” above the surface of the parking lot. It was previously flush with the existing asphalt and identified with truncated domes.
- The fire truck hammerhead was removed at the south end of the parking lot as a result of subsequent review by Orange County Fire Authority (OCFA) staff.
- As a consequence of the removal by OCFA of the hammerhead, the parking has now been increased from 62 spaces to 65 spaces.
- The landscaped area was recalculated at the request of City staff such that the project met the required landscaped area within the current location of the concrete block walls along the southern and eastern property lines. As part of this recalculation the sizes of the various artificial turf areas changed.
- The light standards were changed from a more noticeable dark bronze to a neutral white.
- A new removable wrought iron panel (not a gate) was added at the concrete block wall towards the southern part of the property. This may be used in the future to facilitate equipment “change-outs” should such a need to do so occur.
- A new 6' high wrought iron fence, and sliding gates, was added along the northern (street) property line for site safety reasons.

Civil Engineering Plan

- The walking surface along the building and swimming pools was raised 6” above the surface of the parking lot. It was previously flush with the existing asphalt and identified with truncated domes.
- Site drainage was modified.
- The on-site water retention system was modified in the approved landscaping plans.

Landscape Plan

- The amount of landscape and size of some of the artificial turf was changed to match the architectural site plan that had been changed as part of plan check corrections from city planning.
- Two large trees were added at the southern end of the property when the fire truck hammerhead was removed. This further enhances views through the property from Cerritos Avenue.
- Specific plant materials were identified since approval of the CUP.

Swimming Pool Plans

- The second pool, which was always envisioned to have a “deep end” in order to allow for shallow diving entries, has been corrected on the plans, and built to the original concept.
- The pool canopy was changed from painted plaster over a wooden framework, to a long-lasting, but somewhat more expensive, painted metal structure. The overall size, height and shape included in the CUP remain the same.
- The pool equipment enclosure was increased in size in order to better accommodate the storage of needed supplies.

The proposed Revised Site Plan is illustrated on Exhibit 2-2.

2.5 Project Phasing

Development of the site has not changed. As previously approved, the WaterSafe Swim School Project will be implemented in a single phase.

2.6 Discretionary Approvals

Discretionary Approvals

Project implementation will necessitate the approval of the following discretionary actions by the Los Alamitos Planning Commission:

- Adopted Mitigated Negative Declaration with Addendum
- Minor Modification to CUP 14-07

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CHAPTER 2.0 – PROJECT DESCRIPTION

Exhibit 2-2

Proposed Amended Site Plan

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CHAPTER 2.0 – PROJECT DESCRIPTION

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2.7 Regulatory Permits/Approvals

No regulatory agency permits and/or approvals are required.

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CHAPTER 2.0 – PROJECT DESCRIPTION

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3.0 ENVIRONMENTAL ANALYSIS

The purpose of Chapter 3.0 of this Addendum to the WaterSafe Swim School Project Adopted MND is to provide an analysis of the potential environmental consequences that are anticipated to occur as a result of implementation of that portion of the Proposed Amended Project that was not analyzed in the Adopted MND. Specifically, the analysis contained in this chapter includes a discussion of the impacts associated with the development of the project as currently proposed and any impacts that result from that modification, as described in Section 2.4 (Amended Project Description).

3.1 Aesthetics

Summary of Previous Environmental Analysis

No important scenic vistas have been identified in the immediate project environs. Project implementation included improvements to an existing light industrial office building; no additional structures are proposed. Although conversion of the unoccupied industrial building to a swim school will change the character of the site, the proposed improvements and reuse of the site would not result in any substantial adverse effect on a designated scenic vista. Conversion and remodeling of the existing industrial building would include the addition of extensive landscaped areas, both at the front of the property and along the western and eastern portions of the site, fresh paint on the office building, and revised and improved signage (both on the building and atop an existing pole sign), which will enhance the character and visual quality of the property. The change in curb cuts will simplify the appearance of the site from the street while retaining the two established street trees. On-site landscaping is also proposed to improve the visual appearance of the site. New grass/shrubs/trees will be added to a planted “front yard” next to the office building. Both sides of the parking lot, extending all the way to the rear of the property, will be bordered with new landscaping strips and placement of numerous trees. In addition, the landscaping added to the site will provide visual screening of the high-pile industrial stacked product areas at the southern and southwestern edges of the site. Some additional landscaped area will be included between the two swimming pools. As a result, project implementation will not degrade the existing visual character of the project and environs. No significant visual impacts were identified as a result of project implementation. Furthermore, neither the California Department of Transportation (Caltrans) nor the County of Orange identifies any designated or eligible scenic highways within Los Alamitos or in its immediate vicinity, including the project area. The site and project area are developed with a variety of industrial and commercial uses. The subject property and immediate project area are devoid of any aesthetic resources. Finally, although some lighting would be introduced, the area is characterized by street lights and building lighting. Compliance with the City’s Lighting Performance Standards would ensure that no lighting impacts would occur.

Analysis of the proposed Amended Project

The proposed changes to the Original Project as described in Chapter 2.0 (Project Description) are minor and would not significantly change the conclusions presented in the Approved Mitigated Negative Declaration. The most significant alteration related to aesthetics is the addition of two large trees that would be included as a result of the elimination of the fire truck hammerhead feature no longer required by the OCFA. The addition of the trees in the southerly limits of the site would enhance the aesthetic character. No other modifications proposed by the application would result in potentially adverse visual or aesthetic impacts.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new aesthetic effects not previously considered in the Adopted MND, and would not cause any significant aesthetic effects previously identified in the Adopted MND to be substantially more severe. The conclusions presented in the Adopted MND would not change.

3.2 Agriculture and Forestry Resources

Summary of Previous Environmental Analysis

The project site is located within a developed and urbanized area of the City of Los Alamitos. Although the subject property may have been used for agricultural production in the past, including citrus, it is not currently under agricultural production and does not support forestry resources. Implementation of the WaterSafe Swim School project would not result in the conversion of any designated prime or otherwise significant farmland or forestry resources. According to the Orange County Important Farmland Map, the project site and other areas in the vicinity are designated as “Urban and Built Up Land.” Project implementation would not result in any impacts to either agricultural soils or important farmland or forestry resources defined by the Public Resources Code.

Analysis of the Proposed Amended Project

As concluded in the environmental analysis conducted for the WaterSafe Swim School Project, the site is devoid of both agricultural and forestry resources and is currently developed as an industrial property. Implementation of the Proposed Amended project would not result in the loss of either prime or locally important farmlands or designated forest lands. Therefore, no significant impacts to either agricultural or forestry resources will occur as a result of the proposed site plan modifications.

Conclusion

The project changes associated with proposed WaterSafe Swim School project would not result in any significant new effect on either agricultural or forestry resources not considered previously in the Adopted MND, and would not cause any significant effects on agricultural and forestry resources identified in the Adopted MND to be substantially more severe.

3.3 Air Quality

Summary of Previous Environmental Analysis

The air quality analysis prepared for the WaterSafe Swim School Project determined that neither construction emissions nor operational emissions would exceed any significance threshold recommended by the South Coast AQMD.

Exhaust emissions during construction would result from on and off-site heavy equipment. The grading and construction activities anticipated for the project would not generate pollutant emissions that exceed established significance thresholds. All of the construction-related pollutant emissions were determined to be substantially below the established threshold as adopted by the South Coast Air Quality Management District (SCAQMD). Therefore, no significant short-term air quality impacts will result and no mitigation measures are required. Similarly, operational emissions for project-related traffic were also calculated for the WaterSafe Swim School, which concluded project development will not cause the SCAQMD's recommended threshold levels to be exceeded in the initial study for the Original Project. Operational emissions would be less than significant because the individual pollutant emissions did not exceed the significance thresholds. Although the incremental addition of the project-related emissions would contribute to the basin-wide emissions that affect ambient air quality, a projected air quality violation in the air basin resulting from project implementation would not occur. Although neither construction nor operational emissions would exceed the significance thresholds established by the South Coast AQMD, the project was required comply with all applicable measures and rules to ensure that emissions were further reduced.

Analysis of the proposed Amended Project

Because implementation of the modified project would not result in changes to the grading plan and/or development footprint, construction phase air pollutant emissions would be the same as previously analysis for the Original Project. As indicated in that analysis, construction-related air pollutant emissions would not exceed the significance thresholds established by the South Coast AQMD. Therefore, the proposed potential construction-related impacts of the modified project would also not exceed those thresholds and the construction phase impacts would be less than significant. Similarly, operational impacts would also not change because no changes to the operational characteristics of the WaterSafe Swim School are proposed that would change the potential operational emissions resulting from project implementation.

The Adopted MND concluded that development of the Original Project would not exceed SCAQMD air quality significance thresholds during either the construction or operational phases. As a result, project potential air quality impacts would be less than significant. Nonetheless, the project must comply with SCAQMD rules and standard conditions that were required to reduce short-term air pollutant emissions because the project is located in a non-attainment area. The analysis for the Original Project concluded that operational emissions, including mobile and stationary source emissions) would be less than significant. Similarly, implementation of the modified WaterSafe Swim School would also be less than significant.

Conclusion

The project changes associated with the Proposed Amended Project would not result in any significant new effects with regard to air quality not considered in the Adopted MND, and would not cause any significant effects with regard to air quality previously identified in the Adopted MND to be substantially more severe.

3.4 Biological Resources

Summary of Previous Environmental Analysis

The project site, which is developed as an industrial property, is surrounded on all sides with urban uses (i.e., residential, industrial and institutional development) and transportation facilities (e.g., Cerritos Avenue). The project site and environs have been altered by prior development activities and do not support any native species of plants or animals. All of the vegetation that exists on the project site and within the project area includes non-native/introduced plant material common in urbanized areas. There are no species identified as candidate, sensitive, or special status species within the limits of the project area, which has been completely altered by development. Furthermore, the site does not contain riparian habitat or other sensitive natural community, including wetlands and/or wetland species. Neither the project site nor the surrounding area serve as a wildlife corridor or facilitate wildlife movement. The project site is not directly affected by any regional plans, or policies of other resource agencies. Implementation of the project would not result in any impacts to any identified sensitive biological resources.

Analysis of the proposed Amended Project

Redevelopment of the site as currently proposed with the modifications that include only minor changes to the approved site plan, the project would not result in any impacts to biological resources because the development footprint is the same as that previously adopted and biological resources do not exist on the project site. Because the project site is devoid of native habitat and/or species and, furthermore, because the development footprint and grading plan are the same as previously approved, the project changes associated with the proposed modifications would not result in any significant new effect on biological resources not considered previously in the Adopted MND, and would not cause any significant effects on biological resources identified in the Adopted MND to be substantially more severe. Therefore, based on the information and analysis presented above, there is no evidence that the Proposed Amended Project would result in a new significant impact to biological resources or an impact of greater severity than previously analyzed in the Adopted MND. Furthermore, there is no information in the record or otherwise available that indicates that there are substantial changes in circumstances that would require major changes to the Adopted MND.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to biological resources not considered in the Adopted MND, and would not cause any significant effects with regard to biological resources previously identified in the Adopted MND to be substantially more severe.

3.5 Cultural Resources

Summary of Previous Environmental Analysis

The site is currently developed and there are no identified historical structures and/or other historical resources currently known to exist either on the site or within the project environs. Furthermore, the site and surrounding area have been significantly altered by prior development. Although project

implementation will necessitate some grading and site alteration in order to implement the proposed improvements (i.e., excavation required to construct two swimming pools), it is not anticipated that any historic, archaeological, or paleontological resources would be affected as a result of project implementation.

The Adopted MND did not identify any known archaeological or paleontological resources on the project site, it concluded that no potentially significant impacts to archaeological/cultural and paleontological resources would occur during grading of the site for the Original Project; no mitigation measures were required as a result of project implementation.

Analysis of the proposed Amended Project

As previously indicated, the proposed modifications to the approved WaterSafe Swim School are based on the same grading plan and development footprint. As identified in the Adopted MND, no significant impacts to historic, archaeological, or paleontological resources would occur. Nonetheless, the measures prescribed for the Original Project will also be required to be implemented with the modifications. Thus, no significant impacts will be required.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to cultural resources not considered in the Adopted MND, and would not cause any significant effects with regard to cultural resources previously identified in the Adopted MND to be substantially more severe.

3.6 Geology and Soils

Summary of Previous Environmental Analysis

Although the Project is located in the seismically active southern California region, no active faults are known to project through the site nor does the site lie within the boundaries of an “Earthquake Fault Zone” as defined by the State of California in the Alquist-Priolo Earthquake Fault Zoning Act. The potential for seismic groundshaking is anticipated due to the existence of active faults in the region; however, ground rupture due to an earthquake beneath the site is considered very low. As a result, neither the existing structure that will be remodeled to accommodate the swim school nor the two proposed swimming pools and future users would not be exposed to fault rupture during a seismic event. Compliance with the California Building Code (CBC) and the recommendations prescribed in the Preliminary Geotechnical Report prepared for the WaterSafe Swim School would ensure that an adequate level of protection is provided.

The project site is located within the areas identified by California Geologic Survey (CGS) as subject to potential liquefaction. However, based on Special Publication 117A, requirements to evaluate and mitigate liquefaction may be waived provided the project will not entail the construction of a new habitable structure or the expansion of an existing habitable structure by more than 50 percent in size or value. No new structures are proposed. Although two swimming pools are proposed, the project would not subject new habitable structures to potential liquefaction. Potential impacts are considered less than significant; no mitigation measures are required. Because the site is flat and does not contain slopes, potential slope failure and/or landsliding is not anticipated. Other potential constraints, including subsidence, lateral spreading and

expansive soils may affect site development as proposed; however, mitigation measures were prescribed in the soils report prepared for the project that will ensure potential impacts would be reduced to a less than significant level. Finally, potential erosion may also occur during the grading and excavation phase; however, an Stormwater Pollution Prevention Plan must be prepared and best management practices (BMPs) must be implemented to ensure that erosion and siltation is minimized. Therefore, potentially significant erosion impacts would be avoided through the implementation of such features.

