

CITY OF LOS ALAMITOS
3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA
PLANNING COMMISSION
REGULAR MEETING
Wednesday, September 23, 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 Cuiilty
 - Commissioner Andrade
 - 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 August 26, 2015

6. CONSENT CALENDAR

A. INTRODUCTION OF NEW COMMISSIONER

Introduction of Larry Andrade

7. PUBLIC HEARINGS

None.

8. STAFF REPORTS

A. Resolution of Intention No. 15-15

Consideration of a Resolution of Intention by the Planning Commission to make Zoning Code changes that would ministerially permit restaurant outside seating on private sidewalks as a permitted use in order to help satisfy this action of the City's new General Plan (Citywide) (City initiated.)

Recommendation:

1. Adopt Resolution No. 15-15, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING THE LAND USE KNOWN AS 'RESTAURANTS, WITH OUTSIDE SEATING' (ZOA 15-04) (CITYWIDE) (CITY INITIATED.)"

B. Resolution of Intention No. 15-16

Consideration of a Resolution of Intention by the Planning Commission to make Zoning Code changes that would repair inconsistencies in Chapter 17.64 (Nonconforming Uses and Structures) of the Los Alamitos Municipal Code (Citywide) (City initiated.)

Recommendation:

1. Adopt Resolution No. 15-16, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS,

CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO FUTURE MEETINGS OF THE PLANNING COMMISSION CONCERNING LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.64 – NONCONFORMING USES AND STRUCTURES (ZOA 15-05) (CITYWIDE) (CITY INITIATED.)

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

None.

10. COMMISSIONER REPORTS

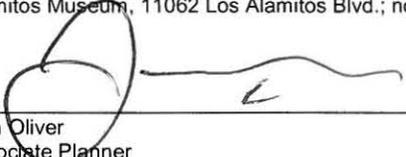
None.

11. 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



Date

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

REGULAR MEETING – August 26, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:03 PM, Wednesday, August 26, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

2. ROLL CALL

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

Absent: None

Staff: Development Services 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 COMMUNICATION

Chair Riley opened the meeting for Oral Communication for items not on the agenda.

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

5. APPROVAL OF MINUTES

A. Approve the Minutes of the Regular Meeting of June 24, 2015.

Motion/Second: Grose/DeBolt.

Carried 6/0/1 (Riley abstained): The Planning Commission approved the minutes of the Regular meeting of June 24, 2015.

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

Motion/Second: Grose/DeBolt.

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

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Discussion of the Massage Ordinance Amendment

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

Assistant City Attorney Lisa Kranitz presented the Staff report and indicated that tonight the Planning Commission has an ordinance before them to amend the Los Alamitos Zoning Code to provide that massage establishments would be allowed in the CG zone subject to a Conditional Use Permit. She indicated Senate Bill (SB731) 731 which created a non-profit organization (California Massage Therapy Council) which was to provide voluntary certification to massage therapists and massage practitioners; their law kept getting amended to strengthen the protection for massage therapists until it got to the point where essentially a city could not regulate a massage establishment unless the same rules applied to all similar types of professional businesses. What happened was the result of SB731 in that massage establishments in many cities proliferated. The legislature listened to all the complaints that were coming from the cities; they adopted AB1147 last year which restored our local land use control allowing us to treat them individually and not the same as any other professional service.

Ms. Kranitz indicated that the Planning Commission is tasked with changing Title 17 to add some definitions requiring that with the submission of a conditional use permit, we get a detailed floor plan that is scaled in inches and feet and labeled in English. What was given to the Commission tonight is the proposed ordinance that is going to go to the City Council to set up the specific regulations for massage establishments. At this time, Ms. Kranitz said she is more than happy to answer questions from the Commission.

Chair Riley indicated that the public hearing has remained open since the June 15th Planning Commission, and asked if there was anybody in the audience wishing to speak on this matter.

There being no speakers, Chair Riley closed the item for public comment.