Analysis of the proposed Amended Project

The soils and geologic conditions underlying the site do not pose any significant constraints to development of the Proposed Amended Project. With the exception of potentially moderate to severe ground shaking associated with seismic activity on an active regional fault, potential erosion during grading and excavation of the two swimming pools, and the potential for encountering expansive soils, no significant adverse soils conditions, including liquefaction, unstable slopes, active faults, etc., exist that would result in significant impacts. Implementation of the Proposed Amended Project, which would allow the development of the modifications identified and described in Chapter 2.0, would not result in any impacts not previously identified in the Adopted MND. The Proposed Amended Project would be subject to the same conditions and standard conditions and mitigation measures prescribed in the Adopted MND to ensure that seismic impacts and other identified geologic constraints are adequately addressed and that the maximum seismic factor is provided. Compliance with the California Building Code (CBC), the City's grading ordinance, implementation of the measures prescribed in the soils report, and related building standards will avoid potentially significant impacts. No additional mitigation measures will be required.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to seismic or geologic/soils conditions not considered in the Adopted MND, and would not cause any significant effects with regard to seismic or geologic/soils conditions previously identified in the Adopted MND to be substantially more severe.

3.7 Greenhouse Gas

Summary of Previous Environmental Analysis

Construction and operational GHG emissions are combined by amortizing the construction emissions over a 30-year period. It is anticipated that the GHG emissions for the proposed use would be less than the proposed SCAQMD Tier 3 screening threshold of 3,000 MTCO₂e/yr for residential and commercial land use types (there is no threshold for recreation uses), which is being applied in this analysis. It is accepted as very unlikely that any individual development project would have GHG emissions of a magnitude that would directly impact global climate change; therefore, any impact would be considered on a cumulative basis. Because the GHG emissions estimated for the WaterSafe Swim School would be less than 3,000 MTCO₂e/yr, the emissions would not be cumulatively considerable. Therefore, implementation of the WaterSafe Swim School would result in less than significant impact resulting from GHG emissions.

The regulations, plans, and polices adopted for the purpose of reducing GHG emissions that are directly applicable to the WaterSafe Swim School include California Title 24 Energy Efficiency Standards for Residential and Non-residential Buildings and the Title 24 California Green Building Standards Code. The WaterSafe Swim School would be developed in compliance with the requirements of these regulations. Additionally, it should be noted that the *Los Alamitos General Plan* does not currently contain any applicable policies.

The nature of the WaterSafe Swim School, as a private recreation use with convenient access to public transportation and commercial facilities, would provide GHG emissions reductions in support of State and regional goals. The Project would not conflict with any State plans, policies, or regulations adopted for the purpose of reducing GHG emissions. The impact would be less than significant and no mitigation is required.

Analysis of the proposed Amended Project

As indicated previously for air pollutant emissions, construction related GHG emissions would be expected to be the same for the proposed Amended Project because the grading and building footprints as well as structural parameters of the project are the same as previously approved for the Original Project. Construction-related GHG emissions would be well below the significance threshold and, therefore, potential impacts would be less than significant as reflected in the Adopted MND. Therefore, potential GHG impacts would remain less than significant and no mitigation measures are required.

Conclusion

The project changes associated with the proposed Amended Project would not result in any significant new effects with regard to GHG emissions or climate change not considered in the Adopted MND, and would not cause any significant effects regarding GHG emissions or climate change previously identified in the Adopted MND to be substantially more severe.

3.8 Hazards and Hazardous Materials

Summary of Previous Environmental Analysis

Project implementation includes the conversion of an existing developed industrial property to a recreation use (i.e., private swim school). With the exception of typical construction materials for the pools (e.g., concrete, paint, etc.) and herbicides and pesticides used for landscape maintenance, the proposed WaterSafe Swim School project will not involve the use of hazardous materials or substances either during construction or following development of the site as proposed. Further, the proposed land use would not require transporting hazardous materials after the proposed remodeling and pool construction is completed and the site is occupied. Therefore, project implementation would not result in a significant impact regarding the transportation of hazardous materials in the area of the subject property. The WaterSafe Swim School is not anticipated to result in a release of hazardous materials into the environment. The contractor will be required to use standard construction controls and safety procedures which would avoid and minimize the potential for accidental release of substances such as oil and gasoline and/or diesel fuel into the environment during the construction phase when heavy equipment (e.g., backhoes, loaders, etc.) are operating.

Los Alamitos High School is located west of the subject property at the northwest corner of Los Alamitos Boulevard and Cerritos Avenue. As previously indicated, only minor grading will occur in order to excavate the two pools; however, no hazardous or potentially hazardous emissions would occur as a result of project implementation. Therefore, reuse of the developed industrial site with the proposed swim school project would not result in the use of any hazardous chemicals and/or materials that would result in hazardous emissions that would adversely affect existing schools. As a result, no impacts are anticipated.

As reflected in the records search conducted for the Original Project, a leaking underground storage tank was noted on the site. According to the California Regional Water Quality Control Board (RWQCB), the LUST case was opened (Local Case No. 94UT005) and the soils affected by the gasoline and additives associated with the tank that had leaked were remediated.¹ Although the case was closed by the RWQCB,² testing for MTBE was not required. Therefore, it is possible that MTBE-contaminated soils may exist on the site. In order to ensure that potentially significant impacts associated with MTBE-contaminated soils are mitigated,³ MM 4.8-1 has been prescribed, which requires that should dewatering be necessary to implement the WaterSafe Swim School, testing of the groundwater will be required. Furthermore, should it be determined that the groundwater contains concentrations of MTBE above the applicable regulatory threshold, the water shall be treated to comply with regulatory requirements prior to discharge. Implementation of this mitigation measure, in the event that dewatering is necessary, will reduce the potentially significant impact to a less than significant level.

The Los Alamitos Joint Forces Training Base (JFTB) is a military airport located approximately one mile southeast of subject site. The project site is located within the Federal Aviation Regulations (FAR) Part 77 Notification Area; however, because the project includes only the reuse of an existing building and does not propose new structures that could pose a hazard to air navigation, the project would not pose a potentially significant impact to air traffic at the JFTB. In addition, Long Beach Airport is also located near the project area; however, this aviation facility is approximately four miles away. Project implementation would not affect aviation operations at that air facility. Finally, no private airports or landing strips are located in the project environs that would potentially affect or be affected by project implementation. Therefore, no significant impact will occur and no mitigation measures are required.

Analysis of the proposed Amended Project

Implementation of the proposed modifications would result in virtually the same project that the Original Project that was approved by the City. As a result, the Proposed Amended Project does not include any elements that would result in any emissions of hazardous materials or the potential exposure of either residents and other sensitive receptors or future users of the swim school to hazardous conditions or potential contamination. As reflected in the Adopted MND, the applicant will be required to test groundwater in the event dewatering of the site is determined necessary. Furthermore, as required by MM 4.8-1, if concentrations of MTBE are measured above regulatory standards, treatment of the water will be required to comply with discharge requirements. Therefore, implementation of the proposed modifications would not result in any hazardous emissions that would affect future uses of the swim school, adjacent and nearby residential

¹EDR Radius Map Report, Swim School, 38=686 Cerritos Avenue, Los Alamitos, CA; Inquiry No. 4013991.2s; Environmental Data Resources; July 23, 2014.

²ibid.

³Rose Scott, California Regional Water Quality Control Board; Telephone conversation on July 29, 2014.

development and schools within one-quarter mile or result in the creation of other hazardous conditions that could significantly impact the environment.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to hazards and hazardous materials not considered in the Adopted MND, and would not cause any significant effects regarding hazards and hazardous materials previously identified in the Adopted MND to be substantially more severe.

3.9 Hydrology and Water Quality

Summary of Previous Environmental Analysis

Because the improved site is flat (i.e., uniformly flat with a one percent slope toward Cerritos Avenue (to the north)), the developed to match the existing patterns to the maximum extent possible. Surface runoff generated on the project site will ultimately be discharged into Coyote Creek, which flows along the border between Orange and Los Angeles counties and ultimately flows into the San Gabriel River just above its tidal prism. Coyote Creek is listed as a 303(d) water body that is impaired for bacteria, heavy metals, and nutrients. The Los Angeles Regional Water Quality Control Board adopted the San Gabriel River and impaired Tributaries Metals and Selenium TMDL on July 13, 2006, including wet weather TMDLs for copper, lead and zinc in Coyote Creek; no dry weather TMDLs were adopted for Coyote Creek. The Preliminary WQMP prepared for the WaterSafe Swim School identifies the following pollutants of concern that could be generated by the project: suspended solid/sediments; nutrients, pathogens (i.e., bacteria/virus), pesticides, oil and grease, and trash/debris. The project is not located within, adjacent to, nor discharges directly to an environmentally sensitive area (ESA). The Water Quality Management Plan (WQMP) prepared for the WaterSafe Swim School project includes a variety of BMPs, including non-structural and structural features to minimize potential pollutants entering the storm runoff generated by the WaterSafe Swim School to ensure that long-term use of the property would not result in significant water quality impacts.

Based on the soil gradation analysis conducted as part of the preliminary geology assessment, the historical groundwater depth is of approximately 14 feet below the ground surface at the project location. Several groundwater wells exist in the City that are located within the Santa Ana River Basin and are managed by the Orange County Water District (OCWD). The subject property does not contribute significantly to the basin groundwater resources due to the small size of the project area and the urbanized nature of the area surrounding the project site. Project implementation will change the existing runoff conditions and result in approximately 85 percent impervious coverage of the site; however, the change would not result in a significant increase in the amount of impervious surfaces that would significantly affect groundwater supplies in the region. Therefore, potential impacts to the groundwater supplies are less than significant.

Although project implementation will result in the conversion of the property to a recreational open space use (i.e., swim school) utilizing the existing parking lot and building, it will result in alterations that would affect existing drainage conditions only to a limited degree. The site topography is virtually flat. As previously indicated, surface flows are directed north to a catch basin and drainage facilities in Cerritos Avenue. However, the WaterSafe Swim School would convert some existing impervious area to pervious landscaped area to which a portion of the surface flows would be directed rather than to the existing catch

Basin and storm drainage system. The WQMP has estimated that the design storm capture volume (DCV) is 1,150 cubic feet. Use of the 7,424 square foot landscape area (0.17 percent of the total site area) would reduce the total surface storm runoff when compared to the project. No direct connection to the existing curb inlet would occur.

Low impact development (LID) best management practices (BMPs) and related drainage facilities incorporated into the project design will ensure that potential post-development runoff and potential erosion/siltation impacts remain less than significant. The BMPs will retain and bio-treat storm runoff on-site. The surface flow generated in the drainage area will drain to a Filterra bio-treatment BMP, which will be used to treat the storm water runoff. Based on the reduction of impervious area, which would have the effect of reducing total site runoff, and the implementation of the landscape area/bio-treatment facilities, surface flows generated by the WaterSafe Swim School would be less than significant and would not adversely affect the existing drainage pattern and/or drainage system. Potential impacts would be less than significant.

The WaterSafe Swim School would not expose either people or structures to potentially significant flood hazards as a result of the failure of a dam or levee. Therefore, such potential flooding or inundation impacts would be less than significant. Furthermore, the site is located inland and now within any area subject to potential tsunami effects or from the effects of a seiche.

Analysis of the proposed Amended Project

As previously indicated, the proposed modifications to the approved site plan for the WaterSafe Swim School would not result in any changes in the grading and development footprint approved for the Original Project. The post-development drainage is anticipated to be the same as estimated for the Original Project. Furthermore, the WQMP prepared for the Original Project would also be implemented with the proposed Amended Project to ensure that stormwater discharge requirements are not exceeded. As a result, post development runoff would be the same as identified for the Original Project and no significant water quality impacts would occur as a result of implementation of the BMPs prescribed in the WQMP. Similarly, although site drainage was modified and on-site retention incorporated into the landscape plan to accommodate the proposed modifications, no significant impacts on the existing drainage facilities are anticipated. No significant impacts to either hydrology or water quality will occur and no mitigation measures are required beyond the implementation of the BMPs prescribed in the WQMP approved for the project.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to hydrology and water quality not considered in the Adopted MND, and would not cause any significant effects regarding hydrology and water quality previously identified in the Adopted MND to be substantially more severe.

3.10 Land Use and Planning

Summary of Previous Environmental Analysis

The subject property is bordered to the north by single-family residential homes and Los Alamitos High School on the north (north of Cerritos Avenue), on the east by industrial/office, on the south by industrial and

commercial uses, and on the west by commercial and industrial development. Although residential development is located north of Cerritos Avenue, conversion and reuse of the developed but unoccupied industrial property as a swim school would not physically divide an established community. Such uses are permitted in the Light Industrial zoning district. Furthermore, the WaterSafe Swim School does not include such features as roadways, drainage channels, pipelines, or other linear features that would divide an existing community. Therefore, no significant impacts would occur as a result of project implementation.

The project site has been substantially altered in order to accommodate the existing industrial building and ancillary features currently occupying the property. As a result, with the exception of two non-native parkway trees fronting Cerritos Avenue at the northern property limits, the subject property is devoid of all native vegetation and natural habitat. As a result, no natural features and/or habitat that would support sensitive species exist on the site. In particular, neither the site nor the surrounding areas is located within a Natural Community Conservation Plan or Habitat Conservation Plan. Therefore, project implementation will not adversely affect such a plan, sensitive habitat and/or resources. No impacts are anticipated as a result of project implementation.

Analysis of the proposed Amended Project

As previously indicated, the proposed changes to the approved Original Project, which include minor modifications to the architectural site design, site engineering, and site landscaping, would not contribute to any land use conflicts, including the division of an existing neighborhood. In addition, the proposed modifications would not conflict with any adopted policies of the City's General Plan and, furthermore, because the site and surrounding area have been developed and do not support any native habitat and/or species, and is not located with the limits of a Natural Community Conservation Plan or Habitat Conservation Plan area, no impacts would occur. No significant land use and/or planning conflicts would occur as a result of the proposed modified project; no mitigation measures are necessary.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to land use and planning not considered in the Adopted MND, and would not cause any significant effects regarding land use and planning previously identified in the Adopted MND to be substantially more severe.

3.11 Mineral Resources

Summary of Previous Environmental Analysis

The project site and environs are currently urbanized and developed primarily with industrial and residential uses. Neither the City of Los Alamitos General Plan nor the State of California has identified the project area as a potential mineral resource of State-wide or regional significance. No mineral resources are known to exist and, therefore, project implementation would not result in any impacts.

Analysis of the proposed Amended Project

As concluded in the environmental analysis conducted for the WaterSafe Swim School Project, the site is devoid of mineral resources. Implementation of the modified project would not result in the loss of mineral resources that are important either regionally or locally. Therefore, no significant impacts to either agricultural or forestry resources will occur.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effect on mineral resources not considered previously the Adopted MND, and would not cause any significant effects on mineral resources identified in the Adopted MND to be substantially more severe.

3.12 Noise

Summary of Previous Environmental Analysis

Construction activities would temporarily increase noise levels in the vicinity of the Project site as a result of excavating two areas within the limits of the property in order to create two swimming pools. Potential construction noise is not anticipated to be significant because the site is located in an area of the City of Los Alamitos that is designated Light Industrial and the land uses in the areas adjacent to and surrounding the site are currently light industrial and commercial. Furthermore, Section 17.24.040 of the Los Alamitos Municipal Code exempts construction noise from the quantitative limits of the noise ordinance "...provided a permit has been obtained from the city; and provided the activities do not take place between the hours of 8:00 PM and 7:00 AM on weekdays, including Saturday, or at any time on Sunday or a federal holiday". Therefore, adherence to the construction hours stipulated in the City's Noise Control Ordinance and reflected in Standard Condition (SC) 4.12-1 prescribed in the Adopted MND, will ensure that potential impacts will be less than significant.

Following site preparation and construction (i.e., remodeling of the existing structure and completion of the two swimming pools and ancillary features), the site will be occupied by a swim school. Noise levels generated at the pool would not exceed exterior noise levels for industrial land uses (i.e., Normally Acceptable up to 75 Ldn. Furthermore, it is not anticipated that the addition of project-related traffic would result in a significant increase in audible noise associated with vehicular traffic along Cerritos. As a result, potential noise impacts would be less than significant.

Noise generated on the property, in parking lots and around the pools, is anticipated to be generally at the level of casual conversations. The placement of the pools behind the office building will further diminish the potential for off-site noise, as will the hard canopy over the first swimming pool. Sound levels generated from the swim school, which are expected to be 10 dB or lower than noise measured from the adjacent arterial traffic, likely won't even register on a noise meter on the north side of Cerritos when compared with sound pressure levels of traffic right behind the homes across Cerritos Avenue.

The design and acoustic treatment of the building's interiors will be conventional, inasmuch as there are no unusual noise generators in the project environment. Any HVAC units will be placed, per City code, to minimize noise. Other exterior noise arising from pool equipment is of a very negligible level, even when

close to the pump motors. Given that this equipment is behind a building and across an arterial thoroughfare suggests that no significant noise potential arises from it to impact nearby homes, or any of the surrounding industrial users.

The *City of Los Alamitos General Plan* adopted State of California noise-land use compatibility guidelines for residential projects (Los Alamitos 1990). For multi-family residential land uses, noise levels up to 75 dBA CNEL are classified as “Normally Acceptable” for industrial uses. Land use compatibility for exterior noise at existing residential development is considered at the area(s) that would be used for typical outdoor activities (e.g., backyards and common areas). For the WaterSafe Swim School, outdoor activities (i.e., swimming instruction) would occur on the subject property.

Non-structural noise features incorporated in the project relate to limiting the times for swim school use. No late-night activities are planned; the last lessons will end at 9:00 p.m., and thus the site will be effectively quiet by 9:30 or 10 p.m. Any swim meets that would be scheduled will occur during daytime hours, on weekends. By contrast, the noise environment of the nearby high school, and its associated sports fields and outdoor programs, may well outweigh noise levels associated with the swim school project. It is anticipated that noise levels on the site would be less than 65 dBA CNEL and would be in the Normally Acceptable range.

The only construction activities anticipated to occur are those associated with excavating the two pool areas and the construction of the pools. Neither of these activities would generate sufficient groundborne vibration to affect the adjacent industrial and commercial structures. Furthermore, there are no vibration-sensitive receptors within 25 feet of Project construction activities. Vibration impacts would be less than significant

Analysis of the proposed Amended Project

The Proposed Amended Project would require virtually the same grading and construction activities, including export of soil materials from the site, use of heavy equipment during the grading and excavation of the site and for construction of the two swimming pools and hardscape. As a result, construction noise impacts, including potential vibration, would be the same as described for the Original Project, which would be required to comply with the City’s Noise Ordinance that regulates construction hours; no significant construction noise or vibration impacts would occur. Similarly, long-term noise increases would not be significant because activities conducted at the WaterSafe Swim School would occur during the daytime hours; evening activities would be required to comply with the City’s noise ordinance, as previously identified in the Adopted MND. Furthermore, trip generation associated with the project that could result in the generation of mobile-source noise would not increase as a result of the minor modifications proposed by the applicant. Thus, the potential long-term noise would also be the same as that previously analyzed and described in the Adopted MND.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to noise not considered in the Adopted MND, and would not cause any significant effects regarding noise previously identified in the Adopted MND to be substantially more severe.

3.13 Population and Housing

Summary of Previous Environmental Analysis

Redevelopment of the industrial property for recreation uses is permitted by the existing zoning. Use of the existing structures with a private recreation use does not have the potential to either directly or indirectly result in unanticipated growth because the northern area is largely developed within only limited potential for new development. The new swim school would utilize existing infrastructure and public facilities and services and would not generate demands beyond those anticipated in the City's adopted long range plans for the property. Therefore, no significant growth-inducing impacts are.

Analysis of the proposed Amended Project

As indicated for the Original Project in the Adopted MND, the unoccupied industrial property does not support residential development and/or people residing on the subject property. The analysis presented in the Adopted MND concluded that neither existing housing would be eliminated from the City's current housing stock nor residents would be displaced would not change. Implementation of the proposed minor modifications to the approved site plan would not result in any additional impacts to population and housing and, furthermore, implementation of the Proposed Amended Project would not result in any growth-inducing impacts.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects on housing, population or employment not considered in the Adopted MND, and would not cause any significant effects on housing, population or employment previously identified in the Adopted MND to be substantially more severe.

3.14 Public Facilities

Summary of Previous Environmental Analysis

Fire protection service within the City of Los Alamitos is provided by the Orange County Fire Authority (OCFA), which operates and maintains two stations in the City and outlying area. Fire Station No. 2, which is located at 3642 Green Avenue. In addition, Fire Station No. 17 is located at 4991 Cerritos Avenue in the City of Cypress. Fire protection service would be provided to the WaterSafe Swim School by the OCFA. Although project implementation includes the addition of a new land use on the currently unoccupied industrial property, because the area in which the project is located has been intensively developed, the operation of the WaterSafe Swim School is not expected to result in a significant increase in the number of emergency calls for fire protection. No significant impacts would occur.

Police service for the proposed WaterSafe Swim School is provided by the Los Alamitos Police Department, which is located on Katella Avenue, approximately 0.6 mile from the project site. Response times to the project site are estimated to be approximately five minutes. Although implementation of the WaterSafe Swim School may result in an increase in emergency calls to the police department, it would not require either an increase in staffing levels or provision of new services. No significant impacts would occur.

The project site is located within the jurisdiction of the Los Alamitos Unified School District (LAUSD), which operates and maintains 10 schools, including six elementary schools, two middle schools, and two high schools (including one continuation high school). The district services approximately 10,000 students within the City of Los Alamitos and outlying areas within the district attendance area boundaries. The WaterSafe Swim School does not include residential development that would generate school-age children. Therefore, no impacts to public schools would occur.

The City of Los Alamitos Recreation and Community Services Department is responsible for operating and maintain public parks and recreational services and facilities in the City. At the present time, the City maintains 14.27 acres of public parkland within eight (8) parks within Los Alamitos. The City adopted a park standard of 2.5 acres of parkland for each 1,000 residents. Based on the existing (2013) population of 11,626,⁴ the City would need 29.07 acres of public parkland in its existing inventory (i.e., an additional 14.8 acres) to meet the current parkland requirement based on the adopted standard. The City does maintain “facilities/joint-use agreements” with the LAUSD to facilitate public use of the recreational facilities on some of the district’s school sites; however, even with the use of these recreational facilities, the City remains deficient in public parkland. As indicated above, the WaterSafe Swim School does not include residential development that would create a demand for parks and recreational facilities. Furthermore, the project includes a private recreation use. Thus, no significant impacts to parks would occur.

Analysis of the proposed Amended Project

Implementation of the minor modifications to the site plan, engineering plan, and landscape plan would result in the same degree of impacts on the existing public services, including fire, police, schools, parks and library facilities. The Amended Project as currently proposed would not require any greater degree or level of service from the public service providers. Furthermore, the Proposed Amended Project would be subject to the same conditions as stipulated for the Original Project (e.g., payment of school fees) and would also be subject to review and approval by the police and fire departments to ensure that adequate emergency access can be provided. Thus, no significant impacts would occur as a result of the proposed minor modifications.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to police protection, fire protection, school services, parks or other public facilities not considered in the Adopted MND, and would not cause any significant effects regarding police protection, fire protection, educational services, parks or other public services previously identified in the Adopted MND to be substantially more severe.

3.15 Recreation

Summary of Previous Environmental Analysis

Implementation of the WaterSafe Swim School would not result in any new residents in the City that would create a demand for neighborhood and/or regional parks and other recreational facilities. The WaterSafe

⁴Table E-5 (Population and Housing Estimates for Cities, Counties, and the State); California Department of Finance; 2013.

Swim School is considered a recreational use, albeit a private use, and is permitted in the Light Industrial zoning district. Project implementation would not result in either a direct or indirect impact on existing recreational facilities in the City of Los Alamitos. No significant impacts would occur. The proposed private swim school will provide private recreation within the City of Los Alamitos; no public recreational facilities are proposed and none are proposed to be expanded as a result of project implementation. No significant impacts associated with the development of new and/or expanded parks and recreational facilities will occur as a result of project implementation.

Analysis of the proposed Amended Project

Because the WaterSafe Swim School is virtually the same as approved by the City with the Original Project, the potential impacts on existing recreational facilities in the City would also be the same as analyzed and described in the Adopted MND and summarized above. As indicated, the Proposed Amended Project will not require the construction of any new recreational facilities that could result in potential environmental impacts. No significant impacts would occur and no mitigation measures are required.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to recreation not considered in the Adopted MND, and would not cause any significant effects regarding recreation previously identified in the Adopted MND to be substantially more severe.

3.16 Transportation/Traffic

Summary of Previous Environmental Analysis

Katella Avenue is the only CMP highway located within the City of Los Alamitos; the intersection, Katella/I-605 Freeway northbound ramp is designated as a CMP intersection. A CMP traffic analysis is not required for the WaterSafe Swim School. Although there are no bicycle facilities located along Los Alamitos Boulevard, a Class III bike facility exists along Cerritos Avenue in the vicinity of the project site. Transit service exists along Katella Avenue, Los Alamitos Boulevard, Cerritos Avenue, and Bloomfield Avenue and the Circulation Element reflects the need to investigate additional bus turnouts to reduce obstruction of through travel lanes. Project implementation will not generate significant traffic and/or conflict with the adopted Circulation Element or other long-range plans and/or programs adopted by the City of Los Alamitos. No significant impacts would occur.

Project implementation is anticipated to result in the generation of fewer than 50 a.m. and p.m. peak hour trips. Based on a review of the swim school's anticipated activities schedule, it would be expected to generate no more than 26 a.m. peak hour trips (17 inbound, 9 outbound) and 38 p.m. peak hour trips (24 inbound, 14 outbound).⁵ The Katella Avenue/Cerritos Avenue intersection is the nearest signalized intersection to the project site. At the present time, that intersection is operating at a level of service (LOS) D during both the morning and afternoon peak hours,⁶ which is acceptable based on the City's minimum standard of LOS D standard. The addition of the project-related morning and afternoon peak hour trips would not be expected

⁵Linscott, Law & Greenspan Engineers, Inc.; Email dated July 31, 2014.

⁶Traffic Impact Analysis for The Village at Los Alamitos Project; Linscott, Law & Greenspan Engineers, Inc.; January 17, 2014.

to adversely affect the intersection operating conditions at the nearest signalized intersection at Los Alamitos Boulevard and Cerritos Avenue west of the project site. As a result, no significant impacts would occur.

Although the one curb cut to the subject property would be eliminated on Cerritos, implementation of the WaterSafe Swim School project would not result in any significant changes to circulation. At a minimum, compliance with relevant Municipal Code standards would be required. The project will also be evaluated to ensure that adequate access and circulation to and within the development would be provided, as discussed in the Adopted MND. Access to the site must comply with all City design standards and would be reviewed by the City and the Orange County Fire Authority to ensure that inadequate design features or incompatible uses do not occur. The City and the Orange County Fire Authority would review the proposed development plans for both properties in order to ensure that they are designed to meet adopted standards and provide adequate emergency access. Therefore, implementation of the WaterSafe Swim School would not result in significant impacts involving inadequate design features or incompatible uses. Furthermore, adequate emergency access would be available to accommodate emergency response equipment.

Analysis of the proposed Amended Project

Furthermore, the Proposed Amended Project would not generate any additional traffic. Thus, the preparation of a CMP analysis for the proposed modifications would not be required. The Proposed Amended Project would not result in a significant change in traffic volumes along the adjacent and nearby roadways that serve the area and, thus, no CMP impacts would occur. In addition, the Proposed Amended Project also provides adequate parking based on the parking standards prescribed by the City of Los Alamitos Municipal Code. A total of 65 parking spaces is provided, including three additional spaces when compared to the approved site plan. As a result, no significant impacts are anticipated and no mitigation measures are required.

As previously indicated for the Original Project, implementation of the project is not anticipated to result in either a significant increase or a shift in traffic patterns on the subject roadways resulting from the development of the WaterSafe Swim School as currently proposed with the modifications described in Chapter 2.0. The hammerhead previously required by the OCFA is no longer required by that agency and has been eliminated. As a result, three (3) additional parking spaces will be provided on-site. Thus, as indicated in the Adopted MND, project-related traffic would not result in potential roadway hazards associated with increased pedestrian activities associated with private recreation uses such as the WaterSafe Swim School. Proper design of the project components, including adherence to all applicable safety and performance standards of the City, will lessen the potential for hazardous conditions. The project will be subject to review by the City Engineer to ensure that no hazards, either to pedestrians or vehicular movement, are created. As a result, no impacts are anticipated as a result of the proposed Amended Project.