After addressing concerns regarding the differences between massage establishments and massage technicians and owners, the Planning Commission took the following action:

Motion/Second: Grose/DeBolt

Unanimously Carried: The Planning Commission approved the adoption of 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.”

**B. Discussion Zoning Ordinance Amendment 15-03
Consideration of a Zoning Ordinance Amendment to Create Medical and Retail Overlay Zones Allowing More Flexible Uses for Certain Parcels in the Planned Light Industrial Zone to Comply with the New 2015-2035 General Plan and to Amend the Zoning Map by Placing the Overlay Zones on Specified Parcels (City initiated).**

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

Chair Riley opened the Public Hearing.

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

Motion/Second: Grose/Cuilty

Unanimously Carried: The Planning Commission approved the adoption of Resolution No. PC 15-14, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE FOR ZONING ORDINANCE AMENDMENT (ZOA) 15-03 TO AMEND SECTIONS 17.04.020 AND 17.10.020 OF THE LOS ALAMITOS MUNICIPAL CODE TO CREATE A MEDICAL OVERLAY ZONE AND RETAIL OVERLAY ZONE AND TO AMEND THE ZONING MAP TO PLACE THE MEDICAL OVERLAY ZONE ON PROPERTIES GENERALLY NORTH OF THE LOS ALAMITOS MEDICAL CENTER SPECIFIC PLAN AREA AND PLACE THE RETAIL OVERLAY ZONE OVER THAT PROPERTY COMMONLY KNOWN AS ARROWHEAD PROPERTIES, WHICH PROPERTIES ARE ALL IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONE OF THE CITY (CITY INITIATED)".

8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

- Mr. Mendoza sought input about the filming of the Planning Commission meetings to forward to the City Council asking for their input as to whether it's a distraction or you feel it's something that adds to the meeting or any other thoughts you may have.

Commissioner Grose asked if they could find out the financial cost of the filming versus the amount of people that may be tuning in.

Mr. Mendoza said that Staff will ask the Council to place that into their consideration.

Commissioner DeBolt commented that for transparency in local government and all that, he feels that benefit outweighs whatever little cost the City is spending on it.

Mr. Mendoza asked if there was any desire for it to go live on LATV as it isn't live currently.

Chair Riley said he doesn't feel that "live" is a necessity.

Commissioner DeBolt concurred.

Vice-Chair Cuiilty said she doesn't think it's distracting at all.

Mr. Mendoza said Staff will forward the Commission's comments on to City Council.

- Mr. Mendoza indicated that Larry Andrade has been appointed as a Planning Commissioner and John Riley has been reappointed.
- Mr. Mendoza thanked Commissioner Daniel and said it was a real pleasure working with him for almost eight years. He expressed appreciation for the service Commissioner Daniel provided to both Staff and the Commission and he was a great addition to the Commission. Mr. Mendoza wanted Commissioner Daniel to know just how valuable he was to Staff and felt that he made Los Alamitos development better.

Commissioner Daniel thanked Staff and the Commission for putting up with him and felt that the Commission is a good group and he learned a lot from them. He indicated that the Commission has brought a wide variety of talents and interests and it's been fun working with them over the last eight years. They've done some fun things and he feels good about the good job they've done.

Commissioner Grose said she'll miss Commissioner Daniel as he made her smile and he had great insight and was always very supportive of everybody on the Commission.

Chair Riley said he appreciated serving with Commissioner Daniel and, the thing he'll miss most, is his candor and the fact that he said what he thought and it always brought great value to the Commission.

Commissioner Daniel thanked the Commission for their kind words and he felt the Commission has made a difference to the City of Los Alamitos.

9. COMMISSIONER REPORTS

Commissioner Grose

- Welcomed Mr. Andrade to the Commission.

Commissioner Daniel

- Asked what action the Council took on the Crossfit Appeal.

Mr. Mendoza indicated the vote was a 2/2 tie so the Planning Commission's decision stands.