Conclusion

The project changes associated with the proposed modifications, including the elimination of the hammerhead previously required by the OCFA, would not result in any significant new effects with regard to transportation/traffic not considered in the Adopted MND, and would not cause any significant effects regarding transportation/traffic previously identified in the Adopted MND to be substantially more severe.

3.17 Utilities

Summary of Previous Environmental Analysis

Implementation of the WaterSafe Swim School would result in an increase of raw sewage generated by the WaterSafe Swim School when compared to the unoccupied industrial property, which does not currently generate any raw sewage. However, it is anticipated that the raw sewage generated by the proposed use would be minor and would not exceed the existing treatment requirements imposed on the OCSD by the Regional Water Quality Control Board. The raw sewage generated by the WaterSafe Swim School would be non-industrial in nature and would not contain constituents that would affect the waste discharge requirements imposed on the treatment plant. The addition in sewage would be treated in accordance with the current treatment requirements. No significant impacts would occur.

There is excess primary treatment capacity at Treatment Plant No. 2 in Huntington Beach. It appears that no deficiencies exist within the OCSD facilities serving the City of Los Alamitos and although it is anticipated that capacity would be available to serve buildout of the City, the WaterSafe Swim School requires the approval of a General Plan Amendment. Domestic water facilities are operated and maintained by the Golden State Water Company (GSWC). Wastewater facilities are operated and maintained by the Rossmoor-Los Alamitos Sewer District (RLASD). Although the WaterSafe Swim School is a recreational use within the adopted Light Industrial land use designation, the reuse of the 2,505 square foot building that existing on the site and use of the property as a swim school would not generated a significant demand for water and would not generate a significant amount of raw sewage that would require the construction of new or expansion of existing water and wastewater facilities. As a result, the incremental increase in raw sewage generated by the project would not significant affect the ability of the existing sewage treatment facilities maintained by the OCSD to accommodate the project. No significant impacts would occur.

The site is been divided into five drainage areas in order to capture, treat, retain and discharge the allowable project runoff. Combined runoff generated within the five drainage areas is conveyed to an existing curb and gutter system. No direct connection to existing storm drain facilities is proposed. The existing downstream drainage system consists of reinforced concrete pipe ranging from 18 to 26 inches in diameter, which will convey runoff southerly along Los Alamitos Boulevard to an existing reinforced concrete box located in Katella Avenue. At the end of the reinforced concrete box run, the storm water will enter the Coyote Creek Channel. The existing stormwater collection and conveyance facilities have adequate capacity to accommodate the storm runoff generated by the WaterSafe Swim School. With the exception of in-tract facilities, the project would not require the expansion of existing facilities or the construction of new facilities.

Implementation of the WaterSafe Swim School does not include development that would generate a significant demand for domestic water (i.e., swim school). Adequate water distribution facilities are located in the adjacent roadways abutting the site to serve the project. The demand for domestic water would not exceed demands reflected in the long-range plans adopted by the City and would not, therefore, adversely affect the ability of the GSWC to continue to provide an adequate level of domestic to the City and to the project. Thus, no significant impacts would occur.

Operation of the WaterSafe Swim School would also not result in the generation of significant refuse and would also not result in impacts to existing or future capacities of the landfill facilities. Pursuant to AB 939, every city and county in the State is required to divert 50 percent of solid waste generated in its jurisdiction away from landfills. Implementation of source reduction measures, such as recycling and converting waste to

energy, that would be implemented on a project-by-project basis, including the WaterSafe Swim School, would serve to divert solid waste away from landfills. Through compliance with AB929, the project would not result in potentially significant impacts.

Analysis of the proposed Amended Project

As previously indicated, the proposed modifications reflect only minor changes in the site design (i.e., architectural site plan, engineering site plan, and landscape plan) that would result in the same demand for domestic water and generate the same amount of raw sewage as the Original Project. In addition, solid waste refuse would be the same and the potential storm water runoff generated as a result of the proposed development would also be similar as quantified for the Original Project. As indicated in the Adopted MND, all of the utilities serving the subject property have adequate capacity to serve the WaterSafe Swim School as currently proposed with the modifications identified and described in Chapter 2.0. No significant impacts to utilities would occur and no mitigation measures are required.

Conclusion

The project changes associated with the proposed modifications would not result in any significant new effects with regard to utilities not considered in the Adopted MND, and would not cause any significant effects regarding utilities previously identified in the Adopted MND to be substantially more severe.

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

June 24, 2015
Item No: 7-D

To: Chair Riley and Members of the Planning Commission
Via: Steven Mendoza, Community Development/Public Works Director
From: Lisa Kranitz, Assistant City Attorney
Subject: Massage Ordinance Amendment

Summary: Consideration of an Ordinance amending Chapter 17 of the Los Alamitos Municipal Code relating to Massage Establishments. (Citywide) (City Initiated) (ZOA 15-02)

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Adopt Resolution No. PC 15-08, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE NO. 15-TBD AMENDING TITLE 17 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS"

Applicant: City Initiated

Location: C-G Zone, Citywide

Environmental: Exemption pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. Changing the regulations relating to massage establishments will not have any environmental impacts.

Approval Criteria: Section 17.70.020 of the Los Alamitos Municipal Code (LAMC) requires that any proposed amendment of the zoning provisions be recommended by the

Planning Commission by a resolution to the City Council.

Noticing:

Notice announcing the Public Hearing for June 24, 2015 was published in the News Enterprise on June 10, 2015.

Background:

A. State Legislation

In 2008, the Legislature adopted SB 731 which created a non-profit organization, the California Massage Therapy Council (“CAMTC”) to provide voluntary certification to massage therapists and massage practitioners. Once a person had a CAMTC certification, they were exempt from all local government regulations. SB 731 and the various amendments thereto, also prohibited local government from regulating massage establishments differently than any other professional business and required that they be allowed in all the same zones as any other professional business if the individuals were CAMTC certified. Numerous cities experienced unprecedented increases in the number of massage establishments and increased problems with human trafficking and prostitution. While Los Alamitos did not experience unprecedented growth, the impacts were great in neighboring cities.

SB 731 had a sunset date of January 1, 2015. Recognizing that SB 731 went too far and had many unintended consequences, the Legislature adopted AB 1147 late last year which restored the ability of cities and counties to impose local control.

While the CAMTC and the voluntary certification provisions remain intact, there were a number of important changes brought about by AB 1147, some of which are more relevant to the City and its ability to control massage establishments than others. The most important change is that cities and counties now have the ability to impose ordinances, regulations, rules, requirements, restrictions and land use regulations on massage establishment businesses that are different from those placed on other professional services – even when the individuals are CAMTC certified, although there are still some limitations on local government control. Additionally, the composition of the CAMTC Board has been changed to reduce the amount of industry representation and increase the amount of governmental representation. The Massage Therapy Act now provides that protection of the public is the highest priority and local regulations are enforceable if they are reasonable and necessary.

The new Massage Therapy Act remains in effect until January 1, 2017 and like its predecessor, will undergo review to determine its effectiveness and pitfalls prior to expiration. The League of California Cities has, therefore, cautioned that cities not abuse the authority which has been given back.

B. City Legislation and Regulations

Prior to SB 731 Los Alamitos allowed massage establishments in the C-O Zone, and the C-G Zone (Permitted -- if on non-arterial street, CUP – if on arterial street). As a result of SB 731, the City was forced to amend its massage provisions and its zoning ordinance to allow massage establishments by right in the C-O and G-G zones. As SB 731 was amended, the City even lost the ability to impose controls such as time restrictions on massage establishments unless these restrictions were applied to other businesses.

Also as a result of SB 731, the City amended Chapter 5.32 of the Los Alamitos Municipal Code relating to the business license and regulation provisions of massage establishments. Earlier this year the City Council adopted a moratorium on all new massage establishments.

Analysis:

With the adoption of AB 1147 the City may restore local land use control as well as impose additional restrictions under the business license provisions.

The changes to the Los Alamitos Municipal Code will be set forth in two ordinances. The first will be the zoning ordinance making massage establishments subject to a conditional use permit in the C-G zone only. This ordinance requires a public hearing before both the Planning Commission and the City Council and is the subject of tonight's hearing.

The second ordinance will make changes to the business regulations relating to massage establishments. It repeals and readopts a new Chapter 5.32. Although the Planning Commission does not make recommendations or take action on this ordinance, it is being included in your packet so that the Commission has an understanding of the entire regulatory scheme.

A. Changes to Title 17

The proposed zoning ordinance will change the Code provisions so that massage establishments will be allowed to locate in the C-G zones with a conditional use permit.

Additionally, the zoning ordinance makes the following changes:

- Adds a provision to Section 17.42.010 of the Conditional Use Permit chapter to provide that in determining the compatibility of massage establishments, the Commission may take into account the number of other massage establishments in the surrounding community. This will help avoid a proliferation of such establishments within Los Alamitos.

- Adds a definition of massage to cross reference Chapter 5.32 and adds a definition of a massage establishment.
- Adds a provision to Chapter 17.42 on conditional use permits that specifies what is to be shown on the detailed floor plan that is submitted, as well as a requirement that the floor plan be scaled in inches and feet and labeled in English.

There are currently three existing massage establishments in Los Alamitos. The Ordinance provides that its provisions, i.e., the requirement for a conditional use permit, will not apply to any massage establishment that was in lawful existence on May 1, 2015, unless such business is transferred to a new owner.

Upon the effective date of the changes to Title 17, the moratorium will be of no further force or effect.

B. Chapter 5.32

The following is a very brief summary of the changes to Chapter 5.32:

- Under the new provisions of Chapter 5.32 the following is required for the operation of massage establishments:
 - Massage Technicians and Massage Practitioners must all be CAMTC certified. There will no longer be any massage practitioner permits issued by the City.
 - Owners and Managers must have an Operator Permit to own/manage a massage establishment. These permits will require a background check by the Los Alamitos Municipal Code; if a person has a CAMTC certificate, the Operator Permit will be automatically issued. The permits are good for a period of three years. The Ordinance makes the Operators responsible for the conduct that takes place in the massage establishment, regardless of whether they are the perpetrator of illegal conduct.
 - The business itself must receive a Certificate of Operation. This will not be issued until the business has obtained a CUP and all of the owners and managers have obtained an Operator Permit. Certificates are not transferable to a separate location of the same business, to a different business at the same location, to the same business under different ownership at the same location, or the same business under a different name. No new Certificate of Operation will be issued for a location which has been closed due to criminal activity and a new Certificate of Operation cannot be issued for a location once suspension or revocation proceedings have commenced until they are dismissed. (§ 5.32.070.)

- Applicants will be required to submit scaled floor plans as part of the Certificate of Operation and Conditional Use Permit process. (§ 5.32.035; § 5.32.070.)
- The ordinance provides for a complete exemption for certain types of businesses (§ 5.32.020A) and a partial exemption for businesses that provide massage where there is no disrobing and the massage is administered in an open room which is open to public view (§ 5.23.020B).
- The operational requirements are set forth in § 5.32.110. These include:
 - Hours of operation between 6:00 A.M. and 10:00 P.M. unless modified by a CUP
 - Requirement that Operator be present during all hours of operation
 - Posting of picture of Operator on duty
 - Requirement on dress that is now dictated by AB 1147
 - Requirement to provide personnel lists to the City
- The building and facility requirements are set forth in § 5.32.120. These include:
 - No locks on interior doors except bathroom and one office door
 - Minimum lighting requirements of 210 lumens for every 150 square feet of space; no dimmer switches, colored, lights, flashing lights, or anything other than a lampshade
 - Prohibition on buzzer, alarm, or intercom systems
- Rooms are subject to inspection

Existing businesses will not be required to obtain a Certificate of Operation or Operator Permit unless there is a change that would trigger the need for a new Certificate of Operation as described above. The existing businesses will have to comply with the other provisions within 60 days from the effective date of the ordinance to comply with the other provisions of the Chapter.

Findings:

Los Alamitos Municipal Code Section 17.70.050 requires certain findings be made for Zoning Ordinance Amendments.

The first finding is that the proposed amendment ensures and maintains consistency with the General Plan. The zoning ordinance does not create any inconsistencies with

the General Plan. It does not change any zones which would be inconsistent with the General Plan designations. The zoning ordinance promotes Land Use Goal 3 which relates to commercial opportunities being compatible with surrounding neighborhoods, as well as Land Use Goal 2 and Economic Development Goal 1 which relate to having a mix of uses the provides fiscal balance.

The second finding is that the proposed amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City. This amendment will have the opposite effect as it will allow the City to better regulate massage establishments.

Third, the proposed project has been reviewed in compliance with CEQA and the City's environmental review procedures. Staff has determined that the Ordinance amendment is exempt from CEQA as there is no possibility of this having an impact on the environment. The ability to require a conditional use permit will allow the City to better protect the environment.

Last, the proposed amendment has to be internally consistent with other provisions of the zoning code. Providing for massage establishments to be regulated by a conditional use permit is not inconsistent with any other provision of the Los Alamitos Zoning provisions.

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing to discuss the Zoning Ordinance amendment and then adopt Resolution No. PC 15-08 recommending that the City Council adopt the Ordinance making changes to Title 17 of the Los Alamitos Municipal Code relating to massage establishments.

- Attachments:*
- 1) *Planning Commission Resolution No. PC 15-08*
 - 2) *Draft City Council Ordinance No. TBD*
 - 3) *Draft City Council Ordinance for LAMC Section 5.32 – for information only*

Attachment 1

RESOLUTION NO. PC 15-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-02 TO AMEND TITLE 17 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS (CITY INITIATED) (CITY WIDE)

WHEREAS, with the adoption of AB 1147 effective January 1, 2015, the Legislature has restored local land use control to cities with regard to massage establishments; and,

WHEREAS, at its meeting of May 27, 2015, the Planning Commission approved a Resolution of Intention directing Staff to bring back changes relating to massage establishments; and,

WHEREAS, on June 24, 2015, the Planning Commission conducted a duly noticed public hearing at which time it took into account all evidence presented, both written and oral.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt the Ordinance (ZOA 15-02), attached hereto as Exhibit A, amending Title 17 of the Los Alamitos Municipal Code relating to Massage Establishments.

SECTION 2. The Planning Commission's recommendation is based upon the following findings:

A. The zoning ordinance does not create any inconsistencies with the General Plan. It does not change any zones which would be inconsistent with the General Plan designations. The zoning ordinance promotes Land Use Goal 3 which relates to commercial opportunities being compatible with surrounding neighborhoods, as well as Land Use Goal 2 and Economic Development Goal 1 which relate to having a mix of uses that provides fiscal balance.