In response to Commissioner Daniel's questions, Mr. Mendoza said one person on the Council wanted to bring this up for review so they would have more of the facts and this occurred on Monday night. The vote was 2/2 with Council Member Grose recusing himself for being too close to the property.

10. ADJOURNMENT

The Planning Commission adjourned at 8:20 PM.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

City of Los Alamitos

Planning Commission

Agenda Report
Consent Calendar

September 23, 2015
Item No: 6

To: Chair and Members of the Planning Commission
From: Steven A. Mendoza, Development Services Director
Subject: New Commissioner Introduction – Larry Andrade

Summary: This report announces the appointment of Larry Andrade as a new Planning Commissioner and provides a brief background.

Recommendation: Receive and file.

Background

The recent vacancy has brought about the appointment of a new Commissioner and his name is Larry Andrade.

Larry has worked with the generator industry for almost 20 years and previously served on the Commission from 2008 to 2013.

Larry currently lives in the New Dutch Haven neighborhood of Los Alamitos and has lived in the City of Los Alamitos for 9 years with his wife Kim, son Ryan and daughter Randi.

City of Los Alamitos

Planning Commission

Agenda Report
Staff Report

September 23, 2015
Item No: 8-A

To: Chair Riley and Members of the Planning Commission

Via: Steven Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Resolution of Intention 15-15

Summary: Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes that would ministerially permit restaurant outside seating on private sidewalks as a permitted use in order to help satisfy this action of the City's new General Plan (Citywide) (City initiated).

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 15-15 entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING THE LAND USE KNOWN AS 'RESTAURANTS, WITH OUTSIDE SEATING' (ZOA 15-04) (CITYWIDE) (CITY INITIATED)."

Applicant: City Initiated

Location: Citywide

Approval Criteria: In order to implement zoning changes it is necessary for the Planning Commission to first adopt a Resolution of Intention in accordance with Los Alamitos Municipal Code Section 17.70.020.

Discussion

The "Restaurants, with outside seating areas" land use in the Los Alamitos Municipal Code requires the receipt of a Conditional Use Permit in the City of Los Alamitos. During the CUP process, Staff and Commissioners must take the design and parking requirements for these areas into account when deciding whether or not to approve these uses. In reality, few parcels in the City contain the extra parking that this would require since developers push the extent of the indoor space and its corresponding parking to the limit in their designs to receive the maximum payback for their land investment. When restaurants operate in these developments, they look at private

sidewalk space as a way to expand or decrease seating capacity based on economic conditions.

As Staff has observed, there has of late been a small revolt on the part of the City's restaurants against the Planning Code, the cost, and parking requirements required when jumping through the hoops of the CUP process. A number of restaurants now regularly ignore the code and place outside seating on their private sidewalks regardless of the legal or safety consequences. This outside seating is often a result of a successful business, for which the City is initially proud of, until the zoning code is ignored. Further, Staff has concerns that these outside seats at restaurants, while attractive to customers, may not be safe for patrons and also present an unfortunate code enforcement situation. In the new General Plan, within the future downtown area along Los Alamitos Boulevard, the City will attempt to design a walkable environment with less driving involved, and ancillary outside seating that helps to encourage this lifestyle. Staff feels that a walkable environment should not include the requirement of a parking space available for every person walking.

The City of Santa Monica has a considerable amount of experience with this subject. They have instituted a process and guidelines to deal with this pop up outside seating. It makes the process more business-friendly while ensuring that safety and code issues are confronted with properly. Staff has attached a General Standard sheet from Santa Monica's website.

As you will note in the attached document, the purpose of the Santa Monica document is to "establish standards for outdoor dining including outdoor dining in areas less than 200 sq. ft. located in commercial districts and the Residential Visitor Commercial District. The Guidelines accommodate pedestrian circulation, meet applicable code requirements as well as create well-designed and attractive outdoor dining areas."