B. The ordinance will better the public convenience, health, interest, safety, or welfare of the City as it will allow the City to better regulate massage establishments.

C. Staff has determined that the Ordinance amendment is exempt from CEQA as there is no possibility of this having an impact on the environment. The ability to require a conditional use permit will allow the City to better protect the environment.

D. Last, the proposed amendment will be internally consistent with other provisions of the zoning code.

PASSED, APPROVED, AND ADOPTED this 24th day of June, 2015.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 24th day of June 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

Attachment 2

DRAFT ORDINANCE NO. TBD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING TITLE 17 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

WHEREAS, there is substantial research that indicates that the skillful practice of massage can provide many health benefits including relief of pain from disease, injury and other sources, and that massage can be a valuable component of a wellness program; and,

WHEREAS, in 2008 the California Legislature passed SB 731 which added a new Chapter 10.5 to the California Business and Professions Code which provided for the formation of a nonprofit Massage Therapy Organization to oversee a state-sanctioned program of voluntary certification for massage practitioners so that such persons could avoid being required to obtain local massage permits; and,

WHEREAS, in 2011 in compliance with SB 731, the City of Los Alamitos amended Chapter 5.32 of the Los Alamitos Municipal Code; and,

WHEREAS, SB 731 had a sunset date of January 2, 2015; and,

WHEREAS, the changes that the City was required to make in compliance with SB 731 and the subsequent amendments thereto severely limited the manner in which the City could regulate massage establishment businesses; and,

WHEREAS, in September 2014 the Legislature adopted AB 1147, amending the laws enacted by SB 731 and the various amendments thereto; and,

WHEREAS, the purpose of AB 1147 was to restore much of the local control and land use authority to local governments which had been usurped by SB 731 and the various amendments thereto; and,

WHEREAS, there is concern that as other cities in surrounding communities enact moratoriums and impose regulations on massage establishments, the number of massage establishments in the community will continue to expand unless the City has the ability to better regulate such businesses; and,

WHEREAS, other cities have experienced problems with massage establishments in terms of prostitution and human trafficking; and,

WHEREAS, other cities have experienced problems with massage establishments being located in close proximity to one another as individuals will run out the back door of one massage establishment and into another massage establishment during inspections and police activity; and,

WHEREAS, the City Council wants to ensure that Los Alamitos does not experience these same types of problems and believes the best way to do so is through reasonable regulations; and,

WHEREAS, the City Council also wants to make sure that diversity of businesses that currently exists in the General Commercial zones remains; and,

WHEREAS, on January 20, 2015, the City Council adopted Urgency Ordinance No. 2015-01 imposing a moratorium on all new massage establishments in the City and extended the moratorium on February 23, 2015 by adoption of Urgency Ordinance No. 2015-02; and,

WHEREAS, on June 24, 2015 the Planning Commission of the City of Los Alamitos held a duly noticed public hearing on this Ordinance, after which they recommended that the City Council adopt this Ordinance and instruct Staff to file a Notice of Exemption; and,

WHEREAS, on _____, 2015 the City Council of the City of Los Alamitos held a duly noticed public hearing on this Ordinance at which time they considered all evidence presented, both written and oral; and,

WHEREAS, the City Council desires to regulate all existing and new massage establishments in order to protect the health, safety, and welfare of the community as set forth in this Ordinance.

NOW, THEREFORE, the City Council of the City of Los Alamitos does hereby ordain as follows:

SECTION 1. Findings. In adopting this Ordinance the City Council does hereby find as follows:

A. The Zoning Ordinance does not create any inconsistencies with the General Plan. It does not change any zones which would be inconsistent with the General Plan designations. The Zoning Ordinance promotes Land Use Goal 3 which relates to commercial opportunities being compatible with surrounding neighborhoods, as well as Land Use Goal 2 and Economic Development Goal 1 which relate to having a mix of uses that provides fiscal balance.

B. The proposed amendment protects the public convenience, health, interest, safety, or welfare of the City by allowing the City to better regulate massage establishments.

C. The proposed project has been reviewed in compliance with CEQA and the City's environmental review procedures and Staff has determined that the Ordinance amendment is exempt from CEQA as there is no possibility of this having an

impact on the environment. The ability to require a conditional use permit will allow the City to better protect the environment.

D. The proposed amendment is internally consistent with other provisions of the zoning code. Providing for massage establishments to be regulated by a conditional use permit is not inconsistent with any other provision of the Los Alamitos Zoning provisions.

SECTION 2. Section 17.10.020 of the Los Alamitos Municipal Code is hereby amended by revising Table 2-04 to provide that Massage Establishments are a conditionally permitted use in the General Commercial (C-G) zone and prohibited in the Commercial-Professional Office (C-O) zone and Planned Light Industrial (P-M) zone.

LAND USE	C-O	C-G	P-M	Specific Use Regulations
Massage establishment	--	CUP	--	

SECTION 3. Section 17.42.010C is hereby added to the Los Alamitos Municipal Code to read as follows:

C. Massage Establishments. In determining compatibility of massage establishments, the Commission, or Council on appeal, may take into account the number of other massage establishments in the surrounding community.

SECTION 4. Section 17.42.040B of the Los Alamitos Municipal Code relating to the filing of conditional use permit applications is hereby amended to read as follows:

B. Contents. The application shall be accompanied by detailed and fully dimensioned site plans, architectural drawings/sketches, elevations, floor plans, landscape plans, and/or any other data/materials identified in the department handout for conditional use permit applications. For massage establishments the floor plan shall be drawn to scale and show: entrances; exits; windows; interior doors; restrooms; all other separately enclosed rooms with dimensions including but not limited to closets, storerooms, break rooms, and changing rooms; and the location of all massage tables and chairs. The site plans and floor plans shall be in feet and inches and labeled in inches.

SECTION 5. The definitions in Section 17.76.020 are hereby amended as follows:

“Massage” shall have the same meaning as set forth in Chapter 5.32.

“Massage establishment” is defined in Chapter 5.32 shall mean a location where massages are provided.”

SECTION 6. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of

this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 7. Existing businesses. The requirements of this section shall not apply to any massage establishment that was in legal existence on May 1, 2015 provided that there are no changes that would otherwise trigger a need for a new Certificate of Operation under Section 5.32.070D of this Code.

SECTION 8. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be processed as required by law.

SECTION 9. This Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. Changing the regulations relating to Massage Establishments will not create any environmental impacts.

SECTION 10. Effective Date. This Ordinance shall become effective on the thirty-first day after adoption. The provisions of this Ordinance shall apply immediately to all new massage establishments. Existing massage establishments shall have 60 days to comply from the date of adoption and the provisions of this Ordinance shall supersede any conditions in a conditional use permit to the contrary.

SECTION 11. Repealer. Upon the effective date of this Ordinance, Ordinance number 2015-02, AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, EXTENDING URGENCY ORDINANCE NO. 2015-01 ADOPTING A CITYWIDE MORATORIUM ON THE ESTABLISHMENT, EXPANSION, INTENSIFICATION OR RELOCATION OF NEW AND EXISTING MASSAGE ESTABLISHMENTS AND MASSAGE PRACTITIONERS, is hereby repealed.

Passed, approved, and adopted this ____ day of _____, 2015.

Richard D. Murphy, Mayor
City of Los Alamitos

ATTEST:

Windy Quintanar, City Clerk, CMC

DRAFT ORDINANCE NO. TBD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING AND READOPTING CHAPTER 5.32 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO MASSAGE ESTABLISHMENTS

WHEREAS, there is substantial research that indicates that the skillful practice of massage can provide many health benefits including relief of pain from disease, injury and other sources, and that massage can be a valuable component of a wellness program; and,

WHEREAS, in 2008 the California Legislature passed SB 731 which added a new Chapter 10.5 to the California Business and Professions Code which provided for the formation of a nonprofit Massage Therapy Organization to oversee a state-sanctioned program of voluntary certification for massage practitioners so that such persons could avoid being required to obtain local massage permits; and,

WHEREAS, in 2011 in compliance with SB 731, the City of Los Alamitos amended Chapter 5.32 of the Los Alamitos Municipal Code; and,

WHEREAS, SB 731 had a sunset date of January 2, 2015; and,

WHEREAS, the changes that the City was required to make in compliance with SB 731 and the subsequent amendments thereto severely limited the manner in which the City could regulate massage establishment businesses; and,

WHEREAS, in September 2014 the Legislature adopted AB 1147, amending the laws enacted by SB 731 and the various amendments thereto; and,

WHEREAS, the purpose of AB 1147 was to restore much of the local control and land use authority to local governments which had been usurped by SB 731 and the various amendments thereto; and,

WHEREAS, there is concern that as other cities in surrounding communities enact moratoriums and impose regulations on massage establishments the number of massage establishments in the community will continue to expand unless the City has the ability to better regulate such businesses; and,

WHEREAS, other cities have experienced problems with massage establishments in terms of prostitution and human trafficking; and,

WHEREAS, the City Council wants to ensure that Los Alamitos does not experience these same types of problems and believes the best way to do so is through reasonable regulations; and,

WHEREAS, the City Council desires to amend Chapter 5.32 of the Los Alamitos Municipal Code in order to make additional changes in its regulation of massage establishment businesses and the practice of massage in order to protect the public; and,

WHEREAS, on January 20, 2015, the City Council adopted Urgency Ordinance No. 2015-01 imposing a moratorium on all new massage establishments in the City and extended the moratorium on February 23, 2015 by adoption of Urgency Ordinance No. 2015-02; and,

WHEREAS, the City Council desires to regulate all existing and new massage establishments in order to protect the health, safety, and welfare of the community.

NOW, THEREFORE, the City Council of the City of Los Alamitos does hereby ordain as follows:

SECTION 1. Chapter 5.32 of the Los Alamitos Municipal Code is hereby repealed and a new Chapter 5.32 adopted to read as follows:

Chapter 5.32 MASSAGE

Article I. General Provisions

5.32.000 Findings and purpose.

The City Council finds and declares as follows:

A. The permit requirements and restrictions imposed by this Chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the City, while recognizing massage as a legitimate business interest that provides benefits to its patrons in a therapeutic setting.

B. This Chapter is enacted pursuant to the provisions of the State Constitution, California Government Code Sections 37100, 51030 et seq., California Business and Professions Code Sections 4600 through 4620 and Section 16000 and Section 13 of the Chiropractic Act (initiative measure approved by the electors November 7, 1922, as amended) and AB 1147 (2014).

C. There is a significant risk of injury to massage clients by persons improperly trained and/or educated in providing massage services, and this Chapter provides reasonable safeguards against injury and economic loss.

D. There is opportunity for acts of prostitution, lewdness, and other unlawful sexual activity to occur in massage establishments, as well as problems relating to human trafficking in massage establishments. The establishment of reasonable standards for issuance of permits and restrictions on operations would serve to reduce the risk of illegal activity and would thereby benefit the public health.

E. The provisions of this Chapter are intended to enhance the efficient processing of permits for massage establishments, owners and managers and the ongoing regulation of those permittees and certificate holders by the City of Los

Alamitos. The provisions of this chapter in no way limit the authority of the City to inspect massage establishments or conduct investigations to ensure permittees are complying with applicable rules and regulations.

F. The restrictions and requirements contained in this Chapter are intended to stop the practice of businesses quickly changing ownership in name upon the discovery of criminal activity by the City.

G. The restrictions and requirements contained in this Chapter are intended to be in addition to the requirement of a valid business license issued pursuant to Title 5 of the Los Alamitos Municipal Code as well as any conditions imposed pursuant to a conditional use permit.

H. The regulations and restrictions contained in this Chapter are intended to discourage massage establishments from degenerating into houses of prostitution, and the means utilized in this Chapter bear a reasonable and rational relationship to the goals sought to be achieved within the confines allowed by state law.

I. The provisions of this Chapter are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any state or local laws or regulations that are uniformly applied to other professional or personal service businesses.

J. The California Massage Therapy Council ("CAMTC") can better, and more efficiently, regulate massage technicians in order to best protect the public and it is in the public interest to require that all persons providing massage in the City have a certificate from the CAMTC.

5.32.010 Definitions.

For the purpose of this Chapter, the following words and phrases shall be construed to have the meanings set forth in this section, unless it is apparent from the context that a different meaning is intended:

A. "California Massage Therapy Council" or "CAMTC" means the nonprofit organization created to regulate and issue massage practitioner and therapist certificates pursuant to California Business and Professions Code Section 4600 et seq.

B. "CAMTC Certificate" means a massage practitioner or massage therapist certificate issued by the CAMTC.

C. "Certificate of Operation" means the certificate issued by the Community Development Director entitling a business to be operated as a massage establishment.

D. "Chief of Police" means the Chief of Police of the City of Los Alamitos, or designee.

E. "City" means the city of Los Alamitos.

F. "City Manager" means the City Manager of the City of Los Alamitos, or designee.

G. "Community Development Director" means the Community Development Director of the City of Los Alamitos, or designee.

H. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

I. "Conviction," or "convicted" means a conviction following a guilty plea, nolo contendere plea, or judgment or verdict where the time for appeal has elapsed or conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the California Penal Code allowing the applicant to withdraw his or her plea of guilty or nolo contendere and to enter a plea of not guilty, or dismissing the accusation or information.

J. "Employee" means any person, other than a massage practitioner, massage therapist, or Operator, who renders any service, with or without compensation, to the Operator or agent of an Operator of a massage establishment relating to the day-to-day operation of the massage establishment whether as an employee or independent contractor.

K. "Main entry door" means a door from the outside of the establishment leading into the reception area.

L. "Manager" means the person(s) designated by the owner of the massage establishment to act as the representative and agent of the owner in managing day-to-day operations with corresponding responsibilities. Evidence of management includes, but is not limited to, the ability of the individual to direct or hire and dismiss employees, control hours of operation, create policy or rules or purchase supplies, and ensure that the massage establishment complies with the requirements of this code and of other laws. A manager may also be an owner. A manager must have a valid Operator Permit.

M. "Massage" means any method of treating the external parts of the body for remedial, health, hygienic, or relaxation purpose. "Massage" includes, but is not limited to, treatment by means of manual pressure, acupressure, friction, stroking, kneading, rubbing, tapping, pounding, vibrating, with or without the aid of or by means of any mechanical, electronic, or electrical apparatus or appliance, and with or without rubbing alcohol, liniments, aromatics, antiseptics, oils, powders, creams, lotions, ointments, or other similar preparations. Massage specifically includes the application of any of these methods to the scalp, neck, or feet of any individual. (Some persons practicing massage may be exempt from all or parts of the permit requirements; please consult Section 5.32.020.)

N. "Massage establishment" means any enterprise or establishment having a fixed place of business where any person engages in, conducts, carries on, or permits to be engaged in, conducted, or carried on, any of the activities set forth in the definition of massage in this section.

O. "Massage practitioner" means a person who is certified as such by the CAMTC in accordance with the Massage Therapy Act.

P. "Massage technician" means a massage practitioner or massage therapist certified by CAMTC.

Q. "Massage therapist" means a person who is certified as such by the CAMTC in accordance with the Massage Therapy Act.

R. "Operator" means all persons who own or manage a massage establishment.

S. "Operator permit" means the permit issued by Chief of Police allowing a person to own or manage a massage establishment.

T. "Out-call massage" means any business or enterprise that engages in or performs massage for any form of consideration or in exchange for anything of value whatsoever at a location other than a massage establishment.

U. "Owner" means all of the following:

1. The sole proprietor of a massage establishment, i.e., where the owner is the only person performing massage at that establishment;

2. In the case of a general business, each owner of the business;

3. In the case of a corporation, each stockholder holding more than ten percent of the corporation and each officer and director of the corporation;

4. In the case of a partnership, each partner, excluding limited partners owning less than ten percent of the partnership, and where a partner is a corporation, the provisions pertaining to a corporate applicant in subsection (R)(3) apply.

V. "Patron" means an individual on the premises of a massage establishment for the purpose of utilizing the services of a massage establishment, a parent or guardian accompanying a minor receiving the services of a massage establishment, or a person helping an elderly or infirm person receiving the services of a massage establishment.

W. "Permit" means an Operator Permit or Certificate of Operation.

X. "Permittee" means any person who has obtained a Certificate of Operation or Operator Permit from the City.

Y. "Person who has engaged in disqualifying conduct" means a person who:

1. Within ten years preceding the date of filing of the application in question or, in the case of revocation proceedings, within ten years preceding the date of the revocation notice, has been convicted in a court of competent jurisdiction of any of the following:

a. A violation of any provision of law pursuant to which a person is required to register under the provisions of Penal Code Section 290, or

b. Conduct in violation of Penal Code Sections 266h, 266i, 314, 315, 316, 318, 653.22, 653.23, or subsections (a), (b) or (d) of Section 647, or

c. An attempt to commit or conspiracy to commit any of the above mentioned offenses, or

d. When the prosecution accepted a plea of guilty or nolo contendere to a charge of a violation of Penal Code Section 415, 602 or any lesser included or related offense, in satisfaction of, or as a substitute for, any of the previously listed crimes, or

e. Any crime committed while engaged in the management or ownership of a massage establishment or the practice of massage; or,

f. A violation of Health and Safety Code Section 11550 or any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code Section 11054, 11055, 11056, 11057 or 11058, or,

g. Any offense under a statute of any state or ordinance of any city or county, which is the equivalent of any of the aforementioned offenses, including Business & Professions Code Section 4609(a);

2. Within ten years preceding the date of the filing of the application in question or, in the case of revocation proceedings, within ten years preceding the date of the revocation notice, has had any massage establishment, Operator, technician, practitioner, therapist or trainee certificate, license or permit issued by any state, local agency or other licensing authority, including the CAMTC: denied, revoked or suspended for any reason other than lack of sufficient education; or has had to surrender such a certificate, license or permit as a result of pending criminal charges or administrative proceedings for suspension or revocation of any such certificate, license or permit; or

3. Within five years preceding the date of filing of the application in question or, in the case of revocation proceedings, within five years preceding the date of the revocation notice, has been convicted in a court of competent jurisdiction of any of the following:

a. Any crime, other than an infraction or those listed above, involving dishonesty, fraud, or deceit, with the intent to substantially benefit him or herself or another, or substantially injure another, or

b. Any crime, other than an infraction or crimes relating to those offenses listed above, where the crime or act is substantially related to the management or ownership of a massage establishment or the practice of massage, including a violation of the Massage Therapy Act; or

4. Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to Sections 11225 through 11235 of the Penal Code as the same may be amended from time to time, or any similar provisions of law in a jurisdiction outside the state of California; or

5. Has been found to be maintaining a nuisance in connection with the same or similar type of business; or

6. Within five years preceding the date of filing of the application in question, or, in the case of revocation proceedings, within five years preceding the date of the revocation notice, has engaged in the exposing of specified anatomical areas of oneself or of another person to view, or in touching the specified anatomical areas of oneself or of another person, while providing massage services or while within view of a patron of the massage establishment; or

7. Within five years preceding the date of filing of the application in question, or, in the case of revocation proceedings, within five years preceding the date of the revocation notice, has been the owner, Manager, or other similar position, in an

establishment where there is substantial evidence that disqualifying conduct described above has occurred by others on the premises, regardless of whether there was a conviction of such persons.

8. Disqualifying conduct does not include the failure to obtain a Certificate of Operation or Operator Permit without any prior oral or written notification by the City that such was required, provided that the business and/or person cease operations immediately upon notification.

Z. "Proof of bona fide employment" means proof of an employer–employee relationship between the Operator of the massage establishment and any person working at the massage establishment. Satisfactory proof of bona fide employment must be shown by written payroll documentation evidencing the employer's compliance with California Employment Development Department (EDD) requirements for the withholding of California income tax, unemployment insurance contributions and disability contributions from the employee and written payroll documentation of the employer's compliance with Internal Revenue Service (IRS) requirements for the withholding of federal income taxes, Social Security (FICA) and Medicare contributions from the employee. Such written documentation can include, but is not limited to, W-2 wage and tax statements.

AA. "Reception area" means an area immediately inside the main entry door of the massage establishment dedicated to the reception and waiting of patrons and visitors of the massage establishment and which is not a massage room or otherwise used for the provision of massage services.

BB. "Residence address" means the actual physical home address and shall not include a P.O. box, mailbox service, or other similar location.

CC. "Sole provider" means a massage business where the owner owns 100 percent of the business, is the only person who provides massage services for compensation for that business pursuant to a valid and active Certificate, and has no other employees or independent contractors.

DD. "Specified anatomical areas" means any of the following human anatomical areas: genitals, pubic area, buttocks, anus, or female breasts below a point immediately above the top of the areolae, without a health care referral and written consent of the patron.

EE. "Visitor" means a nonemployee who has entered the massage establishment for purposes other than receiving services.

5.32.020 Exemptions.

A. Complete Exemption. The requirements of this Chapter shall have no application and no effect upon and shall not be construed as applying to:

1. Any physician, surgeon, chiropractor, acupuncturist, osteopath, or physical therapist licensed to practice such profession in the state of California, within the scope of their license.

2. Any registered nurse or licensed vocational nurse, licensed to practice under the laws of the state of California, who is an employee of and working under the on-site direction of a physician, surgeon, chiropractor, osteopath, or physical therapist, duly licensed to practice their respective professions in this state.

a. Any other person providing massage services that is employed by a physician, surgeon, chiropractor, osteopath, or physical therapist, shall be required to have a valid CAMTC certificate, as well as work under the adequate supervision of such physician, surgeon, chiropractor, osteopath, or physical therapist as required by State law or regulation. If no specific law or regulation applies, adequate supervision shall have the same meaning as set forth in 16 California Code of Regulations Section 312.

b. If a duly licensed acupuncturist wishes to provide massage therapy services to his or her clients by an individual(s) other than his- or her- self, said individual(s) must have a valid CAMTC Certificate and the office of the acupuncturist shall be subject to all the provisions of this Chapter, as well as any other applicable provisions of the Los Alamitos Municipal Code.

3. Any person licensed to practice any healing art under the provisions of Division 2 (commencing with Section 500) of the Business and Professions Code when engaging in such practice within the scope of such license.

4. State licensed hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the state of California, and the employees of such facilities while working on the premises of such state licensed facilities.

5. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

6. Barbers, beauticians, or manicurists who are duly licensed by the state of California pursuant to the Barbering and Cosmetology Act set forth in Business and Professions Code Section 7300 et seq., as the same may be amended from time to time, while engaging in practices within the scope of such license, except that this exemption applies solely for the massaging of the neck, face, and/or scalp of the customer or client of said barber or beautician or, in the case of a licensed manicurist, the massaging of the forearms, hands, calves, and/or feet at a state licensed facility. However, if a state licensed establishment also has a Certificate of Operation from the city to operate as a massage establishment, the business must also comply with all provisions of this chapter.

7. Schools of cosmetology or barbering which comply with the requirements of Business and Professions Code Section 7362 et seq., when instructors are acting within the scope of their employment or when students are working as unpaid externs pursuant to the requirements of Business and Professions Code Section 7395.1.

8. Any other business or professions exempt by state law.

B. Partial Exemption. Businesses that provide massage that: (a) do not involve disrobing; and (b) are administered in an open room which is open to public view from the entrance of the establishment shall only have to follow the specific listed requirements:

1. Massage services must be performed by the holder of a valid CAMTC certificate.
2. The business shall comply with the following provisions of this Chapter:
 - a. Section 5.32.110A.1 relating to hours;
 - b. Section 5.32.110C relating to instruments, equipment and personnel;
 - c. Section 5.32.110D.1 through D.3 relating to personnel lists;
 - d. Section 5.32.110E relating to prohibited conduct;
 - e. Section 5.32.120A, B, D, E, F and G—H relating to building and facility requirements; and,
 - f. Section 5.32.130 relating to inspections.

C. Any person claiming exemption under this section shall furnish satisfactory evidence upon request that he or she is entitled to such exemption, including, proof of bona fide employment, or if applicable, a citation to the particular provision of state law upon which that person relies.

5.32.030 Business license—Other permits required.

A. Nothing herein relieves an individual or business from obtaining a City business license, conditional use permit, or other permit if otherwise required by law.

B. Any individual applying for a business license as a massage practitioner or a massage therapist shall provide proof of a current CAMTC certificate before being issued a business license.

5.32.035 Floor Plans Required.

A. All massage establishments shall be required to submit a scaled floor plan as part of their application for a Certificate of Operation as specified in Section 5.32.070A.

B. All businesses that claim a partial exemption from this Chapter pursuant to Section 5.32.020B shall be required to submit scaled floor plans in order to verify the applicability of the exemption.

C. No changes may be made to the approved floor plan without written approval from the Community Development Department, which may require modification of the conditional use permit.

Article II. Massage Practitioners and Massage Therapists

5.32.040 State certificate required.

A. No person shall provide massage services, including out-call massage services, from any location in the City without having been issued a CAMTC certificate, regardless of whether such person has an Operator Permit or the business has a Certificate of Operation.

B. Any person certified by the state who desires to operate a massage establishment, must obtain an Operator Permit in accordance with Article III of this Chapter.

C. No Operator of a massage establishment shall hire as an employee or utilize as an independent contractor any person to perform massage unless such person has been issued a massage certificate.

Article III. Certificates of Operation and Operator Permits

5.32.050 Certificate and permit requirement.

A. No person shall own or manage any massage establishment in any location within the City without first having obtained an Operator Permit.

B. No massage establishment shall be allowed to operate within the city unless the business first obtains a Certificate of Operation. No Certificate of Operation shall be approved until each Operator identified in the application has obtained an Operator Permit.

C. Any person desiring to obtain a Certificate of Operation and/or an Operator Permit shall make application in accordance with the provisions of this article, which application shall be accompanied by a nonrefundable fee in an amount established by resolution of the City Council.

D. All applications shall be dated and shall contain the following statements:

1. A certification under penalty of perjury that the information contained in the application is true and correct; and,

2. An authorization for the City, its officers, agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in the application and to ensure continual compliance with all applicable provisions of law.

E. The provisions of Sections 5.32.035 and 5.32.110 through 5.32.140 shall apply to any business that operates as a massage establishment, even if such business fails to obtain Operator Permits or certificates of operation. The City may immediately order a business that fails to have a Certificate of Operation or a permitted Operator to cease operation.

F. Within thirty working days following receipt of a completed application, the Community Development Director shall either issue the Certificate of Operation and the Chief of Police shall issue an Operator Permit or mail a written statement of the reasons

for denial thereof. Notwithstanding the above, failure of the City to act upon a completed application within the time frame set forth above shall not be deemed approval of the application pursuant to this Chapter. Any Certificate of Operation or permit issued pursuant to this subsection shall be deemed conditional pending the City's receipt of the California Department of Justice report on the applicant's fingerprints. If the fingerprint report demonstrates that the applicant has made any false, misleading or fraudulent statement of material fact in the permit application or in any report or record required to be filed therewith, or discloses any disqualifying conduct, the permit shall be subject to denial or revocation pursuant to this Chapter.

5.32.060 Operator permit.

A. Application—Contents. Applicants for Operator Permits shall submit the following information to the Los Alamitos Police Department on a form supplied by the Department:

1. The full true name of the applicant;
2. A complete statement listing and explaining any and all aliases and fictitious names used by the applicant within the ten years immediately preceding the application;
3. The current residence address and business address and current residence and business telephone number of the applicant;
4. A list of all previous residential and business addresses for a minimum of eight years immediately preceding the present address of the applicant and the dates of residence for each address;
5. The applicant's place of birth, and original documentation to verify both the applicant's identity and employment authorization (if applicable), as listed under 8 USC 1324a(b)(1) and 8 CFR 274a.2(b)(1). Documentation to satisfy this requirement may include, but is not limited to, a California driver's license, California identification card, Social Security card, resident alien ("green") card, United States passport (unexpired or expired), unexpired foreign passport that contains a temporary I-551 stamp, or an unexpired employment authorization document issued by the United States Government in compliance with 8 CFR 274a.2(b)(1)(v)(A);
6. The history of the applicant as to any similar business or occupation within ten years immediately preceding the filing of the application. Such information shall include, but not be limited to, the names and addresses of any other massage establishments or similar businesses the applicant has owned, managed, provided massage services at, or worked at, whether the applicant has had a permit or license to operate, manage, provide massage services at, or work at a massage establishment denied, revoked or suspended in any jurisdiction; the reasons for any such denial, revocation or suspension; and the business, activity or occupation the applicant engaged in subsequent to such denial, revocation or suspension;
7. All criminal convictions within the last ten years, excluding minor traffic violations, and the date and place of each such conviction and reason therefor;

8. Such other reasonable identification and information as the Chief of Police may require in order to discover the truth of the matter specified as required to be set forth in the application;

9. The applicant shall provide two passport size photographs (2" x 2") to the Los Alamitos Police Department; and,

10. An acknowledgement that by applying for an Operator Permit, the applicant understands that they are responsible for all violations of employees or independent contractors that may take place in the massage establishment which they own or manage and that such violations are grounds for revocation of the Operator Permit.

B. Once the information required by Subsection A is submitted, the applicant shall have his or her fingerprints taken for a criminal history background (Livescan) check in the manner directed by the Los Alamitos Police Department.

C. The Chief of Police shall issue the Operator Permit, unless after investigation he or she makes any of the following findings:

1. The applicant has failed to provide information, documentation and assurances required by this chapter or by the Chief of Police; has failed to reveal any fact material to qualification; or has supplied information that is untrue or misleading as to a material fact pertaining to the qualification criteria; or

2. The applicant is a person who has engaged in disqualifying conduct; or,

3. There is substantial evidence that the applicant has engaged in disqualifying conduct, even if there is no conviction for such conduct; or,

4. The applicant has violated any provision of this Chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage establishments; or,

5. The applicant is not at least eighteen years of age; or,

6. The applicant is delinquent in paying City fees or penalties owed in relation to any permit issued pursuant to this Chapter.

D. Permits issued pursuant to this section shall remain in effect, unless revoked, for a period of three years. Applications for the renewal of a permit shall be filed on a form supplied by the City with the Chief of Police. Temporary permits shall not be issued and expired permits are not valid unless the permittee has a written receipt showing that the renewal application was filed at least thirty (30) days prior to expiration without action having been taken by the Chief of Police. Renewal applications shall be signed under penalty of perjury and shall be accompanied by a nonrefundable filing fee established by resolution of the City Council. A permittee shall be required to update the information contained in his or her original permit application and provide any new and/or additional information as may be reasonably required by the Chief of Police in order to determine whether the permit should be renewed, including all information required by Subsection A of this section. Failure to provide this documentation shall be grounds for nonrenewal of the permit.

E. If the criminal history background check report demonstrates that the applicant has made any false, misleading or fraudulent statement of material fact in the permit application or in any report or record required to be filed therewith, or discloses any disqualifying conduct, the permit shall be subject to denial.

F. Automatic Issuance and Renewal for CAMTC Certificate Holders.

1. Any person who holds a valid CAMTC certificate shall only be required to provide the following information on a form that includes the statements set forth in Section 5.32.050(D):

a. The full true name of the applicant;

b. The current residence and business address and current residence and business telephone number of the applicant; and,

c. The name and address of the massage establishment for which the Operator Permit is sought.

2. A copy of the applicant's CAMTC certificate and identification shall be provided with the application, along with a fee in an amount set by resolution of the City Council.

3. The applicant shall provide photographs as specified above.

4. The Operator Permit shall automatically be issued upon completion of the form and verification of the validity of the CAMTC certificate by the Police Department. No background check shall be required.

5. Renewals shall be required in accordance with Subsection D of this section, but such renewals shall be automatic as long as the permittee maintains and provides a copy of his or her valid CAMTC certificate.

G. Every person to whom a permit has been granted pursuant to this Chapter shall be issued an identification badge by the Los Alamitos Police Department which shall contain the person's name, photograph, expiration date and any other information deemed necessary by the Chief of Police. The badge shall be worn so as to be readily visible at all times while on the premises of the massage establishment.

H. Permits issued pursuant to this Chapter may not be assigned or transferred.

I. It is the duty of each Operator to notify the Chief of Police whenever there is a change in information which was required to be submitted in the application for the Operator Permit in the first instance. Such notification shall be in writing and made within ten business days of the change on a form provided by the Police Department.

J. Each Operator of a massage establishment shall be responsible for the conduct of all employees and independent contractors working on the premises of the business. Failure of the employees or independent contractors to comply with this Chapter may result in the revocation of the Operator's permit.

K. The Operator of the massage establishment is responsible for verifying that all persons hold the appropriate CAMTC Certificate as required by this Chapter.

L. Any requirement of this Chapter applying to an Operator shall apply to each and every Operator of a massage establishment.

5.32.070 Certificate of Operation.

A. Applications for a Certificate of Operation shall be filed with the Community Development Department and shall include the information set forth below:

1. The full name of the applicant;
2. The name under which the business is to be conducted, which name must match the name of the business under which the corresponding business tax certificate is issued under Title 5. No massage establishment business shall operate under any business name or conduct business under any designation not specified in the Certificate of Operation. If the applicant is a corporation, the name shall be exactly as shown on the articles of incorporation or on a valid DBA ("doing business as");
3. The address of the proposed massage establishment;
4. A detailed description of the operation and type of services to be provided by the massage establishment, including other therapies to be provided, and other businesses to be operated on the same premises;
5. The full name of each Operator of the massage establishment;
6. A legal size copy of the floor plan approved as part of the conditional use permit, drawn to scale showing: entrances; exits; windows; interior doors; restrooms; all other separately enclosed rooms with dimensions, including, but not limited to closets, storerooms, break rooms, and changing rooms; and location of massage tables and chairs which is dimensioned in feet and inches and labeled in English;
7. The full name, address, and phone number of the legal owner of the property, if other than the applicant on which the massage establishment is to be located, along with a copy of the signed lease and a notarized acknowledgement from the owner of the property that a massage establishment will be located on his or her property; and
8. The hours and days of operation.

B. The Community Development Director shall issue a Certificate of Operation upon verification of the following:

1. The massage establishment will comply with all applicable laws, including, but not limited to, building, fire, zoning, health and safety regulations, as well as any conditions which have been imposed to comply with such laws; and
2. Each person identified as an Operator has obtained an Operator Permit.

C. Every massage establishment for which a Certificate of Operation has been granted pursuant to this Chapter shall display the certificate in a conspicuous place so it may be readily seen by persons entering the premises.

D. A Certificate of Operation is not transferable to a separate location of the same business, to a different business at the same location, or to the same business under different ownership at the same location, or the same business under a different name.

E. It is the duty of each Operator to notify the Community Development Department whenever there is a change in information which was required to be submitted in the application for the Certificate of Operation in the first instance. Any sale or transfer of any reportable interest of an owner in a massage establishment, which interest would be required to be reported under Subsection A of this section in the first instance, shall render the Certificate of Operation temporarily suspended and subject to revocation in accordance with the provisions of this Chapter unless prior to the effective date of such sale or transfer, the new owner applies for and obtains an Operator Permit.

F. Notwithstanding any other provision of this code to the contrary, where a Notice of Intent to suspend or revoke, or a notice of suspension or revocation, has been issued regarding a massage establishment, or the business has otherwise been required to close because of suspension or revocation proceedings against the Operator, the Community Development Department shall not process or issue a new application for a Certificate of Operation for said location unless or until the revocation or suspension proceedings are dismissed or a final determination is made that the current Certificate of Operation should not be suspended or revoked, or a two year period has passed since the occurrence of the activity which gave rise to the suspension or revocation proceedings or other criminal actions.

G. Notwithstanding any other provision of this code to the contrary, when a massage establishment has been closed due to criminal activity and such decision is final, no new massage establishment may open in such location and no Certificate of Operation shall be issued for such location for a period of two years from the date of such final determination. For purposes of this section, closure due to criminal activity includes voluntary closure of the business after there have been arrests at the location or other notices relating to criminal activity or notices relating to suspension or revocation proceedings. This provision is not meant to prohibit the issuance of a Certificate of Operation to a business which initially failed to obtain a Certificate of Operation without any prior oral or written notification by the City that such was required.

H. Where the applicant for the Certificate of Operation is not the record owner, as shown on the latest county assessment roll, then upon issuance of the Certificate, the City shall send written notice to the property owner advising of the issuance of the certificate and the regulations applicable to the massage establishment

and the property pursuant to this Chapter; this may be accomplished by including a copy of this Chapter with the notice.

5.32.080 Suspension and Revocation of permits and certificates.

A. Subject to the procedures set forth in this section, the Chief of Police may suspend or revoke an Operator Permit or a Certificate of Operation issued pursuant to this Chapter whenever the Chief of Police determines that any of the following has occurred:

1. The permittee, or an employee or independent contractor working on the premises, is conducting operations in a manner contrary to the provisions of this code;

2. The permittee, or employee or independent contractor working on the premises, is conducting operations in a manner which constitutes a public nuisance;

3. The permittee, or an employee or independent contractor working on the premises, is conducting operations in a manner which is detrimental to the health, safety or welfare of the city or its inhabitants;

4. There is substantial evidence of prostitution;

5. The permittee, or any employee or independent contractor working on the premises, had engaged in Disqualifying Conduct; or,

6. The Chief of Police makes any of the findings that would have justified denying the application in the first instance.

B. If, in the discretion of the Chief of Police, an alleged violation is minor and capable of correction, then prior to suspension or revocation a written notice shall be given to the permittee of the violation(s) involved to allow a period of time to correct the alleged violation(s), which period shall not exceed five business days, at the end of which period, an inspection shall be conducted to determine whether the alleged violation(s) has been corrected. For purposes of this section, written notice may include either a notice of violation or an administrative citation.

C. If the Chief of Police determines that an alleged violation is not minor or capable of correction, that the violation(s) continues without correction, or that there have been previous violations of this Chapter, even if for different reasons, then the Chief of Police may issue a Notice of Intent to Suspend or Revoke, along with an administrative or criminal citation. Examples of a violation which will be determined by the Chief of Police to be not capable of correction include, but are not limited to, substantial evidence of prostitution activity on the massage establishment's premises or an immediate threat to public health, safety or welfare.

D. Notice of Intent to Suspend or Revoke. A Notice of Intent to Suspend or Revoke shall contain a statement of an alleged violation(s) which constitutes the basis for the suspension or revocation, notice of the right of the Permittee to respond to the charges, either orally or in writing to the Chief of Police for a pre-appeal determination, notice of the right to appeal to the City Manager, and notice that a failure to respond in the time specified shall constitute a waiver of the right to respond, but not the right to

appeal. If an alleged violation is capable of correction, the notice shall also advise the Permittee to correct the alleged violation(s) within the time to respond.

E. Response to Notice of Intent/Pre-appeal Determination.

1. The time to respond and request a pre-appeal determination shall be five business days from the date of service of the notice, regardless of whether the materials upon which the Notice of Intent is based are provided to the Permittee at that time.

2. If there is no response, the Permit shall be considered suspended or revoked upon the expiration of time in which to respond and request a pre-appeal hearing.

3. If there is a response, the Permit shall remain in effect until a determination is made by the Chief of Police. In no event shall the Chief hold a hearing until at least five (5) business days have passed from the time the City provides the materials upon which the Notice of Intent is issued to the Permittee.

F. Suspension or Revocation

1. If, after consideration of the Permittee's response, the Chief of Police determines that the Notice of Intent to Suspend or Revoke should be upheld, then the Chief of Police shall issue a Notice of Suspension or Revocation and serve it upon the Permittee as well as any other interested person requesting a copy of the same. Where all massage activity is required to cease, notice shall also be served on the owner of the property if different from the Operator or Certificate holder. The notice shall include information about the right to appeal.

a. Upon issuance of a Notice of Suspension or Revocation of a Certificate of Operation, all massage activity at the Massage Establishment shall cease and no activity for which the Certificate of Operation is required shall be conducted while any appeal may be pending.

b. Upon issuance of a Notice of Suspension or Revocation of an Operator Permit, the Operator must cease all work at the Massage Establishment. If there is no other person who has an Operator Permit which is not the subject of a suspension or revocation proceeding, then all massage activity at the Massage Establishment shall also cease and no massage activity shall be conducted while any appeal may be pending.

G. Surrender of Certificate of Operation and Permits. Any permittee shall immediately surrender his or her permit or certificate to the Chief of Police upon its suspension or revocation. The Operator shall immediately surrender the Certificate of Operation upon suspension or revocation of an Operator Permit if there is no other permitted Operator, regardless of whether the Certificate of Operation is being suspended or revoked.

5.32.090 Appeals.

A. Appeals.

1. Appeals shall be in writing, shall clearly state the applicable basis for the appeal, and filed with the City Clerk within the following time frames:

a. Appeals from any decision of the Chief of Police or Community Development Director under this chapter shall be filed with the City Clerk not later than fifteen calendar days following the date of notice of the denial.

b. Appeals from a Notice of Intent to Suspend or Revoke a permit where no response is filed in accordance with Section 5.32.080E above shall be filed not later than ten (10) calendar days following the expiration of the response period.

c. Appeals from a Notice of Suspension or Revocation issued after a response is filed in accordance with Section 5.32.080E above shall be filed not later than ten (10) calendar days following the Chief's written decision set forth in a Notice of Suspension or Revocation.

2. The City Clerk shall not accept an appeal, and no hearing shall be held, unless the appellant has paid a filing fee, in an amount set by resolution of the City Council, to defray the cost of such appeal. Any appeal without the timely payment of fees shall be considered to be untimely.

3. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the appellant in the written appeal, as submitted pursuant to Subsection A.1 of this section.

B. City Manager Action.

1. Upon receipt of a timely filed appeal, the City Clerk shall set the matter for hearing before the City Manager. The hearing shall be held not fewer than ten calendar days nor more than thirty calendar days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties. For the purposes of this section, "City Manager" may include a hearing officer appointed by the City Manager, who shall then act in the City Manager's place.

2. The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least seven calendar days prior to the hearing.

3. At the time of such hearing, the City Manager shall review the records and files relating to the decision.

a. The City Manager shall permit any interested person to present any relevant evidence bearing on the issues involved in the matter.

b. In conducting the hearing, technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be

applicable to the extent they are permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

c. In determining whether a person should be disqualified for meeting the definition of a "person who has engaged in disqualifying conduct," the City Manager may consider: the nature and severity of the act(s) or crime(s); whether there were any additional subsequent act(s) or crime(s); the number of act(s) or crime(s); and how recent the act(s) or crime(s) were.

4. The appellant shall have the burden of proving that he or she meets the requirements for issuing the permit or certificate in the first instance; the City shall have the burden in proving that grounds exist for revoking or failing to renew a permit.

5. Based upon the evidence presented at the hearing, the City Manager shall determine whether the decision should be affirmed, modified or reversed.

6. The City Manager's decision shall be communicated in writing to the appellant within ten working days after the close of the hearing and submission of the matter to the City Manager for decision. The City Manager's decision shall state whether the decision is affirmed, modified or reversed and shall state the reasons therefor.

7. The decision of the City Manager shall include notice that the decision is final and conclusive, that judicial review may be sought therefrom pursuant to Code of Civil Procedure Section 1094.5, and that any action filed in the Superior Court shall be filed within ninety days following the City Manager's notice pursuant to Code of Civil Procedure Section 1094.6.

5.32.100 Notices.

All notices required to be given pursuant to this Chapter shall be served on the responsible party (i.e., permittee, applicant, appellant, or a representative thereof) either by personal delivery or by deposit in the United States mail in a sealed envelope, postage prepaid addressed to such responsible party as the name and address appear in the most recent application on file with the City. Service by mail shall be deemed to have been completed on the date deposited in the mail. Notices shall include information regarding appeal rights and a statement that the failure to file an appeal shall constitute a failure to exhaust administrative remedies.

Article IV. Operation and Facility Requirements

5.32.110 Operational requirements.

A. Hours and Conditions of Operation.

1. No massage establishment shall operate nor shall any massage be administered in any massage establishment between the hours of 10:00 P.M. and 6:00 A.M., regardless of whether compensation is being received for such massage. A massage begun any time before 10:00 P.M. must nevertheless terminate at 10:00 P.M. No afterhour's use of the massage establishment shall be allowed for any purpose. The

hours of operation must be displayed in a conspicuous public place in the lobby within the massage establishment and in any front window clearly visible from outside of the massage establishment. These hours of operation may be modified pursuant to a conditional use permit.

2. During hours of operation, no person other than a valid permit holder under this Chapter, a massage practitioner, a massage therapist, or a patron shall be allowed beyond the reception area of the massage establishment.

3. Patrons and visitors shall only be permitted in the massage establishment during the hours of operation.

a. Visitors shall only be permitted in the reception area of the massage establishment.

b. Patrons shall only be permitted in massage treatment areas if at least one massage technician is on the premises.

4. The massage establishment shall be supervised during all hours of operation by a manager who is one of the Operator specified in the permit application. The name and photograph (minimum size of four inches by six inches) of the on-duty manager shall be posted in a conspicuous place in the reception area of the massage establishment at all times that the business is open. This provision shall not apply to Sole Providers.

5. No massage establishment shall be used for residential purposes.

a. There shall be no massage tables, cots, or beds in the establishment other than as shown on the approved floor plan.

b. Locker facilities shall be provided for all employees and independent contractors and all personal items of the employees and independent contractors shall be kept in the lockers while at the massage establishment.

c. Full kitchen facilities shall not be allowed. A sink and a microwave are acceptable. No hot plates, ovens, stoves or other cooking mechanisms shall be allowed.

6. No massage establishment shall be located on the premises as an escort service.

B. Posting Requirements. In addition to any other requirements for posting set forth in this Chapter, the following shall also apply:

1. A recognizable and legible sign complying with the requirements of this code shall be posted at the main entrance identifying the establishment as a massage establishment.

2. Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in English and such other languages as may be convenient to communicate such service, in a conspicuous public location in each massage establishment. No services shall be performed and no sums shall be charged for such services other than those posted. Nothing herein prohibits a voluntary tip from being paid by the patron.

3. Any posted signs which are in a language other than English shall also be posted in English.

C. Instruments, Equipment, and Personnel.

1. Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing acts of massage and said instruments shall be disinfected and sterilized after each use.

2. Unless otherwise approved by a conditional use permit, massages shall be administered only on standard or portable massage tables or chairs which are covered with a durable, washable plastic or other acceptable waterproof material. Beds, mattresses, water beds, futons, sofa beds, any type of portable or convertible beds, and foam pads more than four inches thick or with a width of more than four feet shall not be permitted in the establishment.

3. No massage technician shall massage the genitals, or anal area of any patron, nor shall any Operator of a massage establishment allow or permit such a massage to the above specified areas.

4. No massage technician shall massage the breasts of a female patron without the written consent of the person receiving the massage and a referral from a licensed California health care provider, nor shall any Operator of a massage establishment allow or permit such a massage to the above-specified area.

5. A massage shall not be given and no patron shall be in the presence of any massage establishment staff unless the patron's genitalia and, if a female patron, the female patron's breasts, are fully covered by a fully opaque, nontransparent covering.

6. Persons providing services in the massage establishment shall not be dressed in attire that is: transparent, see-through, substantially exposes the massage technician's undergarments, or exposes the massage technician's breasts, buttocks, or genitals; in a manner which has been deemed by CAMTC to constitute unprofessional attire based on the custom and practice of the profession in California; or in swim attire unless such person is providing a water-based massage modality which has been approved by CAMTC.

7. All massage establishments shall be so equipped, maintained and operated as to effectively control the entrance, harborage, and breeding of vermin, including flies. When flies or other vermin are present, effective control measures shall be instituted for their control or elimination.

8. Clean and sanitary towels, sheets and linens shall be provided for each patron of the establishment. No common use of towels or linens shall be permitted. Heavy white paper may be substituted for sheets; provided, that such paper is used once for each person and then discarded into a sanitary receptacle.

9. All massage tables shall be at least two feet away from all walls at all times.

D. Personnel Lists.

1. Within seven calendar days of receiving a Certificate of Operation, the Operator shall provide the Police Department with a complete list of all massage technicians who are working or will work, be employed, or provide massage services in the massage establishment along with a copy of their CAMTC certificate and identification card, as well as with the name and residence address of the manager principally in charge of the operation of the massage establishment and of any other manager.

2. The Operator shall have a continuing obligation to notify the Chief of Police in writing of any changes in massage technicians and managers within seven calendar days of such change.

3. The Operator shall maintain copies of each massage technician's CAMTC certificate and identification card on file on the premises of the massage establishment which shall be available to any individual upon request, including, but not limited to, employees of the City. Additionally, the Operator shall be required to file copies of each CAMTC certificate and identification card with the Police Department within seven days of a massage technician beginning to work at the massage establishment. Information required by this section shall be maintained at the massage establishment for a minimum of two years following the date that the person ceases providing services/employment to the massage establishment.

4. The Operator shall maintain on the premises of the massage establishment a register of all non-state certified persons employed, working or providing other services at the massage establishment. The register shall be maintained for a minimum of two years following the time that the person ceases providing services/employment to the massage establishment. The Operator shall make the register immediately available for inspection upon demand of a representative of the Police Department, any health officer, or any other official charged with enforcement of this Chapter. The register shall include, but is not limited to, the following information:

- a. Name, nicknames and/or aliases;
- b. Home address and relevant phone number, including, but not limited to, home, cellular and pager numbers;
- c. Age, date of birth, gender, height, weight, color of hair and eyes;
- d. The date of employment, and termination, if any;
- e. The duties of each person; and
- f. In a separate portion of the register, Social Security numbers, which shall only be available for review by the Los Alamitos Police Department or other law enforcement personnel, but not health officers or other officials charged with the enforcement of this Chapter.

E. Prohibited Conduct.

1. No alcoholic beverages shall be sold, served, or furnished on the premises of any massage establishment without a valid alcoholic beverage license from the state and conditional use permit from the City.

2. No storage or sale of condoms or spermicide shall be permitted within the massage establishment.

3. No Operator shall hire, employ or allow a person to perform massage services unless such person possesses a valid CAMTC certificate. Each Operator of a massage establishment shall verify that all persons hold the appropriate state certificate required by this Chapter. Nothing herein prevents an Operator from hiring, employing, or allowing a person to perform services allowed by such person's cosmetology or barber license, if the business has a state establishment license in addition to a Certificate of Operation.

4. No person shall use or possess, nor shall there be any storage of, any sexually oriented implements or paraphernalia which are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity in any part of a massage establishment.

5. No electrical, mechanical or artificial device shall be used by any massage establishment staff for audio and/or video recording or for monitoring the performance of a massage, of the conversation or other sounds in the massage rooms, without the knowledge and written consent of the patron.

6. No Operator of a massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective patrons or clients that any service is available other than those services described in this Chapter and posted on the premises as required in this Chapter, nor shall any massage establishment employ language in the text of any advertising that would reasonably suggest to a prospective patron that any service is available other than those services described in this Chapter and posted on the premises as required by this Chapter.

5.32.120 Building and facility requirements.

A. The building, or unit within the building where the exempt massage establishment is located, shall comply with all applicable building code requirements.

B. All massage rooms and dressing rooms shall be screened off by hinged doors that can open inward. Swinging doors that can open inward, draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner dressing rooms and massage therapy rooms or cubicles.

C. Except for bathroom doors and one office door, interior doors may not have locks on them.

D. In addition to the minimum lighting required by the provisions of Chapter 15.04 of the Los Alamitos Municipal Code, all rooms in which massages are being provided shall be lit with a minimum of one light fixture emitting at least 210 lumens for every 150 square feet of space during the administration of such services, with the light fixtures being spread throughout the space. No dimmer switches, strobe lights, flashing lights, colored light, or any coverings or other apparatus, other than a lampshade, which

changes or darkens the color of the primary light source shall be used in any room in which massage services are being provided.

E. Any locker facilities provided for the use of patrons shall be fully secured for the protection of the patron's valuables and the patron shall be given control of the key or other means of access.

F. The walls in all rooms where water or steam baths are given shall have a washable mold-resistant surface.

G. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the establishment must be built to Building Code standards, in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments, and toilet rooms shall be thoroughly cleaned and disinfected each day the business is in operation. Bathtubs shall be thoroughly cleaned and disinfected after each use. Any room in which table showers are used shall be designed and built as a shower facility.

H. Where shower facilities, including table showers, are provided, an enclosed changing area, directly adjacent to the shower shall be provided. The changing area shall be designed to allow the patron to exit the shower and enter the changing area without being exposed or visible to any other area of the massage establishment.

I. One main entry door that enters into the reception area shall be provided for patron use. All patrons, and any persons other than those providing services at the massage establishment, shall be required to enter and exit through the main entry door of the establishment.

J. All exterior doors (except rear exterior doors used only for employee entrance to and exit from the massage establishment) shall remain unlocked during business hours, and the establishment shall comply with the provisions of the Los Alamitos Municipal Code pertaining to the posting of signs stating that doors shall remain unlocked during business hours. Exits for fire safety purposes may be allowed where deemed necessary by the appropriate public safety agency. Notwithstanding the above, the front door may be locked if there is no staff available to assure security for the clients and massage staff who are behind closed doors, provided that the massage establishment is owned by one individual with one or no employees or independent contractors.

K. There shall be no buzzer, alarm, or intercom systems.

L. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs or substantially darkens the view into the premises or by signs that cover more than 25% of any windowpane. The interior of the business shall be plainly visible from the exterior of the business by passing vehicles and pedestrians. Translucent UV films or tints shall be allowed provided they do not violate these provisions and if a sample has been approved through the conditional use permit process or by the Community Development Director.

5.32.130 Inspections.

A. Representatives of the City's Police Department, Fire Department, Community Development Department, and finance department, and agents for the City from the County Health Department and representatives of any state or local agencies with regulatory authority over massage establishments shall have the right to enter massage establishments, from time to time, during regular business hours, or at any time that the massage establishment is occupied or open for business, to verify the massage establishment is in compliance with all applicable laws without the need for an inspection or abatement warrant.

B. The Operator shall cause to be conspicuously posted so that the same may be readily visible to persons in the reception area of the massage establishment, in letters that are a minimum of one inch in height, a notice which provides substantially as follows:

THIS MASSAGE ESTABLISHMENT AND THE MASSAGE ROOMS DO NOT PROVIDE COMPLETE PRIVACY AND ARE SUBJECT TO INSPECTION BY CITY AND HEALTH OFFICIALS WITHOUT PRIOR NOTICE

C. No person shall refuse to permit, cause delay of, or interfere with, a lawful inspection or compliance check of the premises by the officials listed in Subsection A of this section at any time.

5.32.140 Violation—Nuisance—Remedy.

A. It is unlawful for any person to engage in conduct that violates any provision of this Chapter, to engage in conduct which fails to meet the standards set forth in this Chapter, or to own, manage, or operate a massage establishment that is not fully in compliance with the operational standards set forth in this Chapter.

B. Any violation of this Chapter shall be a misdemeanor unless, in the sole discretion of the City prosecutor, it is charged as, or reduced to, an infraction. Citations and warning notices may be utilized as determined appropriate to the circumstances by the enforcing personnel.

C. In addition to the above, any massage establishment operated, conducted or maintained contrary to the provisions of this Chapter shall be and is declared to be unlawful and a public nuisance and the City may, in addition to or in lieu of prosecuting a criminal action under this Chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law, including any code enforcement procedures established pursuant to the laws of the state of California or the City of Los Alamitos; and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage establishments and restrain and enjoin any person from operating, conducting or maintaining a massage establishment contrary to the provisions of this Chapter. If an injunction is sought, attorneys' fees and costs will be assessed at the discretion of the court against the party subject to said injunction.

D. Any violation of the provisions of this Chapter shall constitute a separate offense for each and every day during which such violation is committed or continued.

E. Any violation of this Chapter shall constitute a public nuisance.

SECTION 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 3. Existing Businesses. Massage establishment businesses that are in legal existence as of May 1, 2015 shall not be required to obtain a Certificate of Operation or Operator Permits unless there is a change which would trigger the need for a new Certificate of Operation under § 5.32.070D. Existing massage establishments shall have 60 days from the effective date to comply with all other provisions of this Ordinance, including the requirement to provide a floor plan, from the date of adoption of this Ordinance. This Ordinance shall supersede any conditions in a conditional use permit to the contrary.

SECTION 4. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be processed as required by law.

SECTION 5. This Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. Changing the regulations relating to Massage Establishments will not create any environmental impacts.

SECTION 6. Effective Date. This Ordinance shall become effective on the thirty-first day after adoption. The provisions of this Ordinance shall apply immediately to all new massage establishments.

Passed, approved, and adopted this ____ day of _____, 2015.

Richard D. Murphy, Mayor
City of Los Alamitos

ATTEST:

Windy Quintanar, City Clerk, CMC