It continues... "These standards should not be construed as all governmental agency requirements for starting a new business, or for expanding an existing business to provide new services. The business owner must secure the appropriate approvals, licenses and permits from the Alcoholic Beverage Control Board, Planning and Community Development Department, the Finance Department (Business License), Resource Management Department-Economic Development Division ("RMD-EDD") and any other appropriate authority independent of the Outdoor Dining Application process."

Recommendation

Staff recommends that the Planning Commission consider a ministerially-permitted outside seating ordinance in order to help satisfy this action of the City's new General Plan. The General Plan notes the following, concerning outdoor dining, in Land Use Action 1.11:

"Outdoor dining. Amend the zoning ordinance to incentivize and encourage outdoor dining."

To begin this process, Staff recommends that the Planning Commission approve the attached Resolution of Intention and direct Staff to bring back suggested code changes to a future meeting of the Planning Commission.

Attachment: 1) *Planning Commission Resolution 15-15*
 2) *Santa Monica Outdoor Dining Standards*

RESOLUTION NO. 15-15

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING THE LAND USE KNOWN AS "RESTAURANTS, WITH OUTSIDE SEATING" (ZOA 15-04) (CITYWIDE) (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating Chapter 17 of the Los Alamitos Municipal Code as it relates the land use known as "Restaurants, with Outside Seating"; and,

WHEREAS, Los Alamitos Municipal Code Section 17.70.020 requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

WHEREAS, the Planning Commission considered this item on September 23, 2015.

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

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

SECTION 2. The Planning Commission resolves to initiate consideration of a City-initiated Zoning Ordinance Amendment incorporating code changes concerning the land use known as "Restaurants, with Outside Seating" and will direct Staff to return to the Planning Commission with recommendations the wording of the amendments.

PASSED, APPROVED, AND ADOPTED this 23rd day of September, 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 23rd day of September, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary



CITY OF SANTA MONICA General Outdoor Dining Standards and Minor Outdoor Dining Standards (Excluding Third Street Promenade, Transit Mall and Ocean Avenue)

PURPOSE

The purpose of this document is to establish standards for outdoor dining including outdoor dining in areas less than 200 sq. ft. located in commercial districts and the Residential Visitor Commercial District. The Guidelines accommodate pedestrian circulation, meet applicable code requirements as well as create well-designed and attractive outdoor dining areas.

These standards should not be construed as all governmental agency requirements for starting a new business, or for expanding an existing business to provide new services. The business owner must secure the appropriate approvals, licenses and permits from the Alcoholic Beverage Control Board, Planning and Community Development Department, the Finance Department (Business License), Resource Management Department-Economic Development Division ("RMD-EDD") and any other appropriate authority independent of the Outdoor Dining Application process.

NOTE: Installation or construction of outdoor dining enclosures may not begin until an Outdoor Dining License Agreement" is signed by the City Manager.

ELIGIBLE USES

1. Outdoor dining that is an accessory use and contiguous to a legally established restaurant or other eating or drinking establishment, which provides full menu food services, take out food service, and specialty food service (e.g., cookies, ice cream). Outdoor dining areas of less than 200 sq. ft. may be approved administratively and shall not require additional parking. Outdoor dining areas that exceed 200 sq. ft. shall comply with parking requirements established by Santa Monica Municipal Code Section 9.04.10.08.040.
2. Temporary, mobile or freestanding food service providers or vendors are not eligible.
3. Establishments that serve alcoholic beverages in their outdoor dining area are required to meet the additional specific standards outlined in this document for alcohol service as well as all other applicable state and local requirements and any City-wide alcohol policies adopted.
4. Outdoor dining areas must be designated for combined food and beverage service. Food must be purchased in order to be served alcohol. All restaurants are required to post appropriate signage or

print on the menu: "Food purchase is required in all outdoor dining areas. Alcohol may not be served without food".

5. Outdoor dining areas of less than 200 sq. ft. are not required to provide additional parking.

ELIGIBLE SITES AND CONFIGURATIONS

1. The areas covered by these standards includes areas within the City's Commercial Districts and the Residential Visitor Commercial District.
2. The elevation of the outdoor dining area shall be at sidewalk level; and only semi-permanent barriers shall be permitted; License Agreements shall be issued.
3. All outdoor dining areas shall be fully accessible to the physically handicapped, as required by Title 24. Adequate pedestrian access must be provided which is considered to be eight (8) feet of unobstructed access between chair/table and curb edge or street furniture; e.g. bus benches, meters, etc. Access may be less under certain circumstances, but not less than five (5) feet of unobstructed areas.
4. Establishments which serve alcoholic beverages are required to provide a physical barrier that meets the requirements of this document and those of the Alcoholic Beverage Control Board.
5. The dining area should promote a visual relationship to the street and the restaurant establishment to which it is ancillary.

DESIGN STANDARDS

1. If new barriers are provided they are recommended to be of semi-permanent barrier construction. They must conform to installation standards and be removable. Barriers utilizing any type of stretched canvas material must be strung through reinforced eyelets. Barriers should have rubberized footings to avoid damage to the sidewalk.

NOTE: Modification to sidewalk surfaces, such as borings for recessed sleeves or post holes, is not permitted.

2. All barriers must be able to withstand inclement outdoor weather.
3. The maximum height of an opaque barrier shall be three feet six inches (3'6") from the sidewalk level including the height of any landscaping. The area between the top of the barrier and the bottom of any awning shall remain open. No transparent barriers (such as plexiglas or plastic) are permitted between the top of the opaque barrier and the bottom of the awning.
4. Retractable awnings and umbrellas may extend over the entire area, but there shall be no permanent roof or shelter over the sidewalk. Overhead connecting bars between the barrier structure and awning are strictly prohibited. Awnings shall be adequately secured, retractable and shall comply with provisions of the Uniform Building Code. Awnings must be regularly maintained and cleaned in accordance with the City's water conservation policies. Awnings providing shelter for outdoor dining areas shall comply with the following: Frames supporting awnings shall be of noncombustible materials. Awning's cover shall be an approved fire retardant

cover for retractable awnings or noncombustible material for fixed awnings. Awnings shall not project over the public property more than 7 feet from the face of the supporting building. In no case shall awnings project more than two-thirds the distance between the building and the nearest curb over the public property. All portions of any awning shall be a minimum of 8 feet above public walkway, including valances. Complete details shall be submitted to Building & Safety for the approval of the support system and attachments to the existing building.

5. Lighting Fixtures, if provided, may be permanently affixed onto the exterior front of the primary building. Table lamps using liquid fuel or candles used in a place of public assembly will require an annual Fire Department permit and must comply with Uniform Fire Code design standards. An applicant must obtain an electrical permit for a lighting plan from the City's Building and Safety Division.
6. Tables, chairs and umbrellas must be removable.
7. A two square foot menu board may be permanently attached to the outdoor dining barrier without Architectural Review Board (ARB) approval. No portable signs, sandwich signs or other non-permanent menu signs may be installed.
8. Landscape architecture is encouraged. Water drainage onto the sidewalk is not allowed. Stressed or dying plants must be replaced. Potted plants must have a saucer or other suitable system to retain seepage and be elevated to allow for air flow of at least 2" (two inches) between saucer and sidewalk.
9. No trash enclosures or refuse storage is allowed or on the public sidewalk in the outdoor dining area. Sidewalk cafes must remain clear of litter at all times.

BUILDING STANDARDS

1. Exits – Outdoor dining areas shall be designed to maintain clear existing legal exits from the building to the public way. A minimum of 44-inch wide exit path is required to maintain from the building and from enclosed outdoor dining areas. Dining areas with an occupancy greater than 50 will require two exits from that area.
2. Accessibility - Outdoor dining areas shall be designed to meet accessibility requirements. One wheelchair seating space shall be provided for each 20 seats. A minimum of 36-inch egress aisle width shall be maintained adjoining a wheelchair location. Wheelchair locations shall provide a minimum clear floor area of 33-inch x 48-inch for access or 33-inch x 60-inch for side access. Food service aisles shall be not less than 36-inch wide and need not be greater than 42-inch wide.
3. Heaters – Heating units shall have a UL or AGA listing. Heating units shall not be installed over or near exits from the building. Units shall maintain the required clearances from combustible materials. A minimum of 6'8" headroom clearance shall be maintained under heating unit.

OPERATIONAL STANDARDS

1. Restaurant management is responsible for running and operating the outdoor dining area.
2. Outdoor dining patios are for sit-down food and beverage service only; no stand up service is permitted.

3. Unruly behavior is not permitted in the outdoor dining area.
4. At the end of the business day establishments are required to clean (sweep and mop) the area in and around the outdoor dining area.
5. The hours of operation of an outdoor dining area may not exceed the hours of operation of the associated food service establishment.
6. All plans and permits for the outdoor dining area approved by the City must be kept on the premises for inspection at all times the establishment is open for business.
7. Any modification to the approved plans must be approved by the Planning and Community Development Department, City Planning Division and the Environmental and Public Works Management Department prior to the implementation of any modification.
8. All provisions of the Agreements must be complied with at all times.

City of Los Alamitos

Planning Commission

Agenda Report
Staff Report

September 23, 2015
Item No: 8-B

To: Chair Riley and Members of the Planning Commission

Via: Steven Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Resolution of Intention 15-16

Summary: Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes that would repair inconsistencies in Chapter 17.64 (Nonconforming Uses and Structures) of the Los Alamitos Municipal Code (Citywide) (City initiated).

Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 15-16, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.64 - NONCONFORMING USES AND STRUCTURES (ZOA 15-05) (CITYWIDE) (CITY INITIATED)."

Applicant: City Initiated

Location: Citywide

Approval Criteria: In order to implement zoning changes, it is necessary for the Planning Commission to first adopt a Resolution of Intention in accordance with Los Alamitos Municipal Code Section 17.70.020.

Discussion

From time to time Los Alamitos Municipal Code Chapter 17.64 *Nonconforming Uses and Structures*, with its difficult language, causes Staff, applicants, and Planning Commissioners to make difficult interpretations of the confusing verbiage contained in this chapter. All of these various participants who have been subject to the analysis of this code section agree that the passage can be read in various ways.

Recommendation

Staff recommends that the Planning Commission consider an overhaul of Los Alamitos Municipal Code Chapter 17.64 - *Nonconforming Uses and Structures*. To begin this process, Staff recommends that the Planning Commission approve the attached Resolution of Intention and direct Staff to bring back suggested code changes to a future meeting of the Planning Commission for discussion.

Attachment: 1) Planning Commission Resolution 15-16

RESOLUTION NO. 15-16

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.64 - NONCONFORMING USES AND STRUCTURES (ZOA 15-05) (CITYWIDE) (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating Chapter 17.64 (*Nonconforming Uses and Structures*) of the Los Alamitos Municipal Code as it causes confusion for Staff, applicants, and the Planning Commission; and,

WHEREAS, Los Alamitos Municipal Code Section 17.70.020 requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

WHEREAS, the Planning Commission considered this item on September 23, 2015.

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

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

SECTION 2. The Planning Commission resolves to initiate consideration of a City-initiated Zoning Ordinance Amendment incorporating code changes concerning Chapter 17.64 (*Nonconforming Uses and Structures*) of the Los Alamitos Municipal Code and will direct Staff to return to the Planning Commission with recommendations the wording of the amendments.

PASSED, APPROVED, AND ADOPTED this 23rd day of September, 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 23rd day of September, 2015, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary