

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION REGULAR MEETING

Wednesday, January 27, 2016 – 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. PLANNING COMMISSION REORGANIZATION

This report provides relevant information for the Planning Commission's annual reorganization, by the election of Chair and Vice Chair.

Recommendation: Nominate and elect the following officers:

1. Chair
2. Vice Chair

6. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of November 18, 2015.

7. CONSENT CALENDAR

None.

8. STAFF REPORTS

A. Resolution of Intention 16-01 - Recreational Vehicles

Consideration of a Resolution of Intention by the Planning Commission to explore amending the zoning code concerning Recreational Vehicles (Citywide) (City initiated).

Recommendation:

1. Discuss the pros and cons of amending the zoning code for Recreational Vehicles; and, if appropriate,
2. Adopt Resolution No. 16-01 entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO OPEN A DISCUSSION OF POSSIBLE MUNICIPAL CODE CHANGES CONCERNING THE PARKING AND STORAGE OF RECREATIONAL VEHICLES (ZOA 16-04) (CITYWIDE) (CITY INITIATED)," or; alternatively,
3. Direct the City Prosecutor to review the case provided to the Commission.

9. PUBLIC HEARINGS

A. **Conditional Use Permit (CUP) 16-01 - Medical (Dentist) in C-G on Los Alamitos Blvd.**

Consideration of a Conditional Use Permit to allow Medical Office (Dentist) in the General Commercial (C-G) Zone on a major arterial at 10688 Los Alamitos Blvd., APN 242-245-01 (Applicant: Sandy Yavitz of Los Alamitos Center Plaza II LLC).

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Continue the Public Hearing to a future date providing the City Attorney and Staff more time to address parking related issues

B. **Conditional Use Permit (CUP) 15-05 - Restaurant with Outside Seating Area in the General Commercial (C-G) Zone**

Consideration of a Conditional Use Permit to allow an Outside Seating Area at a Restaurant (Mighty Kitchen) in the General Commercial (C-G) Zone (Applicant: Craig Hofman, of Hof's Hut Restaurants, Inc.). The City Attorney's office has recommended that this item be continued to another date for more consideration.

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Continue the Public Hearing to a future date providing the City Attorney and Staff more time to address parking and landscape related issues.

C. **Site Plan Review (SPR 15-04) - Second Residence to be Constructed on a Parcel with a Existing Residence in the R-3 Zone.**

Consider a Site Plan Review (SPR 15-04) application for the addition of a 2,583 square foot residential unit on a parcel with an existing 1,158 square foot single family residence, thereby providing two single-family residences on a 9,490 square foot parcel at 4292 Green Avenue in the R-3 zone, APN 222-131-06. This project would also replace an existing one-car garage with two two-car garages (Applicant: Jason Hickox).

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 16-02, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 15-04 FOR THE ADDITION OF A 2,583 SQUARE FOOT RESIDENTIAL UNIT ON A PARCEL WITH AN EXISTING 1,158 SQUARE FOOT SINGLE FAMILY RESIDENCE, THEREBY PROVIDING TWO SINGLE-FAMILY RESIDENCES, AND REPLACING AN EXISTING GARAGE WITH ONE ATTACHED AND ONE DETACHED TWO-CAR GARAGE ON A 9,490 SQUARE FOOT PARCEL AT 4292 GREEN AVENUE IN THE MULTIPLE FAMILY (R-3) ZONE, APN 222-131-06, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JASON HICKOX)".

D. Zoning Ordinance Amendment (ZOA) 15-05 - Nonconforming Use Provisions

Continue discussion with Staff of desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City Initiated).

Recommendation:

1. Continue the Public Hearing; and, if appropriate,
2. Direct Staff to finalize an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion; or alternatively,
3. Resolve to continue or cease continued discussion of this subject.

E. Zoning Ordinance Amendment No. 15-09 - Allowing More Flexible Commercial Recreation Uses for Certain Parcels in the Planned Light Industrial Zone (City Initiated)

Continued consideration of a Zoning Ordinance Amendment (ZOA 15-09) to create a Limited Industrial Zone allowing more flexible commercial recreation 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 Zone on specified parcels (City initiated).

Recommendation:

1. Open the Public Hearing; and,

2. Review, discuss and provide direction to Staff and the City Attorney;

F. Zoning Ordinance Amendment 15-10 - Vacant Lots and Buildings

Consideration of zoning code changes to clarify maintenance standards for vacant lots and buildings. The draft ordinance is brought to the Planning Commission for review (Citywide) (City initiated).

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and if appropriate,
3. Continue the Public Hearing to a future date providing the City Attorney and Staff more time.

10. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

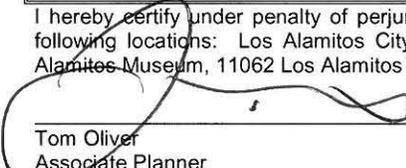
11. COMMISSIONER REPORTS

12. 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

1/21/16
Date

City of Los Alamitos

Planning Commission

Agenda Report

January 27, 2016
Item No: 5

To: Chair and Members of the Planning Commission
From: Steven A. Mendoza, Development Services Director
Subject: Annual Planning Commission Reorganization

Summary: This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

Recommendation: It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

Background

The City's Municipal Code requires that the Planning Commission select a Chair and a Vice Chair at their regular meeting in January. The City's Municipal Code reads as follows.

"2.44.080 Officers—Election and vacancy.

A. The officers of the Planning Commission shall consist of a Chairman, a Vice Chairman and a Secretary. The Chairman and Vice Chairman shall be elected annually at the first regular meeting in the month of January, and shall hold office for a term of one year or until a successor is duly elected and qualified. Election shall be by a majority vote cast by those commissioners present and voting at the meeting at which the election is held. Officers shall assume office immediately upon election."

Discussion

After convening the item, procedure calls for the Chair to temporarily relinquish the Chair to the Secretary in order that election for the Office of Chair may be conducted. The newly-elected Chair would then conduct the election for the Office of Vice Chair. A second is not required for nominations and nominations will be considered in the order received if more than one Commissioner is nominated.

As a reminder, the Commissioner's terms are as follows:

<u>Members</u>	<u>Appointment</u>	<u>Exp. Date</u>
Victor R. Sofelkanik	August 2000	December 2017
Larry Andrade	August 2015	December 2017
John Riley	July 2009	December 2018
Mary Ann Cuiilty	Dec. 2013	December 2018
Art DeBolt	Jan. 2013	December 2018
Gary Loe	Jan. 2010	December 2018
Wendy Grose	Jan. 2010	December 2018

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

REGULAR MEETING – November 18, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:00 p.m., Wednesday, November 18, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

2. ROLL CALL

Present: Commissioners: Chair John Riley
Vice-Chair Mary Anne Cuiilty
Commissioner Larry Andrade
Commissioner Art DeBolt
Commissioner Wendy Grose
Commissioner Gary Loe
Commissioner Victor Sofelkanik

Absent: None

Staff: Development Services Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Police Captain Rick Moore
Department Secretary Dawn Sallade

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

None.

6. CONSENT CALENDAR

None.

7. STAFF REPORTS

None.

8. PUBLIC HEARINGS

A. Zoning Ordinance Amendment No. 15-07 Marijuana Regulation

Consideration of an ordinance to prohibit commercial cannabis activities, including the sales, cultivation, distribution, delivery, storage and manufacturing of cannabis medical marijuana, and marijuana in response to three State of California bills signed into law on October 9, 2015 (AB 266, AB 243, and "SB 643) which are known collectively as the Medical Marijuana Regulation and Safety Act. The ordinance will also prohibit cultivation for personal use by Qualified Patients and Caregivers.

Development Services Director Mendoza 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.

Wayne (no last name given) - Indicated his concerns are why Staff would put prohibitions on this whole thing. Money and revenue aside, the safety and security of the people of the City having to travel out of this community to get marijuana, having to depend on somebody if they can't travel out of the City to get it, making it illegal to deliver to a person's house who can't travel, or somebody like him who has to take somebody out of the City to get marijuana and he has a full time job and a family to take care and taking care of a person on the side that needs marijuana. He is unsure why the City would put the citizens of the community in such distress. The City is making it difficult for people to support people with cancer who need marijuana to deal with the illness. He said he's seen firsthand how marijuana gives people with cancer a will to live; it gives them an appetite; it gives them a reason to want to go on every day. Cancer's a hard thing to fight and if the City is depriving these people of their legal right under the Compassionate Care Act to obtain marijuana legally, he doesn't quite understand it.

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

Responding to a question from Commissioner Grose, Captain Rick Moore shared examples of a few robbery's related to delivering marijuana to the City as Marijuana sales is typically a cash industry. In 2013 there were eleven robberies, six of which were marijuana related. That's his concern; the drivers carry cash and marijuana and there's no way for them to vet the potential clients that they're coming to meet.

Commissioner Andrade asked if the suspects were ever apprehended and Captain Moore indicated they were and explained that they were a part of a larger criminal network in Los Angeles.

Commissioner DeBolt inquired if it was illegal to use marijuana within the City if a person doesn't have a card.

Captain Moore explained that it's currently an infraction to do that.

Commissioner DeBolt then asked if a person has a card, does that person have to be inside his residence or can he be out in the public right of way when using marijuana.

Assistant City Attorney Kranitz indicated she doesn't believe there's anything in the current regulations that specify that you have to be in your own home if you're somebody authorized to use marijuana under the Compassionate Care Act.

Commissioner Grose asked for the definition of "infraction".

Captain Moore described it as the lowest level of crime in California; there are felonies, misdemeanors and infractions and infractions are typically citable offenses such as traffic citations.

Commissioner Andrade asked if that also has to do with the amount of marijuana on the person such as being over an ounce or something like that.

Ms. Kranitz explained that an ounce or under makes the offense an infraction if you're not somebody authorized with a card.

Captain Moore said it's important to note that to actually get a medical marijuana card is very easy.

Commissioner Andrade said another issue is that several states have already gone ahead of Federal regulations and made legal the recreational use which is different than just having a medical card. If at some point the Federal government decides to go ahead and make recreational marijuana legal for everyone, how does this affect this?

Ms. Kranitz explained that it would depend how the Federal law was to be written that if it retained the land use authority like the State law does, which very clearly says, "To engage in any of these commercial activities, you need a local permit in addition to a State permit". So what types of activities would depend on how the Federal law was written. If they said smoking it is legal and California said it still wasn't legal, again it would depend how it was written because right now recreational marijuana isn't allowed in California.

Commissioner Loe said he stopped by the hospital earlier in the week and while there he asked a few of the nurses what their thoughts were on the subject. They indicated that they were kind of in favor of having some sort of

facility in the City and he was just wondering from the Medical Center's standpoint, have they commented at all on this subject?

Associate Planner Oliver indicated Staff put an ad in the newspaper and no one commented based on it.

Commissioner Grose interjected that from a provider's standpoint, there is no true benefit for the majority of these people from marijuana. She indicated they see some negative long term problems coming from neurologic disorders and onset of early Alzheimer's especially in the younger group using this for what they consider general anxiety disorder, insomnia, etc. She indicated that if a person who is in a terminal stage, some of the oncologists will write a prescription for the terminal patient for a euphoric feeling that's briefly lived for them along with some other pain medications. But there are a lot of these physicians as well as a lot of their providers that will not and want nothing to do with it. She said does she see a reason for a dispensary? Her answer is no.

Commissioner Loe asked Commissioner Grose that isn't it a fact that the most abused drugs are prescription drugs by far?

Commissioner Grose responded absolutely; therefore, we really need to look at what is going on right now with the DEA as there's a major push and the clamping down on the use of prescription scheduled drugs.

Commissioner Loe continued by saying the abuse of prescription drugs would be just as bad or far outweigh the abuse of medical marijuana.

Commissioner Andrade said an issue he has is the delivery portion because there are people that truly do need this and there are many that don't and it become's in many instances not only a major inconvenience but to some degree not possible for them to actually travel outside of their area to get it.

Commissioner Andrade said the people that don't have cards are going to continue to get it by any means they can.

Commissioner Grose argued that we're not worried about cards; what we're worried about is what we can set as a standard in this community that we're saying that we don't want to have shops, we're not growing it, and we're not doing deliveries. We're not looking at who has cards, who does what with it or how they obtain it. Most of the oncologists that she knows actually have a preferred dispensary that they have their clients go to that are end stage.

Commissioner DeBolt indicated that "delivery" is the one that he has a concern about in trying to reconcile a prohibition against delivery with the Compassionate Care Act enacted in the State. He felt that the City needs to get the framework in place so that we have the ability to do that. If we can

wade through everything and he is under the opinion that this is pretty much something that we need to do to get us in the position to really get into a lengthy discussion if we want to change it.

Ms. Kranitz explained that the law doesn't say that if we allow it now, that on March 1, 2016 then we get to ban it but it is clear the other way; that if you ban it now, you can later come back and make it looser and provide an explanation such as delivery should be allowed at this point."

The Commission discussed the benefits of home delivery and a few of the Commissioners thought there were benefits of home delivery still being legal. Although the discussion centered about the positives and negatives of this topic, the Commission thought it best to be more restrictive out the gate and, if necessary, consider loosening it up at a later time.

Following a long discussion, the Commission decided to change the title of the Resolution as follows:

"A Resolution...all commercial medical CANNABIS ACTIVITIES in..."

The Commission also changed #1 in the Resolution to read:

1. *The proposed...City is consistent with the General Plan.*

Motion/Second: Grose/DeBolt

Unanimously Carried: The Planning Commission approved (with the above changes) the adoption of Resolution No. 15-19 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-07 TO ADD CHAPTER 17.39 TO THE LOS ALAMITOS MUNICIPAL CODE PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER AND AMENDING TABLES 2-02, 2-04, AND 2-06 TO REFLECT THE SAME, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED).

B. Zoning Ordinance Amendment No. 15-04

Administrative Permitting of Restaurants with Outside Seating Areas

A continued hearing to consider zoning code changes that will allow restaurant outside seating on private sidewalks as an administratively permitted use. The draft ordinance is brought back to the Planning Commission for recommendation to the City Council (Citywide) (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.

Commissioner Sofelkanik pointed out that currently we have 300 square feet as a bench mark for small outside seating areas being able to have the administrative approval to operate but wondered if we need to have some language that states that it should be a TOTAL OF 300 square feet.

Mr. Mendoza thought perhaps it would be useful to have the word "total" added if the Commission agrees.

Commissioner DeBolt indicated he felt that there were quite a few burdens under the Submittal Requirements (Ordinance, Section 4. B.2.a (Page 4). He felt that instead of a formal plan being submitted by the applicant, a diagram would work just as well and wouldn't cost the applicant as much. He felt that a list of requirements for submittal would be helpful for an applicant. To this end, we should replace the word "*PLAN*" with "*DIAGRAM*".

Then under "Furniture and Fixtures", Page 4, Commissioner DeBolt felt that identifying the style, color and materials of furniture and fixtures is acceptable; delete the word "*EXACT*" style.

After Commissioner DeBolt voiced his concerns regarding dining barriers (Page 5), the wording was changed as follows:

D. Dining Barriers. Barriers are only required if alcohol will be served in the outdoor seating area, otherwise they are optional.

Following a lengthy discussion, there were changes to the following pages/items in addition to the above changes:

Page 8, #4 – Prohibited Sidewalk coverings... Changed to:

- *4. Ground Coverings. The floor of outdoor seating areas shall be uncovered sidewalk material as to provide continuity with the adjacent public sidewalk or private walkway."*

Page 9, #1741.020. B. – Application - Add the words:

- B. "*Content – Unless specified elsewhere in this City...*".
- Change the title of the Development Services Director wherever his title is mentioned.

- A. An administrative use permit...prior to expiration. *The City shall give notice of the expiration at least 30 days before the expiration of the permit. The renewal shall be accompanied by a fee established by resolution of the City Council.*”

Motion/Second: Grose/Andrade

Unanimously Carried: The Planning Commission approved (with the above changes) the adoption of Resolution No. PC 15-17, entitled, “A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-04 TO AMEND SECTIONS 17.76.020 AND 17.10.020 - TABLE 2-04, AND ADDING SECTION 17.38.190 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO OUTSIDE SEATING AREAS FOR RESTAURANTS (CITY INITIATED).”

C. Continued Discussion of Nonconforming Use Provisions

Continue discussion with Staff of desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City initiated).

Assistant City Attorney Kranitz summarized the Staff report explaining the process in detail and a long discussion with the Commission ensued.

Chair Riley asked how it actually works if that amortization period comes up and the deadline comes up and the business is still there.

Ms. Kranitz said technically under Code, somewhere the City was supposed to have given those two years notice. Once it gets to the point when the City has to remove a tenant, that is a lot of money. She said whether the City would like to undertake this process, she doesn't know.

The Commission talked at length about the difference between non-conforming parcels/lots, uses and structures discussing particular examples of properties within the City and how the properties and property owners could be impacted by the existing code and any proposed changes to the code.

The Commission said they are in favor of having a no amortization schedule and the City stays with the standard provisions of not being able to increase the size of a building or the intensity of use.

Responding to comments made by the Commission, Ms. Kranitz explained that currently the Code provides that a non-conforming structure that's destroyed to the extent that more than 50% of fair market value may be restored and used only if a CUP is first secured. Any destruction of up to 50% can just be repaired but if it's more than 50%, then a CUP will need to be obtained. The Code does not have anything regarding remodeling or bettering a building be it inside or outside with dollar limits.

A break was called at 9:25 PM and reconvened at 9:32 PM with all Commissioners present.

Following more discussion, it was determined that this item will be continued to the next regularly scheduled meeting in December.

9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

- Reminded the Commission about the Holiday Commission Dinner on December 8.
- Spoke about the Winter Wonderland event scheduled for December 5th.
- Invited everybody to shop on Small Business Saturday on December 5th.

10. COMMISSIONER REPORTS

- Commissioner Grose invited everybody to Precious Life Open House on December 6th from 3:30-6:30 PM.
- Commissioner Grose also reported that she has already signed up for the Race at the Base for 2016.

11. ADJOURNMENT

The Planning Commission adjourned at 9:49 PM.

John Riley, Chair

ATTEST:

Steven Mendoza, Secretary

City of Los Alamitos

Planning Commission

Agenda Report Staff Report

January 27, 2016
Item No: 8A

To: Chair Riley and Members of the Planning Commission
Via: Steven Mendoza, Development Services Director
From: Tom Oliver, Associate Planner
Subject: Resolution of Intention No. 16-01
Recreational Vehicles

Summary: Consideration of a Resolution of Intention by the Planning Commission to explore zoning code changes to the zoning code concerning Recreational Vehicles (Citywide) (City initiated).

Recommendation:

1. Discuss the pros and cons of amending the zoning code for Recreational Vehicles, and if appropriate;
2. Adopt Resolution No. 16-01 entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO OPEN A DISCUSSION OF POSSIBLE MUNICIPAL CODE CHANGES CONCERNING THE PARKING AND STORAGE OF RECREATIONAL VEHICLES (ZOA 16-04) (CITYWIDE) (CITY INITIATED)," or; Alternatively,
3. Direct the City Prosecutor to review the case provided to the Commission.

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

During the December 16, 2015 Planning Commission meeting, the Commission was approached by a resident of the City with a plea for changes to what she saw as lax code language concerning recreational vehicles (RV's). The resident felt that the

apparent RV parking location noted for the front setback was particularly inadequate for making these vehicles inconspicuous. The Commissioners asked Staff to bring back this Resolution of Intention so they may discuss this subject. This is a passionate topic to RV owners and non-RV owners. We have attached an article that portrays some of that passion.

Alternatively, the Commission may want to refer the issue to the City Prosecutors' office to review the compliance of the recreational vehicle prior to taking on this issue.

Attachments: 1) *Planning Commission Resolution No. 16-01*
 2) *News Article*

RESOLUTION NO. 16-01

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, TO OPEN A DISCUSSION OF POSSIBLE MUNICIPAL CODE CHANGES CONCERNING THE PARKING AND STORAGE OF RECREATIONAL VEHICLES (ZOA 16-04) (CITYWIDE) (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating Chapter 17 of the Los Alamitos Municipal Code as it relates to recreational vehicles; 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 January 27, 2016.

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 conversation concerning possible Zoning Ordinance Amendments concerning recreational vehicles and directs Staff to return to the Planning Commission with its thoughts concerning the discussion of this subject.

PASSED, APPROVED, AND ADOPTED this 27th day of January, 2016.

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 27th day of January, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

RV Parking Ordinance Would Make a Years-Old Custom Legal August 01, 1985 | RALPH CIPRIANO | LA Times Staff Writer

NORWALK — For years, recreational vehicle owners in this crowded city have dealt with the problem of storing their RVs by parking them in their yards.

But to some residents, like Patricia Halliwell, an RV visible from the street is "unsightly" and hurts property values.

To RV owners like Councilman Cecil Green, every RV is "a recreational vehicle that somebody dearly loves."

"I don't believe my RV is ugly," Green said of the motor home parked in his backyard. In a city of mostly tract houses on narrow lots, it is a widespread practice to park RVs in front or side yards, even though it is against city law.

In the past, if a resident complained about an RV parked in a yard on his street, a city official would ask the RV owner to move the vehicle or face a fine of \$500 and/or a jail term of six months. But on Aug. 12, City Council members say they will hold a final public hearing and probably will approve a new ordinance that would allow residents to pave up to 60% of their front yards and 100% of their side and back yards, to allow for RV parking.

Debate over the proposed ordinance has pitted RV owners against neighbors concerned about aesthetics and property values. The last time the council held a public hearing on the topic, at a July 1 special meeting, the two sides argued for four hours.

If the ordinance is passed in Norwalk, residents will have a privilege generally not granted people in neighboring cities. In Santa Fe Springs, South Gate and Downey, residents are not allowed to park RVs in front or side yards, said officials in each city. In those cities, RVs can be parked in driveways, on the street and in rear yards, officials said, adding that residents can apply for permits to widen their driveways.

In Bellflower, a resident may park an RV in a front yard for only 48 hours, officials said. And in Cerritos, residents cannot park motor homes in front or side yards at all, though they may leave camper shells and trailers in front or side yards for up to 72 hours, if screened by a solid fence, officials said.

In Santa Fe Springs, South Gate, Downey, Bellflower and Cerritos, officials said they primarily respond to residents' complaints about RVs, rather than actively inspect for violations.

Norwalk's proposed ordinance would allow residents to store two RVs in their front yards, with RVs defined under the ordinance as motor homes, vans, campers, camp trailers and buses carrying up to 18 passengers.

City officials have been studying the new ordinance since the beginning of the year, when the City Council, acting on complaints from RV owners, decided to suspend enforcement of the ban on RV parking.

The suspension took place after one RV owner, apparently miffed when a complaint was turned in against him, presented the city with complaints about RVs owned by approximately 100 residents, said Donald Rouly, the city's director of planning and development. Rouly declined to name the complaining resident, saying it is against city policy.

The proposed ordinance would require RV owners to apply to the city for permission to pave their yards. Officials also are considering whether neighbors will be afforded an appeal process.

The ordinance requires RV owners to keep their vehicles "neat and clean," and prohibits RVs from hanging over sidewalks and streets. The issue split the council 4-1 in July, but now all five council members say they are in favor of passing the ordinance with some modifications. "How can a nice, good-looking motor home make anything look ugly as long as the yard is well-kept?" Mayor Marcial (Rod) Rodriguez asked. To Green, RVs belong in a resident's yard because of the extensive maintenance they require.

For a weekend fishing trip, Green said it takes several days to pack his RV with food and supplies, refill the butane tank and cool the refrigerator.

"An RV is a way of life," Clarence McFarland, a retired city resident, said in an interview. "I wouldn't be able to afford to go a lot of places if I didn't have that RV. You can live as cheaply in a motor home as you can at home."

McFarland said he has a motor home parked in his driveway and a trailer parked on his front lawn. To him, the proposed ordinance is "silly" because in the 16 years he has owned RVs, none of his neighbors has complained. He said he prefers keeping RVs in his yard rather than renting parking space because it is cheaper and safer.

But to Halliwell, a resident who has attended council meetings to complain about the proposed ordinance, "If you have the money to invest in an RV, you should have the money to store it." The ordinance has drawn other objections from city residents.

Approving the ordinance will permit widespread paving of front yards and would "lower our property values," said Marlo Busk in a letter to the mayor last month. "You will be creating a slum city."

Norwalk "will look like a parking lot," warned Florence Wolf in another letter to the mayor. "We find this in very bad taste." The ordinance, however, probably will be passed at the council's Aug. 12 meeting with some possible amendments, Mayor Rodriguez said. Among other council members, Green said he favors the proposed ordinance, but said the city should accept a parking surface of rock, wood chips or artificial grass, instead of concrete exclusively.

Council members Peg Nelson and Lou Banas said they also favor the proposed ordinance. Banas added that he would like the amount of front yard space used for RV parking limited to 50%, rather than the current proposal of 60%. The only council member who has expressed opposition to the proposed ordinance, Bob White, said in an interview Monday that he has modified his position.

White, who earlier said, "We can't tear up the city for a few lousy RVs," said this week that he is now willing to allow RVs in front yards, if parked on widened driveways and not parallel to city streets. "I'm definitely opposed to parking a 30-foot RV in front of your bay window."

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

January 27, 2016
Item No: 9A

To: Chair and Members of the Planning Commission
Via: Steven Mendoza, Development Services Director
From: Tom Oliver, Associate Planner
Subject: Conditional Use Permit (CUP) 16-01
Request for a Medical Use (Dentist) in the General Commercial (C-G) Zone.

Summary: Consideration of a Conditional Use Permit (CUP 16-01) to allow a Medical Office (Dentist) in the General Commercial (C-G) Zone on a major arterial at 10688 Los Alamitos Boulevard, APN 242-245-01 (Applicant: Sandy Yavitz, of Los Alamitos Center Plaza II, LLC).

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Continue the Public Hearing to a future date providing the City Attorney and Staff more time to address parking related issues recently reported at the property.

Applicant: Sandy Yavitz, of Los Alamitos Center Plaza II, LLC

Location: 10688 Los Alamitos Boulevard (Center Plaza)

Environmental: A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, will be prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is an existing building with no proposed alterations or expansion of more than 2,500 square feet and there are no unusual circumstances present.

Approval Criteria: Los Alamitos Municipal Code (LAMC), Section 17.26.020, Table 2-04 (Allowed Uses and Permit Requirements for the Commercial/Industrial Zoning

Districts) requires Planning Commission approval of a Conditional Use Permit to allow a medical office use in the C-G Zoning District on a major artery.

Noticing

Notice was published in the News Enterprise on Wednesday, January 13, 2016 and notices mailed out to all property owners and tenants within 500 feet.

Background

The Applicant, Sandy Yavitz of Los Alamitos Center Plaza, LLC, is interested in leasing to a Dentist and has applied for a Conditional Use Permit to allow a Medical Office (Dentist) in a vacant unit within Center Plaza Shopping Center in the General Commercial Zone on a major arterial at 10688 Los Alamitos Boulevard.



Discussion

A dentist would like to open their office in the Center Plaza, and the property owner has applied for this Conditional Use Permit on their behalf. The storefront is 1,820 square feet, located within a 30,756 square foot mini mall. The applicant has no plans to make changes to the parking layout.

Parking Related Concerns

The site consists of 106 parking spaces. After this Public Hearing was advertised for this item, there was a separate parking time limits discussion on the January 19, 2016 City Council Agenda and during that meeting, there was much discussion regarding parking within and near this site. Speakers mentioned parking impacts that could be brought about with the addition of a medical use (dentist) particularly about available parking, total parking spaces, parking space size and impacts that a medical use (dentist) might have. Furthermore, the Police Department has indicated their concerns for the project:

“The Police Department has concerns that affect our department in reference to the location of the application. As I am sure you are well aware, parking in the area has been an issue lately for a variety of reasons. This particular commercial area has become impacted due to

increased traffic to the businesses located in that center. It has gotten to the point that our administration and those specifically tasked with enforcing our parking restrictions have fielded multiple complaints regarding this topic. To allow another business that will just add to the problem to enter the business complex is of concern to me and will more likely negatively impact an already impacted area.”

To address the concerns mentioned above and to address outstanding issues related to the conformity or non-conformity of the property, the City Attorney and Staff are requesting that this item be continued to a future date for more parking analysis.

Attachment: 1) Site Plan of Tenant Space

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

January 27, 2016
Item No: 9B

To: Chair and Members of the Planning Commission

Via: Steven Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 15-05
Restaurant with Outside Seating Area in the General Commercial (C-G) Zone

Summary: Consideration of a Conditional Use Permit to allow an Outside Seating Area at a Restaurant (Mighty Kitchen) in the General Commercial (C-G) Zone (Applicant: Craig Hofman, of Hof's Hut Restaurants, Inc.). The City Attorney's office has recommended that this item be continued to another date for more consideration.

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Continue the Public Hearing to a future date providing the City Attorney and Staff more time to address parking and landscape related issues.

Applicant: Craig Hofman, of Hof's Hut Restaurants, Inc.

Location: 11122 Los Alamitos Blvd., General Commercial (C-G) Zone

Environmental: A Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, will be prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is an existing building with no proposed alterations or expansion of no more than 2,500 square feet and there are no unusual circumstances present.

Noticing: Notices announcing the Public Hearing for January 27, 2016, were mailed to all property owners within

500 feet of the proposed location on January 13, 2016. A Public Hearing notice regarding this meeting was also published in the News Enterprise on January 13, 2016.

Approval Criteria:

Los Alamitos Municipal Code (LAMC), Section 17.26.020, Table 2-04 (Allowed Uses and Permit Requirements for the Commercial/Industrial Zoning Districts) requires Planning Commission approval of a Conditional Use Permit to allow a Restaurant with Outside Seating Area use in the C-G Zoning District.

Permitting History:

1990 CUP 340-90 Restaurant remodel and addition
2011 CUP 11-02 Alcohol Sales

Background

An application has been filed by Craig Hofman for a Conditional Use Permit to allow outside seating for a restaurant in the General Commercial (C-G) zone.



The outside seating would be located on the west side of the

restaurant, adjacent to Los Alamitos Blvd., where landscaping currently exists. It would be surrounded by a short wall topped by a tempered glass screen, enclosing an 877 square foot patio with approximately 11 (4 person) tables for seating.

The addition of outside dining is an amenity that will provide much needed exposure to this restaurant that has already struggled under its previous identity as Spin Pizza. However, the addition of an 877 square foot patio is an intensification which requires more parking. This is where Staff struggles with facilitating the intensification of a site that has no space for additional parking.

To address the parking issue, the Applicant has worked closely with Staff to find ways to facilitate an approval of this Conditional Use Permit including obtaining 8 additional spaces (shown on the plans) from a neighboring office building. The Applicant feels that these eight spaces, bike racks, and valet parking, if needed, could address issues that may arise regarding their parking.

Discussion

The Applicant has currently shuttered his "Spin Pizza" restaurant at a location that -- since it is set back from the street, unlike the buildings on either side of it, seems to be a problematic location for visibility from Los Alamitos Boulevard. The interior restaurant space is approximately 5,232 square feet, located within a standalone building. The proposed 877 square foot outside seating area would visually bring the restaurant forward toward the street, where activity outside the restaurant could provide for more exposure, visibility and activity thus increase sales.

Location

The location of the proposed outside seating is outlined in yellow, below...



The adjacent properties are developed and zoned as follows:

- North:** Developed with a commercial retail and office building (businesses such as Antica Olive Oil) in the General Commercial (G-C) zoning district.
- South:** Developed with a retail/office building (businesses such as Boondocks) in the General Commercial (G-C) zoning district.
- East:** Developed with an office building in the General Commercial (C-G) Zoning District.
- West:** Developed with retail buildings in the Rossmoor shopping area.

Parking

Section 17.26.040 of the Municipal Code requires 1 parking space for every 100 square feet for restaurant seating, and 1 for every 150 square feet for square footage over 5,000. For outside seating 1 parking space is required per 150 square feet. The property currently provides 47 parking spaces, but would usually require 58 spaces for this combination of uses.

C-G Parking Requirements for Restaurants

	Required §17.26.040 Parking Space Requirements	Proposed Project
Required Spaces	One space for each 100 s.f. of gross area of the structure up to 5,000 s.f. 1 space per 150 s.f. in excess of 5,000 and outside seating area.	Current Restaurant 5,232 sq. ft. Proposed Patio 877 sq. ft. 5,000 (1/100) = 50 spaces 232 (1/150) = 2 spaces 877 (1/150) = 6 spaces Total =58 spaces
Provided Spaces	47 spaces	47 spaces = 11 spaces short of 58

Staff's Thoughts on Parking

As stated before, this proposed new concept, in adding the outside seating area, appears to bring the front of the building closer to Los Alamitos Boulevard so that it could be seen better by potential customers. This is an admirable idea for improving the odds of success at this location.

A parking study of the existing parking situation was conducted by the City's Traffic Engineer and her findings from the report are shown here:

The parking need was also analyzed based on ITE's Parking Generation for a High-Turnover (Sit-Down) Restaurant (ITE Code 932), with a bar or lounge, in a suburban area. The peak period parking demand rates and resulting minimum parking requirements are as follows:

- Weekday: 13.30 spaces/thousand square feet (tsf) = 85 spaces
- Saturday: 16.30 spaces/tsf = 104 spaces

- Weekday: 0.48 spaces/seat = 73 spaces
- Saturday: 0.47 spaces/seat = 71 spaces

The results of the parking demand analysis are summarized in the table below.

Source (Basis of demand)	Minimum Required Spaces	Proposed Spaces Provided	Parking Space Deficiency
City's Zoning Code (SF)	60	47	13
ITE's <i>Parking Generation</i> (TSF)	104	47	57
ITE's <i>Parking Generation</i> (Seats)	73*	47	26

* Less dense seating than for previous restaurant

It is clear that the proposed restaurant would not meet the minimum required parking spaces, no matter what the basis. It would be 13 spaces short of the City's requirements and up to 57 spaces short based on ITE's *Parking Generation*.

Note: The sixty spaces noted in the table above have changed to 58 spaces due to a square footage revision by the Applicant to the outside seating area. Therefore the parking space deficiency number would be revised to 11 spaces.

Here are some additional facts: Currently the existing parking is substandard, having some compact spaces, a couple of tandem spaces, the parcel is already short spaces, and the parcel has a strange, detached parking area on a non-adjointing parcel. However, no one has ever complained about the parking situation other than comments about alley speeds.

As an aside, it is interesting to know that if the seating shown inside the restaurant, along with the proposed outside seating, were to be considered all outside seating, only 43 spaces would be required, such as at Paul's Restaurant on Los Alamitos Boulevard. In the code requirements, concerning parking numbers for ordinary "retail" uses, the number of required spaces can be reduced with a Conditional Use Permit. This parking reduction possibility is not expressly mentioned under "restaurant" parking. Also, if this area were managed together as a "shopping center" it would require less parking by far (1 space per 250 sq. ft.).

The parking area for this building is in an area filled with adjoining lots for other commercial buildings, and traffic ebbs and flows throughout the day. Without demolishing part of this existing building, it would be impossible to add more parking.

Parking Solution

Staff and the Applicant have met to discuss ideas for the parking that may or may not be needed for this restaurant. Currently, there are no plans to serve breakfast -- dinner and weekends should be the peak times with Operational Hours being 11 AM to Midnight. The Applicant has history of managing parking, through his experiences in owning multiple Hof's Hut and Lucille's locations.

Craig Hofman, the Applicant, was able to negotiate a handshake deal with property owner John Benfanti for 8 spaces that can be used for weekend and after 5 PM parking on property at 3561 Howard. Mr. Benfanti is willing to allow the parking. The Applicant states that dinner time will be the busiest meal at the restaurant, and that this parking arrangement would suffice.

Below are some additional options to deal with unforeseen parking issues:

- Install bike racks. The City of Los Angeles allows one parking space to be replaced by four bicycle parking spaces. They allow this replacement for up to 20% of the required parking spaces, in their confidence that bicycle spaces do indeed lower the need for car parking.
- A one year probationary period could provide the owner with more time to meet parking standards.
- Uber /Lyft have changed how people visit restaurants and generally less parking may be required in the near future. Attached is an article concerning what the impacts of Uber-type car trips are.

Plan B if the parking lot deterred customers:

- Seek Valet.
- Manage employee parking by ensuring they park offsite.
- Attempt more office parking overflow.

Shared Parking

If the need for a formal shared parking situation were to be required in order to approve this Conditional Use Permit for outside seating, complying with Municipal Code Section 17.26.050 would be required. One of the requirements of shared parking is a deed restriction -- which the property owner of 3561 Howard is not interested in having recorded on his property. Staff notes that if a combination of the options shown above were instituted, this lack of deed restriction does not mean that other options could be instituted if the handshake parking deal were to be retracted.

Landscaping

As can be expected, the construction of this seating area will remove much of the landscaping that was added to the Los Alamitos Boulevard side of the property during the previous Spin Pizza renovation. When this earlier landscaping was added, it was not a code required addition to the property (see landscape applicability at LAMC

17.20.020). The City Attorney has requested more time to review if a variance for parking and variance for landscaping is necessary.

Recommendation

Continue the Public Hearing to a future date providing the City Attorney and Staff more time to address parking and landscape related issues.

*Attachments: 1) Parking Study from City Traffic Engineer
2) Uber Article
3) Site Plan*



Memorandum

TO: Tom Oliver, Associate Planner, Community Development Department
Steven Mendoza, Development Services Director

FROM: Ruth Smith, TE, PTP, City Traffic Engineer

DATE: December 30, 2015

SUBJECT: Parking Analysis – Proposed Mighty Kitchen Restaurant, 11122 Los Alamitos Blvd.,
Los Alamitos, CA

I have completed my analysis of the number of on-site parking spaces needed to provide sufficient parking for the proposed Mighty Kitchen restaurant at 11122 Los Alamitos Blvd. I also reviewed the proposed parking stalls and their layouts with respect to City parking standards. My findings and comments are provided in this memo.

The proposed restaurant is a remodel of the previous restaurant. It would change from a pizza restaurant to a sit-down family-style restaurant with a bar. The analysis considered the required parking spaces based on City standards and on the Institute of Transportation Engineers' (ITE's) *Parking Generation*, 4th Edition.

According to the site plan, the proposed restaurant would consist of the existing 5,232 sf, which would also include a new bar area, plus a new patio with 1,142 sf of outdoor dining, for a total 6,374 sf. The inside seating would be reduced from 153 seats to 107 seats, to which would be added 44 outdoor dining seats on the patio, for a total of 151 seats (a net reduction of 2 seats). The site plan also indicates that a total of 47 parking spaces would be provided, with 17 adjacent to the building and another 30 designated spaces in a nearby lot on restaurant property northeast of the building.

Section 17.26.040 Parking space requirements, Table 3-01, of the City's zoning code, indicates that the minimum number of required parking spaces for restaurants is:

- One space for each 100 s.f. of gross area of the structure up to 5,000 s.f. and one space for each 150 s.f. of gross structure area in excess of 5,000 s.f.
- Outdoor dining areas, one space for each 150 s.f. of area devoted to outdoor eating

The resulting minimum number of required parking spaces for the proposed restaurant would be 52 spaces for indoor dining plus 8 spaces for outdoor dining for a minimum of 60 total on-site parking spaces.

The parking need was also analyzed based on ITE's *Parking Generation* for a High-Turnover (Sit-Down) Restaurant (ITE Code 932), with a bar or lounge, in a suburban area. The peak period parking demand rates and resulting minimum parking requirements are as follows:

- Weekday: 13.30 spaces/thousand square feet (tsf) = 85 spaces
- Saturday: 16.30 spaces/tsf = 104 spaces

- Weekday: 0.48 spaces/seat = 73 spaces
- Saturday: 0.47 spaces/seat = 71 spaces

The minimum number of parking spaces is much lower when based on number of seats versus square feet. This is due to the proposed reduction in indoor seating, including seating lost to the new bar. It appears, however, that the interior space could actually accommodate more seating than proposed.

ITE's *Parking Generation* also noted the following:

1. The highest weekday peak parking demand typically occurs on Friday.
2. The peak demand period for restaurants with a bar or lounge typically occurs in the evening, from 6:00 – 8:00 PM, for both weekdays and Saturdays.
3. The lunchtime peak demand is approximately half of the peak demand, with 49% of the peak demand on a weekday and 53% on Saturday.

The results of the parking demand analysis are summarized in the table below.

Source (Basis of demand)	Minimum Required Spaces	Proposed Spaces Provided	Parking Space Deficiency
City's Zoning Code (SF)	60	47	13
ITE's <i>Parking Generation</i> (TSF)	104	47	57
ITE's <i>Parking Generation</i> (Seats)	73*	47	26

* Less dense seating than for previous restaurant

It is clear that the proposed restaurant would not meet the minimum required parking spaces, no matter what the basis. It would be 13 spaces short of the City's requirements and up to 57 spaces short based on ITE's *Parking Generation*.

City Code 17.26.030, General parking regulations, A. Expansion of Use. states "Where insufficient parking is serving a structure or use existing at the time of the ordinance codified in this chapter becomes effective, the structure or use may be expanded only if adequate parking is provided for the total structure or use in compliance with the provisions of this chapter."

It appears that the applicant is assuming that since the building footprint would not change and that there would be fewer seats, the remodel of the site and addition of outdoor dining would not be considered an expansion of the site/use. In that case, the number of parking spaces previously provided for the site would be acceptable. Since the City Code is based on square footage and not seats, however, the expansion should also be based on square footage. And although the building footprint would not be expanded, the footprint and square footage of the use would be expanded, leading to the conclusion that the addition of outdoor dining would require the proposed restaurant to be in compliance with the City Code requirements, including the need to provide at least 60 parking spaces.

All parking spaces should also meet *City Code 17.26.080, Development standards for parking, A. Parking Space Dimensions. Table 3-02, and G. Compact Stalls.* This requires the parking stalls to be 9 ft. wide by 19 feet long, with compact parking stalls are not allowed at all.

I also reviewed the proposed parking spaces and their layouts with respect to the development standards for parking. Since the dimensions of the parking spaces and the aisle widths were not noted on the site plan, they were scaled off. It appears that the spaces adjacent to the building (east and north of the building, including spaces on the north side of the adjacent one-way driveway to Los Alamitos Boulevard) would comply with the City's current parking stall size requirements. The spaces parallel to the one-way driveway, however, may not meet other City requirements. *City Code 17.26.080, Development standards for parking, F. Parking Area Development. 5.* states that curbs shall be installed a minimum of 2.5 ft. from the face of buildings. It also states that the requirement does not apply to driveways that are not a part of the maneuvering area for parking, provided that a curb is installed a minimum of 3 ft. from the edge of



driveways that are parallel to structures. The first part is probably intended for head-in parking, however, it should also apply to parallel parking, to provide adequate room for opening car doors on the building-side. Such a gap was not previously provided for the parking spaces parallel and adjacent to the driveway. With the addition of a gap of 3 to 3.5 ft. (including the curbs) next to each wall, the driveway would not be sufficiently wide to allow parking on both sides. This would result in the loss of 4 to 5 parking spaces.

The existing tandem space on the south side of the building would no longer be counted toward provided parking in accordance with *City Code 17.26.030, General parking regulations. C. Parking to be Accessible*, which states that tandem parking is not allowed for required parking except for mobilehome park zoning districts.

The spaces in the nearby restaurant lot would not be in compliance with the City Code regarding parking stall and drive aisle dimensions. On the site plan, it appears that the parking spaces along the alley and in the row opposite it would remain essentially the same, at 9 ft. wide and 17 ft. to 17.5 ft. long (depending on the width of the landscaping in the raised divider). The compact spaces along the east side of the parking lot, however, would be restriped to narrow the width from 9 ft. to 7.5 ft. (the current width of compact spaces on the south end of the rows), to gain 2 parking spaces. These spaces are currently about 12.5 ft. long, plus a 1 to 2 foot overhang in the planter. It appears that the length would remain the same.

Since the current requirements do not allow any compact spaces, the nearby lot would only have room for 2 rows of parking with 9 spaces in each row, instead of the current 3 rows. It would be a reduction from the proposed 31 spaces to 18 spaces. Combined with the reduction in spaces along the driveway and the tandem space, the site would only be able to provide about 29 of the minimum of 60 spaces required by the City Code.

Another factor to consider is that the project, as proposed, would have fewer actual usable spaces than proposed. Experience in the City has shown that very narrow compact spaces cannot be fully utilized due to careless motorists parking their vehicles such that they take up 2 spaces instead of one.

Patrons arriving by bicycle or on foot would reduce the needed number of parking spaces, however, it is not clear how great the reduction would be, particularly in the evening during the greatest parking demand.

The analysis leads me to conclude that the project, as proposed, would not come close to meeting any parking requirements. Should the City impose the current parking code standards, the on-site parking would be reduced from 47 spaces to 29 spaces, and would be even less able to accommodate the demand. In any case, the project's insufficient parking would result in parking intrusion in other nearby private parking lots for retail businesses and office buildings, and in front of residences on Green Avenue and Howard Avenue, as well as on-street parking on Los Alamitos Blvd.

Should the City approve the project as proposed, it is recommended that a condition of approval be included to limit the total seating, now and in the future, to the proposed 151 seats.

c: Steven Mendoza, Development Services Director
Dave Hunt, City Engineer



The Future of Parking in an Era of Car-Sharing

Services like Uber and Zipcar could radically change city streets.

BY: William Fulton | April 2015

Could Uber, Lyft and Zipcar, so-called car-sharing services, be the end of parking requirements as we know them?

Parking requirements, of course, are the bane of almost every urban district. These areas want to be lively, walkable and accessible, but regulations requiring huge amounts of parking undermine those goals. The basic problem is that the throngs of people who arrive to a trendy urban district bring their cars. And even though we use cars to take us almost everywhere we go in the U.S., the cars themselves are parked almost all the time, taking up a lot of space.

These car-sharing services have the potential to change all of our assumptions about how parking works. Yes, people want and need convenient and immediate access to cars at any time. But the traditional approach to parking supposes that what people want is convenient and immediate access to one car that they own. Car-sharing services operate under the theory that it doesn't matter which car people travel in, so long as one is available immediately. And because most people travel only intermittently, then the same car, with or without a driver, can be used over and over and over again to transport people around. That's how car-sharing services make money, by keeping cars on the road rather than in a parking lot.

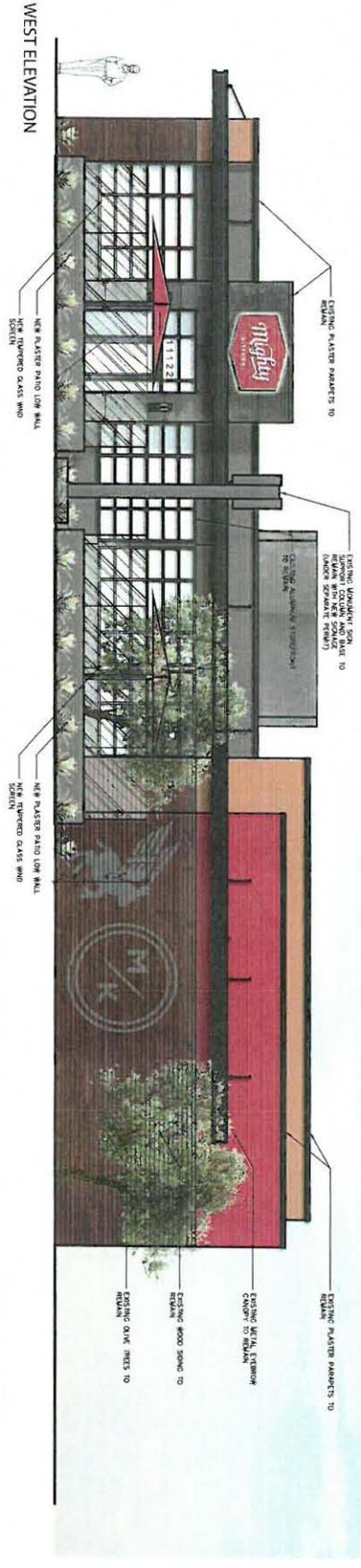
In recent years, urban planners have thought a great deal about how these services affect travel. But they haven't thought too much about how they affect parking. In the case of a driver-led service like Uber, the impact is obvious: The cars are never parked, because drivers don't make any money unless the cars are in motion. So every Uber ride means one less car in the parking lot. For a service like Zipcar or Car2Go, the cars -- driven by the renters themselves -- are obviously still parked, just not as much as private cars. Not a lot of research has been done on whether car-sharing will reduce the need for parking in cities, but what little has been conducted so far suggests that one Zipcar or Car2Go takes the place of several individual vehicles and often dampens the desire of urban dwellers to buy their own cars in the first place. All of which means less demand for parking, especially in the urban districts where these services thrive.

Of course, the push to provide more parking in urban districts isn't always evidence-based or rational. Frequently, it's driven by nearby residents who are fearful that more people will mean more traffic in their neighborhood and therefore want far more parking than necessary in order to make sure that there are never any spillover problems. But if car-sharing services continue to gain in popularity, our whole framework for urban parking will be turned upside down. Yes, people will still come and go in cars. But they won't need to be parked as much or for as long. That should mean more real estate available for things that matter.

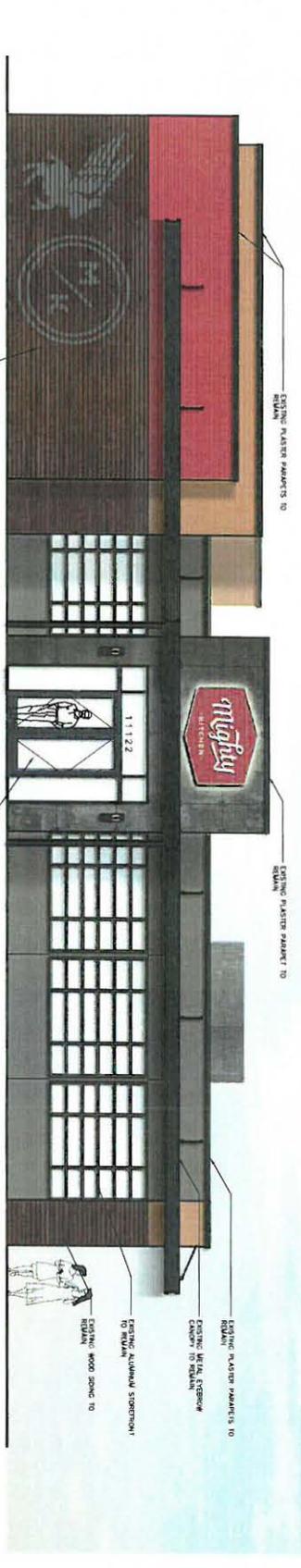
This article was printed from: <http://www.governing.com/columns/urban-notebook/gov-drive-less-park-less.html>



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION

MIGHTY KITCHEN
EXTERIOR ELEVATIONS
SCALE: 1/8"=1'-0"
11.09.15



City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

January 27, 2015
Item No: 9C

To: Chair and Members of the Planning Commission

Via: Steven A. Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Site Plan Review (SPR 15-04)
Second Residence to be Constructed on a Parcel with an Existing Residence in the R-3 Zone.

Summary: Consider a Site Plan Review (SPR 15-04) application for the addition of a 2,583 square foot residential unit on a parcel with an existing 1,158 square foot single family residence, thereby providing two single-family residences on a 9,490 square foot parcel at 4292 Green Avenue in the R-3 zone, APN 222-131-06. This project would also replace an existing one-car garage with two two-car garages (Applicant: Jason Hickox).

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 16-02, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 15-04 FOR THE ADDITION OF A 2,583 SQUARE FOOT RESIDENTIAL UNIT ON A PARCEL WITH AN EXISTING 1,158 SQUARE FOOT SINGLE FAMILY RESIDENCE, THEREBY PROVIDING TWO SINGLE-FAMILY RESIDENCES, AND REPLACING AN EXISTING GARAGE WITH ONE ATTACHED AND ONE DETACHED TWO-CAR GARAGE ON A 9,490 SQUARE FOOT PARCEL AT 4292 GREEN AVENUE IN THE MULTIPLE-FAMILY (R-3) ZONE, APN 222-131-06, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JASON HICKOX)."

Applicant: Jason Hickox

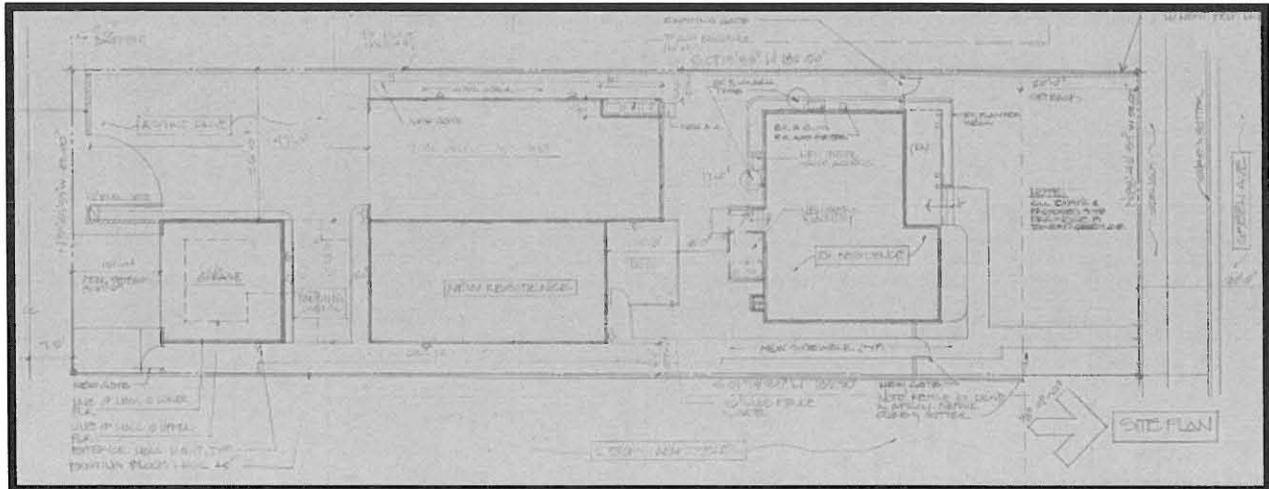
Project Location: 4292 Green Avenue (APN 222-131-06)

Notice: On January 13, 2016, Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum. It was also published in the News Enterprise on Wednesday, January 13, 2016 and public notices were mailed out to all property owners and tenants within 500 feet of the property on this date.

Environmental: The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 – *New Construction* and 15332 - *In-Fill Development Projects*.

Approval Criteria: Section 17.50.020, of the Los Alamitos Municipal Code (LAMC) requires that a Site Plan Review (SPR) be approved by the Planning Commission for a residential development plan.

Background



Mr. Hickox has submitted an application to build another Single Family Residence on the same parcel as an existing home. The existing property is a flat lot (52' x 182.5') with a 2 bedroom, one story single family house & detached one-car garage. A new laundry room is being added to the house and the exterior is getting new paint with some stone. The garage is being removed. A new two-story single family house is being added with four bedrooms and an attached 2-car garage, as well as a new two-

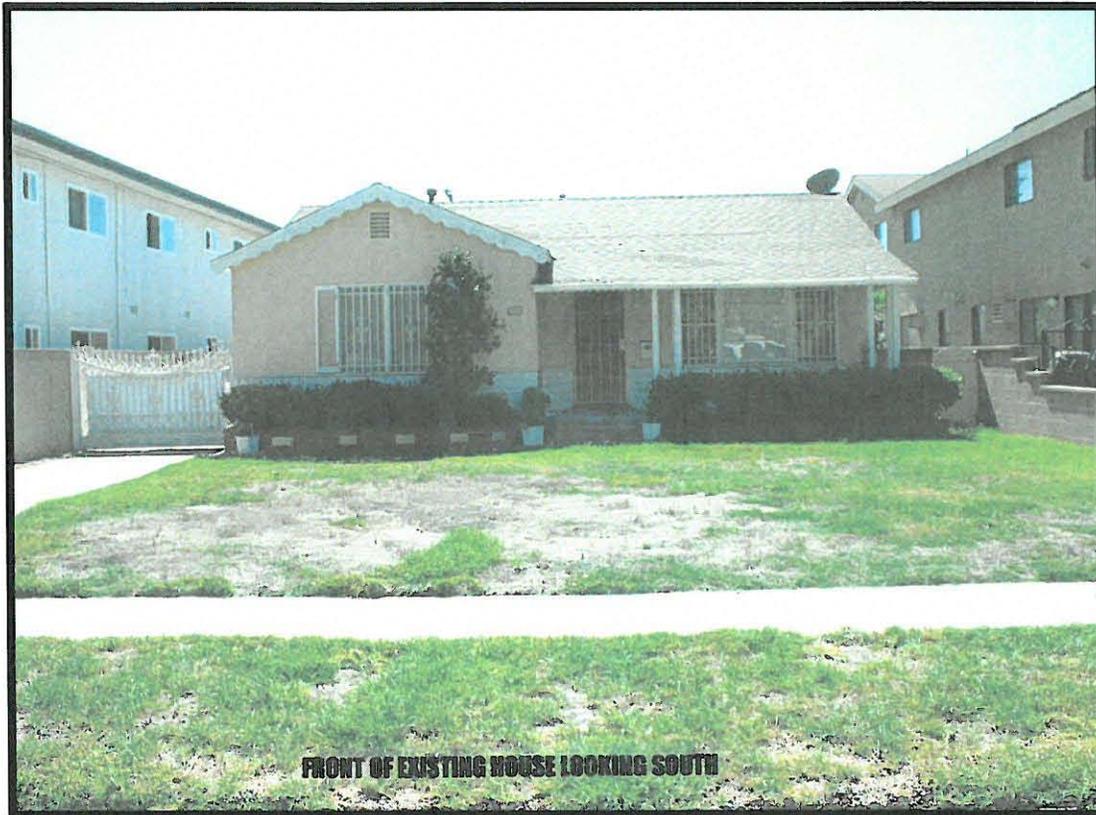
car garage for the existing house. One uncovered guest space is being added, and all car access is from the alley.

Project Location



The existing property is shown above. The property consists of a 9,490 square foot parcel in the Apartment Row neighborhood of the City with one existing home and a garage occupying it.

Surrounding Zoning and Uses			
Location		Zoning District	Uses
Project Site	Existing	Multiple Family (R-3)	Single Family Residential
	Proposed	Multiple Family (R-3)	Two SFR units
North of Site		Multiple Family (R-3)	Multiple Family Residential
East of Site		Multiple Family (R-3)	Multiple Family Residential
West of Site		Multiple Family (R-3)	Multiple Family Residential
South of Site		Multiple Family (R-3)	Multiple Family Residential



Application and Review Process

On November 13, 2015, the Applicant submitted a Discretionary Application that requested the following entitlement which is required for the project:

Site Plan Review (SPR 15-04)

Chapter 17.50.020 *Applicability*, in the Zoning Code, states:

“A commercial or industrial site development, tentative parcel map, residential development plan, conditional use permit, or the addition of square footage to an existing multiple-family residential, commercial, or industrial structure shall be subject to the site plan review process.”

This project is presented as a residential development plan which requires this Site Plan Review (SPR). A larger site plan is attached to this report as an exhibit of the approving resolution.

Analysis

• **Development Standards**

The proposed project would be located in the R-3 (Multiple Family) Residential Zoning District which is the area designed to provide multiple-family housing. While the maximum density is up to thirty (30) dwelling units per acre according to the zoning code, the corresponding General Plan designation requires a minimum of 20 units per acre. Therefore, in order to remain consistent with the General Plan, this property would need to support 4 units. The table below identifies the development features that are required under Section 17.08.030 Table 2-03 (Residential Zoning Districts General Development Standards).

The property owner will dedicate 2½ feet of the western portion of the parcel for the alley, which is required by the City in this neighborhood to enable easier and safer trash collection services by the large trucks used in the industry.

R-3 Residential Development Standards

	Required	Proposed Project	Requirement Met
Parcel Area	7,200 sq. ft.	9490 minus 130 for Alley Dedication	Yes
Parcel Width (Interior Parcel)	60 ft.	52 ft.	No, but legal nonconforming Parcel
Parcel Depth	100 ft.	182.50 minus 2.5 for alley	Yes
Maximum Density	30 du/ac	9.2 du/ac	Yes
Minimum Density per General Plan	20 du/ac	Development will still allow two additional homes to be built	Yes
Dwelling Unit Density (Gross Land Area per Dwelling Unit)	1,750 sq. ft. per unit	4,680 sq. ft. per unit	Yes
Minimum dwelling area (gross floor area) (Not including garage)	2+ bdrm. 800 sq. ft.	New Unit = 2,583	Yes
Maximum Height Limit – Main Structures	Max 3 stories or 35 ft.	24 ft. 4 inches	Yes
Setbacks:			
Front	20 ft.	34 ft.	Yes
Side	5 ft.	5 ft. each side	Yes
Rear	10 ft.	15 ft.	Yes
Maximum Site Coverage	50%	41%	Yes

	Required	Proposed Project	Requirement Met
Outdoor Living Space	200 sq. ft. per dwelling	3,112	Yes
Distance between structures (ft.) on one parcel	10 ft.	Existing unit is 11 ft. from new unit. New unit is attached to garage.	Yes
Storage Space	200 cubic feet per unit	Not currently shown	Yes, as conditioned (Condition #25)

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

- **Parking**

This project proposes 5 parking spaces; four are in garages, one is in a carport. Parking requirements in the Multiple Family Residential Zoning District (R-3) require two spaces for the first two bedrooms of each dwelling unit; plus one-half space for each bedroom or other room that can readily be used as bedrooms (i.e., dens, offices) in excess of the first two bedrooms. The following table identifies the required parking spaces for the proposed project:

R-3 Parking Requirements

	Required §17.26.040 Parking Space Requirements; § 17.26.060	Proposed Project
Required Spaces	Two spaces for the first two bedrooms of each dwelling unit; plus one-half space for each bedroom or other room that can readily be used as bedrooms (i.e., dens, offices) in excess of the first two bedrooms	Existing two-bedroom unit needs 2 spaces New four-bedroom unit needs 3 spaces = 5 spaces total need
Provided Spaces	5 spaces total, 2 spaces must be in	Existing two-bedroom unit – 2 spaces in garage

	Required §17.26.040 Parking Space Requirements; § 17.26.060	Proposed Project
	garages, 3 can be elsewhere	New four-bedroom unit – 2 spaces in garage & 1 space in under-building carport. = 5 spaces total provided

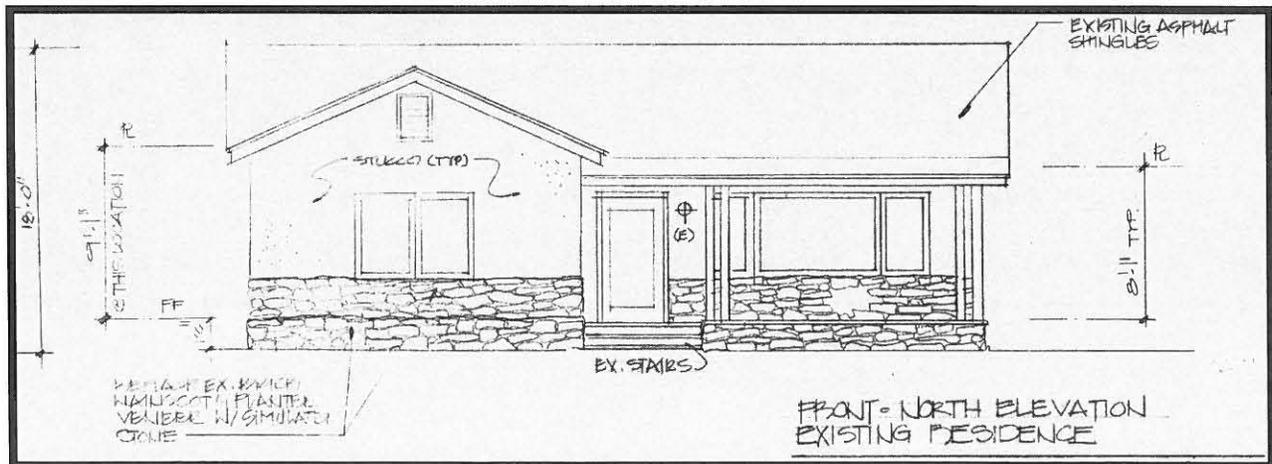
- **Site Safety Triangle(s)**

It is not clear on the plans how the configuration of the entrance through the block wall at the rear of the property will be designed; however, Staff has added a condition (#10) regarding the fence to follow the part of the zoning code that pertains to Site Safety Triangles (LAMC 17.16.140).

- **Architecture**

The proposed architectural style displays few architectural elements of interest. It includes a front porch, a bit of window trim surrounding windows, and decorative stone on the front door façades of the units. The roofing material will consist of asphalt shingles. Staff has added conditions (29 & 30) to break up the stucco expanse of the side elevations, including sills and trim on windows and divided light windows with craftsman style mullions would add a bit to the windows. Additionally, staff has added condition 31 to require that the garage doors look as they do in the illustrations so that they do not morph into cheaper unattractive versions.

The drawing below shows the proposed view of the project from Green Avenue, on the north, or front, of the parcel:



The next drawing below shows the proposed view of the project from the alley, on the south, or rear, of the parcel:



GENERAL DEVELOPMENT AND USE STANDARDS			
Subject	Code Section	Met?	Notes
Access	17.16.030	Yes	Vehicular access will be provided along the alley, through alley-facing spaces on the south side of the parcel.
Exterior lighting	17.16.050	Yes	The building will include exterior light fixtures located on all four sides of the structure. These lights have been conditioned by Staff to direct light only on the subject property.
Fences, hedges, and walls.	17.16.060	Yes	There is currently an existing block wall. The applicant did not show the replacement of this wall on the site plan.
Park dedications and in-lieu fees	17.16.080	N/A	The property is not to be subdivided; therefore, no park fees are required.

Paving of front setback requirements	17.16.090	Yes	Paving of 50% not exceeded.
Projections into required setbacks	17.16.100	Yes	There are no projections into setbacks.
Refuse and recycling storage areas	17.16.110	Yes	Less than five units, so no minimum amount of space required. The Applicant has provided space for four trashcans.
Right-of-way dedications	17.16.120	Yes	2 ½ feet of the property is dedicated to widen the alley (condition #44)
Screening and buffering	17.16.130	Yes	Noted as condition #16
Sight safety triangle	17.16.140	Unclear	Noted as condition #10
Swimming pools	17.16.150	N/A	None
Utilities and utility equipment	17.16.160	Yes	The air conditioner equipment is in the proper location.
Landscaping	17.20.030	Yes - 32% (3,112 sq. ft.)	LAMC Section (Landscape Area Requirements) speaks to landscaping requirements that multi-family uses shall provide. The Applicant must maintain a minimum 15 percent of the site in landscaped areas. According to the site plan the landscape areas total approximately 32 percent of the total site area, therefore meeting this requirement. The Applicant will be asked to install two street trees in the project. The Public Works Department has added conditions to install two street trees in the parkway (condition #48). 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. This has been noted by Staff in condition (#8).

Staff Conclusion

Staff has reviewed the proposed project and application materials and finds that as conditioned, the proposed project design and layout meet the minimum standards of the R-3 zoning district, including Section 17.08.030 (Property Development Standards), Section 17.16.040 (Architectural Design), and Chapter 17.20 (Landscaping) and that, as conditioned, all of the findings can be made that are required by Section 17.50.040 as set forth in attached Resolution No. 16-02. This project has been compared to the development standards of the multi-family General Plan designation and has been found to be proposed with less density than required in the General Plan (20 to 30 du/ac). However this project aims toward that goal by the addition of a unit -- and this is a project that can be later added to or subdivided into more units in the future. The owner of the property does not currently have a need for more units.

General Plan Compatibility

Staff believes that the proposed project is compatible with the surrounding land uses as it is immediately adjacent to similar high-density residential apartments and condominiums. The project would take a step toward implementing the City’s General Plan, and specifically the ones shown in the table below:

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
Land Use Element	
Goal 4: Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity.	As conditioned, this will be a new, well-designed building in the neighborhood which will encourage neighbors to take a look at their own homes.
Policy 4.1 Pride and identity. Enhance the sense of identity and increase the feeling of pride among Los Alamitos residents, business owners, employees, and visitors through excellent physical design and continual property maintenance and improvements.	As conditioned, this will be a new, well-designed building in the neighborhood which will encourage neighbors to take a look at their own homes.
Policy 4.4 Scale and Character. Ensure that all new development in residential neighborhoods is compatible with the scale and character of the surrounding neighborhood.	This project will be in the multiple-family residential neighborhood. As conditioned, the project is compatible with the surrounding neighborhood which is also developed with multiple-family units.
Action 4.5 Development standards. Review development standards in residential zoning districts to provide specific guidance on maximum development intensity, minimum open space, and minimum setback standards to ensure that all new development in residential neighborhoods is compatible with the surrounding scale and character.	This project has been compared to the development standards of the multi-family General Plan designation and has been found to be proposed with less density than required in the General Plan (20 to 30 du/ac); however, this project aims toward that goal with a project that could be added to or subdivided into more units in the future.
Open Space, Recreation, and Conservation Element	
Goal 4: Air, water, and energy resources that are protected from pollution	This is a residential infill project that

and overuse.	will take the place of sprawl that would be built on the fringes of this metropolitan area.
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.	BMP's are required for the construction of this project in the conditions of approval.
Mobility and Circulation Element	
Policy 1.6 Access management. Minimize access points and curb cuts along arterials and within 200 feet of an intersection to improve traffic flow and safety. Eliminate and/or consolidate driveways when new development occurs or when traffic operation or safety warrants.	This will not add driveways to the passing streets, but will access the site from an existing alleyway.
Public Facilities and Safety Element	
Action 4.5 Construction activity. Require that construction vehicles and equipment (fixed or mobile) be equipped with properly operating and maintained mufflers. Place stock piling and/or vehicle-staging areas as far as practical from residential homes. 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.	These are BMP requirements that are a part of the conditions of approval for the project.

And while no specific policy actions of the Housing Element are fulfilled through this project, it does provide for housing that costs less than an average single family home in the City. Here is a goal of the Housing Element:

Housing Strategy Area 4: Adequate Housing Supply

The City strives to ensure an adequate supply of housing is available to meet future and existing housing needs of all economic segments of the community.

Environmental Review

The project qualifies for two categorical exemptions.

Section 15303 (Class 3) of the Guidelines provides an exemption for construction of a limited number of new, small facilities or structures, including a duplex or similar multi-family residential structure totaling no more than four dwelling units. The project meets this definition.

Section 15332 (Class 32) provides an exemption for in-fill development projects when:

(a) the project is consistent with the applicable general plan designation, general plan policies, and applicable zoning designation and regulations – as set forth above, the project is consistent with both the general plan and zoning;

(b) the development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses – the project site is within the corporate boundaries of Los Alamitos, the site is less than five acres, and the development is surrounded by urban uses;

(c) the project site has no value as habitat for endangered, rare or threatened species – the site has already been developed with a single-family home and has no habitat value;

(d) approval would not result in any significant effects relating to traffic, noise, air quality, or water quality – this project simply adds one residential unit to allow two units in an area of the City which is zoned for such use. The addition of one home to a property with an existing residence will not create any impacts as described above;

(e) the site can be adequately served by all required utilities and public services – this property is already developed with utilities and is already served by public services.

Guidelines Section 15300.2 provides that the exemptions cannot be used if there is: a cumulative impact; significant effect due to unusual circumstances; if the project will damage scenic resources; the project site is located on a hazardous waste list; or the project will have a substantial adverse change in the significance of a historical resource. Additionally, the Class 3 exemption cannot be used if the project will impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law. None of the exceptions to the exemption are present. There are no cumulative projects in the area; there are no unusual circumstances as the project site is flat and has previously been developed and graded; there are no scenic or historical resources which will be impacted; the site is not on a hazardous waste list; and there are no hazardous or critical environmental resources which will be impacted.

Staff Recommendation

As conditioned, Staff supports approval of SPR (Site Plan Review) 15-04.

*Attachments: 1) Resolution No. 16-02
Exhibit A (Conditions of Approval)
Exhibit B (Site Plans)*

RESOLUTION NO. 16-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 15-04 FOR THE ADDITION OF A 2,583 SQUARE FOOT RESIDENTIAL UNIT ON A PARCEL WITH AN EXISTING 1,158 SQUARE FOOT SINGLE FAMILY RESIDENCE, THEREBY PROVIDING TWO SINGLE-FAMILY RESIDENCES, AND REPLACING AN EXISTING GARAGE WITH ONE ATTACHED AND ONE DETACHED TWO-CAR GARAGE ON A 9,490 SQUARE FOOT PARCEL AT 4292 GREEN AVENUE IN THE MULTIPLE-FAMILY (R-3) ZONE, APN 222-131-06, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JASON HICKOX).

WHEREAS, a completed application for a Site Plan Review was submitted by Jason Hickox on November 13, 2015, requesting approval for the construction of a second residential unit on a parcel with an existing unit at 4292 Green Avenue, APN 222-131-06; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) 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 January 27, 2016, 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, CALIFORNIA, 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 required by Section 17.50.040 of the Los Alamitos Municipal Code which are based on all of the evidence presented, both written and oral:

1. As conditioned, the design and layout for the construction of the new unit and renovation of the existing unit at 4292 Green Avenue is consistent with the development and design standards/guidelines of the Multiple Family (R-3) Residential Zoning District and enables the construction of future units. The development meets, or will be conditioned to meet, all requirements.
2. As conditioned, the design and layout for the construction of the new unit and renovation of the existing unit at 4292 Green Avenue would not interfere with

the use and enjoyment of neighboring residential developments, as the immediately surrounding uses are multiple-family residential units. The location of the ingress/egress access to the alley would not create traffic or pedestrian hazards and would create a safer environment along Green Avenue by having one less curb cut. The property is zoned for this type of development.

3. As conditioned, the design for the construction of the new unit and renovation of the existing unit 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 residential building design, extensive landscaping, and maintenance as required by municipal code.
4. As conditioned, the design for the construction of the new unit and renovation of the existing unit would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, landscaping, and color. Such changes will enhance the existing property and maintain an appropriate level of maintenance, through the requirements of the municipal code.
5. The construction of new unit and renovation of the existing unit will provide for public health, safety, and welfare of the residential and business communities by improving a long-aged home site rather than causing sprawl elsewhere. The building will meet all building code requirements.
6. The two units would not depreciate property values in the vicinity, as the area is zoned for this type of use and the new structure will improve the aesthetics.

SECTION 3. The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15303 – *New Construction of Small Structures* and 15332 – *In-Fill Development Projects* for the reasons more fully set forth in the Staff report which are incorporated herein by reference.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review (SPR)15-04, as represented by the plans and elevations in "Exhibit B" and subject to the conditions listed in "Exhibit A" and any changes made by this Commission.

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 a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 27nd day of January, 2016, by the following vote:

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 27th day of January, 2016, by the following vote, to wit:

AYES:

NOES:
ABSENT:
ABSTAIN:

Steven A. Mendoza, Secretary

**EXHIBIT A
4292 GREEN AVENUE ADDITIONAL UNIT PROJECT
CONDITIONS OF APPROVAL
SPR 15-04**

GENERAL CONDITIONS

1. Approval of this application is to construct a new unit and renovate an existing unit at 4292 Green Avenue, APN 242-183-10 with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a vesting 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 and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated November 12, 2015 (as amended during the hearing), a request for an amendment of this approval must be submitted to the Community Development Director. If the Development Services 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 Development Services 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 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. Project plans for the construction of a new unit and renovation of the existing unit 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 Title 15, 16, and 17 of the City of Los Alamitos Municipal Code.
6. Approval of Site Plan Review 15-04 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. 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.
8. 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.
9. The Applicant shall install all of the trees shown on the site plan within the landscaped areas of the parcel.
10. In any Sight Safety Triangle, the maximum height cutback of any object (e.g. fence, landscaping, walls, etc.) located in the corner area shall be three feet,

measured from the adjoining top of curb. The three-foot height limit shall not apply to traffic safety devices, trees trimmed to eight feet above the adjacent top of curb, utility poles, and other government or utility installed devices.

11. The Applicant shall provide adequate exterior lighting for each residential unit 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.
12. The Applicant shall provide an illuminated uniform address number near the entryway of each unit, or other location acceptable to the Development Services Director.
13. The Applicant shall provide sidewalks and gutters with the latest handicap accessibility features where 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. All utility service lines on the property shall be placed underground.
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. Each unit shall be separately metered.
17. During construction, the Applicant will display a sign visible to the public from Howard Street with a contact number of the construction superintendant to address any questions or concerns about demolition, grading, and construction activities.
18. 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 Development Services Director.
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. 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.
21. Stock piling and/or vehicle-staging areas shall be placed as far as practical from residential homes.

22. The Applicant shall have rodent and pest controls on site during demolition and grading activities to mitigate impacts to the surrounding properties and neighborhood.
23. 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.
24. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.
25. The units shall be constructed with 200 cubic feet of storage space for each unit (LAMC 17.08.030).
26. The curb cut (driveway apron) on the north shall be removed.
27. The air conditioner units shall be installed in accordance with LAMC 17.16.100.D.
28. A non-priority Water Quality Management Plan (WQMP) will be required to be processed for this project.
29. The window surrounds on the side elevations shall be installed as they are on other elevations that show sills and trim.
30. Divided light windows with craftsman style mullions shall be added to all of the windows.
31. The garage doors shall be the same style as shown on the elevations.

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. 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.
38. 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.
39. 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 Certificate of Occupancy.
40. 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.
41. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.
42. 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.
43. 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.

44. The Applicant shall dedicate alley 2½ feet of the property to City to widen the alley by occupancy of the units.

45. The Applicant shall remove driveway (curb cut and apron) at front of the property, and then replace this area with a new curb and gutter by occupancy of the units. The Applicant shall build new driveway for neighbor at the proper width by occupancy of the units if the neighbor does not give permission for the curb cut to be removed by the Applicant.

PUBLIC WORKS

46. The Applicant shall remove the existing drive approach (curb cut) to the property on Green Avenue and replace with new curb and gutter per City standards.

47. In the event that two or more utility cuts are made into the asphalt street on Cherry Street, the Applicant shall slurry seal the street to the satisfaction of the City Engineer.

48. The Applicant shall install 2 new trees on Green Avenue evenly spaced in the parkway in front of the subject parcel. Please call Tony Brandyberry at 562-431-3538 x105 for type and specifications.

49. The Applicant shall install irrigation to each of the City trees planted. The irrigation shall be a bubbler sprinkler NOT a tree well type of bubbler sprinkler.

ROSSMOOR/LOS ALAMITOS SEWER DISTRICT

50. None

BUILDING AND SAFETY DIVISION

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

52. The Applicant shall submit three sets of complete building plans to the Building and Safety Department for review.

53. 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)

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

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

- Residential site (service code PR160)

Prior to issuance of a building permit:

- Fire sprinkler system (service codes PR430-PR455)
- 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.

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

January 27, 2016
Item No: 9D

To: Chair and Members of the Planning Commission

Via: Steven A. Mendoza, Development Services Director

From: Lisa Kranitz, Assistant City Attorney

Subject: Zoning Ordinance Amendment (ZOA) 15-05
Nonconforming Use Provisions

Summary: Continue discussion with Staff of desired provisions relating to Nonconforming Use Provisions, Zoning Ordinance Amendment (ZOA) 15-05 (Citywide) (City Initiated).

Recommendation:

1. Continue the Public Hearing; and, if appropriate,
2. Direct Staff to finalize an ordinance incorporating amendments that are agreed upon by the Commissioners at the end of tonight's discussion; or alternatively,
3. Resolve to continue or cease continued discussion of this subject.

Applicant: City Initiated

Project Location: Citywide

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

Notice: Since the number of real property owners exceeds 1,000, notices announcing the Public Hearing were published as a 1/8 page ad in the News Enterprise on October 14, 2015 for a hearing on October 28, 2015 which was continued to November 18th, then December 16th, and then was continued to tonight.

Environmental: An environmental determination will be made after parameters are provided.

Background

On September 23, 2015 the Planning Commission adopted a Resolution of Intention to amend the provisions of Chapter 17.64 of the Los Alamitos Code relating to the City's nonconforming provisions. While the move to amend the City's Code was spurred on by ambiguous provisions that were brought to light in relation to the expansion of a nonconforming use in an existing building, the City's entire Nonconforming Use Chapter needs to be revised to be more "user friendly" for both Staff and the public. In order to revise the Code, Staff needs direction from the Planning Commission. Tonight's discussion is a continued hearing from October 28, 2015, November 18, 2015, and December 16, 2016.

Discussion

To continue the discussion, the definitions that will be discussed in tonight's meeting are reiterated from the Los Alamitos Municipal Code in relating to nonconformities:

"Nonconforming lot" means a legal parcel of land having less area, frontage, or dimensions than required in the zoning district where it is located.

"Nonconforming structure" means a structure or a portion of a structure that was designed, and erected or structurally altered before the effective date of these regulations or subsequent amendments, and which, at the time it was constructed or altered, was in compliance with applicable building and zoning codes but no longer complies due to changes or amendments.

"Nonconforming use" means a use of a structure (either conforming or nonconforming) or land that was legally established and maintained before the adoption of this zoning code and that does not conform to current code provisions governing allowable land uses for the zoning district where the use is located.

Recommendation

With the progress made in the previous meetings, Staff has continued to draft a working document of an ordinance that is attached to this report. As for the Planning Commission's questions last month about all of the nonconforming parcels that are part of the ordinance, please see the attached code section from the City of Duarte for a good example to follow.

Attachments: 1) Working Document Ordinance
2) Duarte Nonconforming Lot Section

WORKING DOCUMENT

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, REPEALING CHAPTER 17.64 AND ADDING A NEW CHAPTER 17.64 RELATING TO NONCONFORMING USES

WHEREAS, City Staff, the Planning Commission, and the City Council have all recognized that the City's Code on nonconforming uses needs to be clarified and updated; and,

WHEREAS, on September 23, 2015 the Planning Commission adopted a Resolution of Intention to amend the provisions of Chapter 17.64 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission held a duly noticed public hearing to discuss the issue of nonconforming uses on October 28, 2015, which hearing was opened and continued to November 18, 2015, and then again to December 16, 2015, and then again to January 27, 2016; and,

WHEREAS, after receiving input from the Planning Commission, Staff drafted a new Chapter 17.64 relating to nonconforming uses and prepared a Negative Declaration (?) for said ordinance which was subject to a 21 day public review period; and,

WHEREAS, after the close of the public review period, the Planning Commission held a further duly noticed public hearing on _____, 2016; and,

WHEREAS, the Planning Commission took into consideration all information that was presented, both written and oral, at all of the public hearings; and

WHEREAS, the Planning Commission adopted Resolution No. TBD recommending that the City Council adopt this Ordinance; and,

WHEREAS, the City Council held a duly noticed public hearing on _____, 2016 at which time it considered all evidence presented, both written and oral.

WHEREAS, after consideration of all applicable Staff reports and all public testimony and evidence presented at the Public Hearings, the City Council does hereby make the following findings for a Zoning Ordinance Amendment to modify Los Alamitos Municipal Code Section 17.64 "*Nonconforming Uses and Structures*," as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendments ensure and maintain consistency between the General Plan and the Zoning Code as this amendment works toward the policy of Economic Element Policy 2.2 *Effective land use regulation*. Ensure that development standards, use regulations, and the permitting process (especially discretionary permitting), are streamlined and effective, yet maintain protections for the community's quality of life.

2. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code and do not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

3. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per (determination not made yet).

4. The Ordinance will not negatively impact the public convenience, health, safety or welfare. Instead, the Ordinance will positively improve the above by creating an understandable "nonconforming uses and structures" code that sets clear expectations for properties that fall under this often confusing term for those who are impacted.

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

SECTION 1. Chapter 17.64 of the Los Alamitos Municipal Code is hereby repealed.

~~Chapter 17.64 NONCONFORMING USES AND STRUCTURES~~

~~17.64.010 Purpose.~~

~~—A.— This chapter establishes uniform provisions for the regulation of legal nonconforming land uses, structures, and parcels. Within the zoning districts established by this zoning code, there exist land uses, structures, and parcels that were lawful before the adoption, or amendment of this zoning code, but that would be prohibited, regulated, or restricted differently under the terms of this zoning code or future amendments.~~

~~—B.— It is the intent of this zoning code to discourage the long-term continuance of these nonconformities, providing for their eventual elimination, but to permit them to exist under the limited conditions identified in this chapter.~~

~~—C.— Generally, this chapter is intended to be administered in a manner that encourages the eventual abatement of these nonconformities. (Ord. 688 § 1,2006)~~

~~17.64.020 Applicability.~~

~~—The provisions of this chapter apply to structures, land, and uses that become nonconforming due to reclassification of zoning districts under this zoning code. The provisions shall also apply when standards or regulations are adopted or changed which cause previously conforming structures, land, or uses to become nonconforming. (Ord. 688 § 1, 2006)~~

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~~17.64.030 Structures on substandard parcels.~~

~~—A.— Structures shall not be erected or enlarged on a substandard parcel unless the substandard parcel was a complete parcel of record on February 17, 1969, the effective date of Ordinance 169.~~

~~—B.— A lot or parcel which is substandard in area and/or dimension and which was of record before the incorporation of the city on March 1, 1960, shall be accepted as a conforming parcel subject to all other development standards of the zoning district. The parcel shall not be further reduced below the area or dimension identified on the recorded map or other documents that establish the date on which the parcel was officially created. (Ord. 688 § 1, 2006)~~

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~~17.64.040 Exceptions—Public facilities and uses.~~

~~—A.— Facilities Directly Rendering Service. The provisions of this chapter shall not apply to public utility structures when the public utility structures pertain directly to the rendering of service or distribution, including generating plants, distribution, substations, water wells and pumps, gas storage, metering and valve control stations, but shall apply to structures or uses that do not immediately relate to direct service to consumers (e.g., including warehouses, corporation yards, storage, etc.)~~

~~—B.— Changes to Facilities. Nothing in this chapter shall be prevent the expansion, increase in capacity, modernization or replacement of public utility structures, provided that there shall be no change of an use unless approved by the commission, and further provided that all setback requirements of the zoning district in which the use is located shall be maintained. There shall be no enlargement of the site unless approved by the commission. (Ord. 688 § 1,2006)~~

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~~17.64.050 Restrictions on nonconforming uses and structures.~~

~~—A.— Time Limitation in Residential Zoning Districts. In residential zoning districts, a nonconforming structure that was designed, arranged, or intended for a use not allowed in the residential zoning district shall be completely removed, or altered and converted to a conforming structure, or may reach the age of thirty (30) years, computed from the date the structure was erected; provided, however, that this regulation shall not become operative until ten (10) years from the effective date of the ordinance codified in this title.~~

~~— B. — Time Limitation on Use of Land. Nonconforming uses of land other than those specified in subsection F of this section, (where no main structure is involved) shall be discontinued within two years from the date of the adoption of said ordinance.~~

~~— C. — Change to Another Nonconforming Use. If no structural alterations are made, a nonconforming use of a nonconforming structure may be changed to another use of the same or more restrictive classification upon the securing of a conditional use permit. If the nonconforming use is terminated or discontinued, the occupancy afterwards may not revert to a less restrictive use.~~

~~— D. — Expansion of Structure. A structure existing at the date of the adoption of said ordinance that is nonconforming in use, design, or arrangement shall not be extended, reconstructed, or structurally altered unless a conditional use permit is first secured in each case, or unless an enlargement, extension, reconstruction or alteration is in compliance with the regulations identified in this zoning code for the zoning district where the structure is located. A nonconforming structure may be maintained, repaired, or portions of it replaced without a CUP as long as the maintained, repaired, or replaced portion does not exceed twenty-five (25) percent of the square footage of the original structure.~~

~~— E. — No Extension to Occupy Greater Area of Land. Except as otherwise provided in this chapter, uses of land or structures existing at the time of the adoption of said ordinance, or amendments to this title, may be continued although the particular use or the structure does not conform to the regulations specified by this zoning code for the zoning district in which the particular structure is located or use is made; provided, however, no nonconforming structure or use of land may be extended to occupy a greater area of land upon which the structure is situated than is owned by the property owner at the time of the adoption of said ordinance.~~

~~— F. — Reuse of Damaged or Partially Destroyed Structures. A nonconforming structure destroyed to the extent of more than fifty (50) percent of the fair market value as determined by the director preceding its destruction by fire, explosion, or other casualty or act of God, may be restored and used only if a conditional use permit is first secured in each case, or used only in compliance with the regulations existing in the zoning district where it is located. (Ord. 688 § 1, 2006)~~

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17.64.060 Abandonment.

~~— Abandoned nonconforming uses shall be subject to the following provisions:~~

~~— A. — After Abandonment. If a nonconforming use is discontinued or abandoned, a subsequent use of the land or structure shall conform to the regulations specified for the zoning district in which the land or structure is located.~~

~~— B. — Continuation of Abandoned Use.~~

~~— 1. — Application to Continue Abandoned Use. However, if application is made for a continuation of an abandoned or discontinued nonconforming use, through a conditional use permit in compliance with Chapter 17.42 (Conditional Use Permits), within four~~

months from the date the discontinuation or abandonment occurred, then the commission may grant an extension of the nonconforming use for a specified term.

— 2. ~~Factors to Be Considered by Review Authority.~~ In considering whether the extension is to be granted, the commission shall consider the nature of the nonconformity as it relates to the surrounding area and shall consider the harmony, or lack of harmony, with surrounding uses and developments and shall also consider the effect upon the surrounding community if the continuation is denied or granted. (Ord. 688 § 1, 2006)

~~17.64.070 Amortization.~~

— A. ~~Amortization Time Schedule.~~ Table 5-01 (Amortization Time Schedule) establishes the time schedule for the amortization of Type I, II, III, IV, and V structures. Structure type designations shall be as defined in the city building code. Time shall be measured from the date of issuance of certificate of occupancy for the structure.

~~TABLE 5-01
Amortization Time Schedule~~

Type of Structure	Date of Removal or Alteration
Type I and II	50 years
Type III and IV	40 years
Type V	30 years

— B. ~~Minimum Period.~~ Except as otherwise provided in Section 17.64.050 (Time limitations on use of land), no structure shall be required to be removed or altered to conform before a date that is ten (10) years from the date it became nonconforming under this zoning code.

— C. ~~Process When Nonconforming Use or Structure.~~ For purposes of notification to business and property owners of the nonconforming features and specific amortization dates applicable to various properties in the city, the following procedures shall apply:

— 1. ~~Two Years' Notice Required.~~ At least two years before the time when a structure or use shall be required to be altered or removed in compliance with the amortization schedule identified in subsection A of this section, the director shall notify the person or entity designated as the property owner on the latest available assessment roll.

— 2. ~~Extension of Two-Year Time Period.~~ If the notice is not sent at least two years before to that time, then the date for alteration or removal shall be extended so as to afford an affected owner two full years from the date notice is sent before the alteration or removal is required.

~~—3.— Contents of Notice. The notice shall contain a description of the nature of nonconforming structure or use, the date of construction, the date of expiration, and inform the property owner that the structure or use must be altered, changed, terminated, or removed as the case may be. The notice shall inform the owner of the right of appeal to the council as described in subsection D of this section. The notice shall be sent “Certified—Return Receipt Requested.” The failure of the owner to receive the notice, or the refusal of acceptance of it, shall not toll the amortization period or the notice period.~~

~~—4.— Process When Use or Structure Nonconforming Due to Extension or Encroachment into Public Right-of-Way. Instead of the procedures outlined in subsections (C)(1), (2) and (3) of this section, the following provisions shall apply to a use of land or structure that is nonconforming in whole or in part because it extends or encroaches into an area that, but for the extension or encroachment, would be part of the paved and improved public right-of-way as established in the city’s adopted plan of arterial highways.~~

~~—a.— In these cases, the nonconforming use of land or structure shall be altered or removed so as to comply with the regulations of this zoning code immediately after the time, as measured in subsection A of this section (Amortization time schedule), has passed and provided the owner has received a notice containing the following: a description of the nature of the nonconforming structure or use, the date of construction, the date of expiration, and notification informing the property owner that the structure or use must be altered, changed, terminated, or removed as the case may be.~~

~~—b.— The notice shall so inform the owner of the right of appeal to the council. The notice shall be sent “Certified—Return Receipt Requested.” The failure of the owner to receive the notice, or the refusal of acceptance of it, shall not toll the amortization period or the notice period. If within thirty (30) days after the notice was mailed the owner requests in writing an appeal hearing before the Council, the hearing shall be noticed, conducted, and concluded in the same manner as identified in subsection D (Appeals procedure), of this section.~~

~~—D.— Appeals Procedure:~~

~~—1.— Time Period for Filing Appeal. The owner of a parcel who is notified of the parcel’s nonconforming status may file a written appeal about the affected property with the director within thirty (30) days after the date when the notice was mailed to the owner as subsection C of this section (Process when nonconforming use or structure).~~

~~—2.— Contents of Appeal. The appeal shall state the ground or grounds of it and the appellant’s address for receipt of notice of hearing on the appeal. The grounds may include, but shall not be limited to:~~

~~—a.— That the structure or use is not nonconforming;~~

~~—b.— That a different abatement period should be applied to the structure or use in question; or~~

~~—c.— Both of the previously mentioned grounds in the alternative.~~

~~—3.— Processing of Appeal.~~

~~— a. — Within thirty (30) days after receipt of a timely written appeal stating the ground or grounds for it and the address for receipt of notice, the director shall set the matter for hearing before the council and shall mail notice of the time, date, and place of the hearing to the appellant at the address stated in the written appeal.~~

~~— b. — The council shall then conduct a hearing on the validity of the ground or grounds stated in the written notice of appeal, which hearing may be continued from time to time.~~

~~— c. — The appellant shall have the burden of establishing the validity of the grounds. The council may consider staff reports presented and other evidence relevant to the issues raised. If the grounds include the appellant's contention that a different abatement period should be applied, the evidence may include, but shall not be limited to:~~

~~— i. — The date upon which the structure was constructed;~~

~~— ii. — The original cost of it; and~~

~~— iii. — Whether that cost could be recovered by the original owner or successor or successors within the stated abatement period under generally accepted accounting practices.~~

~~— iv. — Within thirty (30) days subsequent to the conclusion of the hearing, the council shall render its decision in writing and a copy of the decision shall be mailed to the appellant at the address specified in the written appeal. The decision of the council shall be final and conclusive upon adoption.~~

~~— 4. — Exclusive Remedy. The procedures identified shall constitute the exclusive administrative remedy available to a person or entity affected by the amortization schedule identified in this chapter.~~

~~— 5. — Validity of Appeal. An appeal shall not be effective for any purpose unless it is in writing and contains those items and is filed within the applicable period of time specified. In addition, an appeal shall not be valid for any purpose unless the fee as set by the city's fee resolution shall be paid contemporaneously with the filing of an appeal to the city clerk.~~

~~— E. — Amortization of Conditional Use Permit. If a property being operated or used in compliance with a conditional use permit is a nonconforming use at the time the permit is issued, or later becomes nonconforming due to amendments to this zoning code, the amortization schedule as identified in subsection A of this section, above, shall run against that property, beginning with the date of issuance of the permit or the date the use becomes nonconforming. (Ord. 688 § 1, 2006)~~

SECTION 2. A new Chapter 17.64 is hereby added to the Los Alamitos Municipal Code to read as follows:

Chapter 17.64

NONCONFORMING USES, STRUCTURES AND PROPERTY

17.64.010 Purpose.

A. This Chapter is intended to permit continuation of nonconformities as to parcel size, use, occupancy and building types that were legally established but no longer comply with all of the standards and requirements of this Title. To that end, this Chapter establishes the circumstances under which nonconformities may be continued or changed and provides for the removal of nonconformities when their continuation conflicts with the public health and safety.

B. This Chapter is not intended to limit the City's ability to eliminate a public nuisance.

C. Nothing herein shall prevent the City from declaring a nonconformity to constitute a danger to the public health or safety and take lawful action to remedy that danger.

17.64.020 Applicability.

A. The provisions of this Chapter apply to structures, land, and uses that have become nonconforming due to changes in this Title or reclassification of zoning districts under this zoning code. The provisions shall also apply when standards or regulations are adopted or changed which cause previously conforming structures, land, or uses to become nonconforming.

B. For purposes of this Chapter, the terms "nonconformity" or "nonconformities" shall refer to legal nonconforming uses, legal nonconforming structures, and legal nonconforming lots, all as more specifically defined in Chapter 17.76 of this Code.

17.64.030 Nonconforming Uses.

A. Nonconforming uses shall be allowed to remain provided such use is not abandoned, intensified, or the space that the nonconforming use is located in is not reconstructed.

B. If no structural alterations are made, a nonconforming use of a structure may be changed to a different type of nonconforming use upon approval of a conditional use permit by the Planning Commission. Once a nonconforming use is changed to a less intense use, i.e., one that requires less parking, it may not revert to the original nonconforming use. As part of the conditional use permit findings the Planning Commission must determine that the new use will be no less compatible with the purposes of the zone and surrounding uses than the nonconforming use it replaces.

C. A nonconforming use may not expand the area of its use beyond that for which it was legally approved.

D. Once a nonconforming use is terminated, discontinued, or abandoned, the occupancy afterwards may not revert to a nonconforming use.

17.64.040 Nonconforming Structures.

A. Nonconforming structures may only be continued and maintained provided there is no alteration, enlargement, or addition to any building or structure.

B. A use of a nonconforming structure shall not be allowed to change to any use which would increase the nonconformity of the structure, such as changing an office building to a medical office building if there was not sufficient parking.

C. A nonconforming use of a nonconforming structure may be changed to a conforming use of a nonconforming structure upon approval of a conditional use permit by the Planning Commission. Once a nonconforming use is changed to a conforming use, it may not revert to a nonconforming use.

D. Maintenance, repairs, nonstructural modifications and nonstructural interior alterations to a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure, or otherwise increase the degree of the nonconformity. Exterior improvements, such as a façade improvement, which are intended to better the appearance of the property, are included in these types of allowed changes. Nothing herein supersedes the requirement to obtain site plan review approval if otherwise required.

E. In a building which is nonconforming due to parking, a change of use or intensification of the existing use shall only be allowed if the full amount of the required parking is provided.

F. A structure shall not be considered nonconforming if the nonconformity is caused due to a condemnation of a portion of the property by the City.

G. A structure shall not be considered nonconforming because of a loss of required parking spaces due to conformance with the Americans with Disabilities Act.

17.64.050 Nonconforming Lots.

A. Any lot that is smaller than the minimum lot size required by this Title, or does not meet any of the applicable dimensional requirements, shall be considered a legal nonconforming lot if it is described in the official records on file in the Office of the Orange County Recorder as a lot of record. The lot shall not be further reduced below the area or dimension identified on the recorded map or other documents that establish the date on which the parcel was officially created.

B. A lot of record may be used as a building site subject to compliance with all other applicable requirements, unless a variance or other modification or exception is approved as provided for in this Title.

17.64.060 Repair and Replacement of Damaged or Destroyed Nonconforming Structures.

If any nonconforming structure is destroyed by fire, explosion, act of God, or the public enemy such that the cost of restoration or replacement exceeds fifty percent (50%) of the replacement cost of the entire structure, the replacement shall conform to current regulations or a conditional use permit shall be obtained from the Planning Commission to allow a deviation from current standards. The City's Building Official shall determine the extent of destruction and costs of replacement. Reconstruction shall begin within twenty-four months from the date the damage occurred.

17.64.070 Continuation of Nonconformity.

A. Legal nonconformities may be continued and maintained in compliance with the requirements of this Chapter unless the Building Official deems the nonconformity to be a public nuisance because of health or safety concerns. If possible, the Building Official shall impose conditions on the nonconformity to eliminate the health or safety concerns.

B. The right to continue a legal nonconformity attaches to the land and shall not be affected by a change in ownership.

17.64.080 Abandonment.

A. A nonconforming use of land or a structure shall be considered to be abandoned after 180 days of nonuse. Once abandoned, all subsequent uses of such land and structure shall conform to the regulations specified for the zoning district in which the land or structure is located.

B. Upon determination that a use has been abandoned, the Department of Community Development shall send a notice to the owner as shown on the last equalized assessment roll. If the owner disagrees with the City's determination, an appeal may be filed with the Planning Commission in accordance with Section 17.68.020 of the Los Alamitos Municipal Code. The burden of proof shall be on the owner to show that the use has not been abandoned. A determination that a use has been abandoned requires both (1) evidence of an intention to abandon, and (2) an act or failure to act which shows or implies that the owner does not continue to claim or retain an interest in the nonconforming use. Evidence may include, but is not limited to, removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or lack of business records to document continued operation. Maintenance of a valid business license shall of itself

not be considered a continuation of the use. However, lack of a business license may be considered as a factor in determining non-continuation of the use.

17.64.090 Exceptions—Public facilities and uses.

A. Facilities Directly Rendering Service. The provisions of this Chapter shall not apply to public utility structures when the public utility structures pertain directly to the rendering of service or distribution, including generating plants, distribution, substations, water wells and pumps, gas storage, metering and valve control stations, but shall apply to structures or uses that do not immediately relate to direct service to consumers (e.g., including warehouses, corporation yards, storage, etc.).

B. Changes to Facilities. Nothing in this Chapter shall prevent the expansion, increase in capacity, modernization or replacement of public utility structures, provided that there shall be no change of a use unless approved by the Commission, and further provided that all setback requirements of the zoning district in which the use is located shall be maintained. There shall be no enlargement of the site unless approved by the Commission.

SECTION 3. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 4. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

SECTION 5. Staff is hereby directed to file a Notice of Exemption (?) with the County Clerk's office.

PASSED, APPROVED AND ADOPTED THIS ___th DAY OF _____, 2016.

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

Cary Reisman, City Attorney

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

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2016-TBD was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___th day of _____, 2015, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of _____, 2016, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, City Clerk, CMC

Duarte Municipal Code – Nonconforming Lots

- **19.92.010 - Continuation of legal nonconforming lots.**

Any lawfully created lot which becomes nonconforming with regard to lot area, street frontage, lot width, lot depth, or accessibility may continue indefinitely with such nonconformity and may be developed and used as if it were a conforming lot. However, any property proposed for development with multi-family dwellings shall be fully conforming as to lot area and lot width.

- **19.92.020 - Modification of legal nonconforming lots.**

Legal nonconforming lots may not be modified in any manner that increases the degree of nonconformity. Where feasible, parcel modifications (through lot merger or lot line adjustment) are encouraged to eliminate or minimize the degree of nonconformity.

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

January 27, 2016
Item No: 9E

To: Chair and Members of the Planning Commission

Via: Steven A. Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Zoning Ordinance Amendment 15-09
Allowing More Flexible Commercial Recreation Uses for Certain
Parcels in the Planned Light Industrial Zone (City initiated)

Summary: Continued consideration of a Zoning Ordinance Amendment (ZOA 15-09) to create a Limited Industrial Zone allowing more flexible commercial recreation 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 Zone on specified parcels (City initiated).

Recommendation:

1. Open the Public Hearing; and,
2. Review, discuss and provide direction to Staff and the City Attorney.

Applicant: City Initiated

Location: Various parcels in the Planned Light Industrial (P-M) Zoning District

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

Noticing: Notices announcing the Public Hearing for December 16, 2015, were mailed to all property owners within 500 feet of the proposed location on December 2, 2015. A Public Hearing notice regarding this meeting was also published in the News Enterprise

on December 2, 2015.

Environmental:

The City Council of the City of Los Alamitos, California, certified the Final Program Environmental Impact Report on March 23, 2015 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 zone changes fall within the Program EIR.

Background

The 2012 – 2035 General Plan was approved and a Program Environmental Impact Report (EIR) was certified by the City Council on March 23, 2015. As part of the new General Plan, a Limited Industrial land use designation was created and placed on certain industrial parcels as shown on Attachment 2. The City is now required to create the corresponding zone and place it over the same properties to create consistency with the General Plan. These changes will have to be approved by an ordinance of the City Council upon recommendation of the Planning Commission. In its April 22nd meeting, the Planning Commission approved a Resolution of Intention directing Staff to bring back such draft Zoning Ordinance Amendments to the Planning Commission.

Industrial areas tend to have lower purchase/lease costs than retail and office areas, are not often adjacent to noise-sensitive neighbors, and contain simple building forms that can be adapted to a number of uses. As a result, many industrial parks in Southern California are dealing with encroachment from uses such as gymnastics, batting cages, day-care facilities, and sports or fitness schools. Such uses do not necessarily induce existing industrial businesses to leave, but they do offer challenges of compatibility. Industrial businesses can be quite sensitive to liability issues from parents with children navigating the same streets that lack sidewalks and carry large trucks.

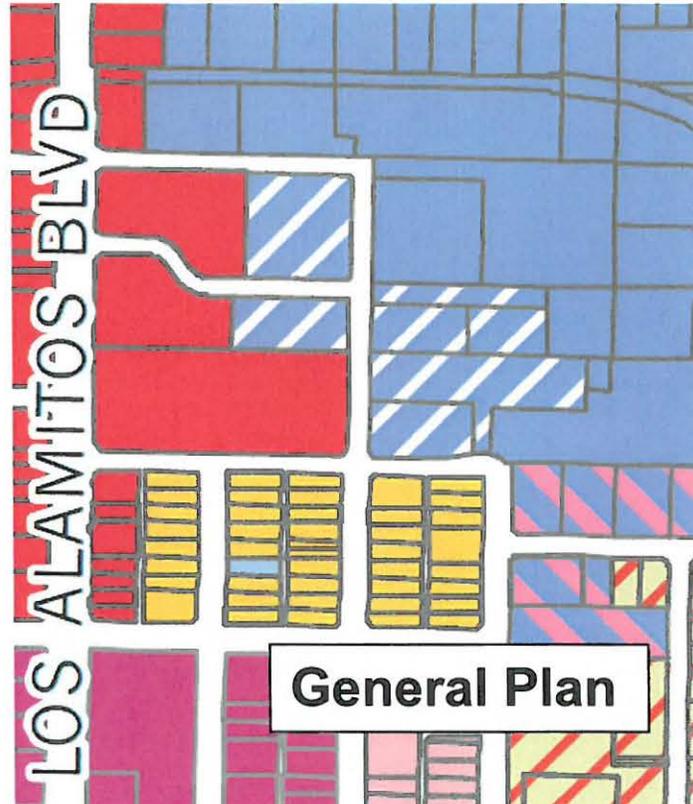
The General Plan seeks to limit non-industrial businesses in the primary industrial areas. Accordingly, the General Plan provides a new land use designation (Limited Industrial) to allow some flexibility for these non-industrial uses outside of the primary industrial area, while prohibiting certain non-industrial businesses in the Planned Industrial land use designation.

The General Plan states that the Limited Industrial Land Use Designation is “a specific area of the City that explicitly permits forms of industrial, commercial recreation, and public/quasi-public uses that do not involve heavy equipment or large trucks. The Planned Industrial land use designation clearly delineates the area intended to accommodate industrial businesses over the long term without encroachment by family-

oriented, non-industrial uses.” Attached to this report are Staff’s recommended steps toward that goal in a draft ordinance.



Limited Industrial



Definition

The Limited Industrial Land Use designation in the General Plan is defined as follows:

“Limited Industrial Land Use. All uses permitted in Planned Industrial as well as commercial recreation uses within industrial buildings such as soccer, gymnastics, archery, indoor health/fitness, and batting cages.”

Discussion

For tonight’s discussion, please refer to the attached draft ordinance in considering changes to the Zoning Code.

In the current zoning code Section 17.10 *Commercial/Industrial Zoning Districts* provides the purpose and land use requirements for the Planned Light Industrial zone; therefore, this would be the appropriate section of the code where this new Limited Industrial should be placed.

Generally, any changes to permitted land uses made to the Planned Light Industrial Zone should be made in the Limited Industrial Zone, in Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts*, the two zones but Staff recommends a separate column in the table. In the table, recreational type establishments will now be conditionally permitted only in the Limited Industrial zone.

Certain other businesses are recommended by Staff to be prohibited from the Limited Industrial zone such as adult businesses and alcohol sales as they would not be appropriate to be located near businesses where children may be the clients of the recreational businesses that are permitted in this new zone.

So that any changes to the development standards made to the Planned Light Industrial Zone are made in the Limited Industrial Zone, in Section 17.10.030, Table 2-05 *Commercial/Industrial Zoning Districts General Development Standards*, the two zones should share a column in this table.

At this point, a little housekeeping needs to be accomplished in the Municipal Code to eliminate any confusion through future changes that will be made to this table. In Municipal Code Section 17.04.020 there is a Table 2-01 that should reflect the changes to all Zoning Districts and all General Plan designations that have been, or will be made in concert with the new General Plan.

Recommendation

Staff recommends that the Planning Commission open the Public Hearing; and, then review, discuss and provide direction to Staff and the City Attorney.

Attachments: 1) *Draft Ordinance No. TBD*
2) *Mapped Changes (the General Plan Map)*

ORDINANCE NO. 2016-TBD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 15-09 TO ESTABLISH A LIMITED INDUSTRIAL ZONE WHICH WILL CONDITIONALLY ALLOW COMMERCIAL RECREATION AND HEALTH CLUB AND FITNESS FACILITIES, TO AMEND THE ZONING MAP TO PLACE THE LIMITED INDUSTRIAL ZONE ON PROPERTIES GENERALLY SURROUNDING THE CORNER OF SERPENTINE DRIVE AND REAGAN STREET, AND TO AMEND SECTIONS 17.04.020 - TABLE 2-01, 17.10.010, 17.10.020 - TABLE 2-04, 17.10.030 – TABLE 2-05, AND SECTION 17.12.020 – TABLE 2-06, OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO THE USES ALLOWED IN THE LIMITED INDUSTRIAL ZONE AND ELIMINATING COMMERCIAL RECREATIONAL USES FROM THE PLANNED INDUSTRIAL ZONE AND REVISING SECTION 17.76.020 BY REVISING THE DEFINITIONS RELATING TO COMMERCIAL RECREATIONAL ESTABLISHMENTS AND HEALTH CLUBS/FITNESS FACILITIES (CITY INITIATED)

WHEREAS, the 2015-2035 Los Alamitos General Plan was approved by the City Council on March 23, 2015; and,

WHEREAS, the General Plan added a Limited Industrial Land Use designation to allow certain recreational-type uses as well as traditional light industrial uses in the area generally surrounding the corner of Serpentine Drive and Reagan Street, the purpose of which is to encourage the concentration of these types of businesses in only one area of the Industrial areas of the City and preserving the other areas for industrial uses without the encroachment of other types of uses; and,

WHEREAS, State law requires that there be consistency between the City's zoning and the General Plan; and,

WHEREAS, the Planning Commission held a duly noticed Public Hearing concerning this Amendment on December 16, 2015 in order to receive direction from the Planning Commission; and,

WHEREAS, the Planning Commission noticed a new Public Hearing for January 27, 2016 at which time it considered all evidence, both written and oral; and

WHEREAS, at the conclusion of the Public Hearing, the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Amendment on _____, 2016; and,

WHEREAS, the City Council considered this Amendment on _____, 2016; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing, whether written or oral.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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

SECTION 2. Section 17.76.020, Definitions of specialized terms and phrases, of the Los Alamitos Municipal Code is hereby amended as follows:

“Commercial recreation establishments” means privately owned amusement and recreation facilities whether indoors or outdoors where a fee is charged for use.

A. Commercial Recreation Establishments, Indoor. “Indoor amusement and recreation establishments” include but are not limited to:

1. Arcades;
2. Bowling alleys;
3. Billiard parlors/pool halls;
4. Dance halls;
5. Ice rinks;
6. Laser tag;
7. Skating and roller hockey rinks;
8. Theaters.

B. Commercial Recreation Establishments, Outdoor. See also, “Outdoor commercial recreation facilities” and “Parks and playgrounds.” “Outdoor amusement and recreation establishments” include but are not limited to:

1. Amphitheaters;
2. Amusement parks;
3. Bike trails;
4. Country clubs;
5. Drive-in theaters;
6. Equestrian trails;
7. Go-cart and miniature auto race tracks;
8. Golf courses and driving ranges;
9. Motorcycle racing and drag strips;

10. Parks, public;
11. Pedestrian trails;
12. Playgrounds;
13. Race tracks;
14. Shooting ranges;
15. Skateboard parks;
16. Stadiums and coliseums;
17. Water slides;
18. Zoos.

“Health clubs/fitness facilities”, means fitness centers, gymnasiums, health, athletic and sports clubs, and spas. These include facilities solely for the use of activities including, but not limited to:

1. Basketball courts;
2. Batting cages;
3. Cross-fit training;
4. Martial Arts classes.

“Commercial recreation facilities” means privately owned amusement and recreation facilities whether indoors or outdoors where a fee is charged for use. See also “Amusement and recreation establishments, outdoor,” and “Amusement and recreation establishments, indoors”.

SECTION 3. Municipal Code Section 17.04.020, Table 2-01 *Zoning District and General Plan Designations* shall be amended as shown below:

**Table 2-01
Zoning Districts and General Plan Designations**

Zoning District Symbol	Zoning District Name	General Plan Land Use Designation
Residential Zoning Districts		
R-1	Single-family residential zoning district	Single Family Residential
R-2	Limited multiple-family residential zoning district	Limited Multiple Family Residential
R-3	Multiple-family residential zoning district	Multiple Family Residential
M-H	Mobile home park zoning district	Multiple Family Residential
Commercial / Industrial Zoning Districts		
C-O	Commercial-professional office zoning district	Professional Office

C-G	General commercial zoning district	Retail Business
P-M	Planned light-industrial zoning district	Planned Industrial
L-I	Limited industrial zoning district	Limited Industrial
Special Purpose Zoning Districts		
O-A	Open area zoning district	Open Area/Easement Overlay
C-F	Community facilities zoning district	Community & Institutional and Community & Institutional/JFTB
M-U	Mixed use zoning district	Mixed Use
SP	Specific Plan	Specific Plan
Overlay Zoning Districts		
-TC	Town center	Commercial
-MOZ	Medical Overlay	Medical Overlay
-ROZ	Retail Overlay	Retail Overlay

SECTION 4. Municipal Code Section 17.10.010.D shall be added to read as follows:

“D. L-I (Limited Industrial) Zoning District. The Limited Industrial (L-I) zoning district is established to provide appropriate areas to allow certain types of commercial recreational uses, schools, and health clubs and fitness facilities, in addition to the uses allowed and conditionally allowed in the Planned Industrial zoning district. The uses which are allowed in addition to the Planned Industrial zoning district are generally limited to those types of activities which have scheduled classes, have a limited number of “stations” (such as batting cages or swim lanes) which may be occupied only by a limited number of people and for blocks of time exceeding fifteen minutes in length, and have more limited hours of operation.”

SECTION 5. Municipal Code Section 17.10.020, Table 2-04 *Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts* shall be amended as shown below:

**Table 2-04
Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

	P	Permitted use			
	CUP	Conditional use permit required			
	—	Use not allowed			
	TUP	Temporary use permit			
LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use
	C-O	C-G	P-M	L-I	Regulations
AGRICULTURE AND OPEN SPACE					
Agriculture, exclusive of livestock	—	—	CUP	CUP	
BUSINESS AND PROFESSIONAL USES					
Banks/financial institutions (without drive-through facilities)	P	P	—	—	
Offices, administrative or professional	P	P ⁽⁶⁾	C ^{(20) (21)}	C ^{(20) (21)}	
Offices, incidental to an allowed primary use	P	P	P	P	
Public utility commercial office	P	P/CUP ⁽⁵⁾	P	P	
EATING AND DRINKING					
Bars/nightclubs	CUP	CUP	CUP	CUP	
Employee's cafeteria/coffee shop	—	—	P	P	
Restaurants, with drive-through facilities	CUP	CUP	CUP	CUP	
Restaurants, full service	P	P	CUP ⁽¹³⁾	CUP ⁽¹³⁾	
Restaurants, take-out	P	P	CUP	CUP	
Restaurants, with outside seating areas	CUP	CUP	—	—	
EDUCATION, PUBLIC ASSEMBLY, ECREATION AND FITNESS					
Adult entertainment businesses	—	—	P	P	17.48
Arcades	CUP	CUP	----	----	17.38.060
Auditoriums, meeting halls, and theaters	CUP	—	----	----	
Bingo	P	P	P	P	5.16
Commercial recreation establishments, Indoors, except arcades	CUP	CUP		CUP	
Commercial recreation establishments, Outdoors	—	—	—	CUP	
Health/fitness facilities	—	CUP	----	CUP	
Industrial training center	—	—	P	P	
Libraries and reading rooms	P	—	----	----	
Live entertainment, incidental to an allowed use	CUP ⁽³⁾	CUP ⁽³⁾	----	----	
Museums	—	P	----	----	

**Table 2-04
Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

	P	Permitted use			
	CUP	Conditional use permit required			
	—	Use not allowed			
	TUP	Temporary use permit			
LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use
	C-O	C-G	P-M	L-I	Regulations
Religious facilities	CUP	—	----	----	
Schools, commercial - small	P ⁽¹⁾	P ⁽¹⁾	----	CUP ⁽²³⁾	
Schools, commercial - large	CUP ⁽²⁾	CUP ⁽²⁾	----	CUP ⁽²³⁾	

INDUSTRY, MANUFACTURING, AND PROCESSING USES

Aircraft and related aircraft accessories manufacturing	—	—	P	P	
Carpet cleaning and dyeing plants	—	—	P	P	
Ceramics manufacturing	—	—	P	P	
Clothing manufacturing	—	—	P	P	
Contractor's storage yards—new materials only	—	—	CUP ⁽¹⁴⁾	CUP ⁽¹⁴⁾	
Construction equipment rental/sales, with incidental repair and service	—	—	CUP	CUP	
Cutlery and hand tool manufacturing	—	—	P	P	
Food products manufacturing	—	—	P ⁽⁷⁾	P ⁽⁷⁾	
Frozen food locker	—	—	P	P	
Furniture and fixtures manufacturing, cabinet shops, and woodworking shops (wholesale only)	—	—	P	P	
Hazardous waste facility, off-site	—	—	CUP	CUP	17.36
Ice and cold storage plant	—	—	P	P	
Laboratories					
Biological and x-ray	P	P ⁽⁵⁾	P	P	
Medical and dental	P	P ⁽⁵⁾	P	P	
Film processing	—	—	P	P	
Laundries and dry cleaning plants	—	P	P	P	
Machine shop	—	—	P	P	
Metal plating	—	—	P	P	
Metal working, light fabrication	—	—	P	P	
Motor vehicle/transportation equipment manufacturing and assembly	—	—	P	P	
Paint mixing	—	—	P ⁽⁹⁾	P ⁽⁹⁾	
Paper product fabrication	—	—	P	P	

**Table 2-04
Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use Regulations
	C-O	C-G	P-M	L-I	
Plastic products fabrication	—	—	P	P	
Pottery manufacturing	—	—	CUP	CUP	
Printing and publishing	—	—	P	P	
Recycling facilities	P	P	P	P	17.38.140
Rubber products	—	—	P ⁽¹¹⁾	P ⁽¹¹⁾	
Sign manufacturing	—	—	P	P	
Textile manufacturing	—	—	P	P	
Underground bulk storage of petroleum or gas	—	—	CUP	CUP	
Upholstery shops	—	—	P	P	
Welding services	—	—	P	P	
Warehousing	—	—	P	P	
Wholesaling & distribution	—	—	P	P	

RESIDENTIAL USES

Caretaker or employee housing	—	—	P ⁽¹⁹⁾	P ⁽¹⁹⁾	
Emergency shelters—up to 20 beds	CUP	—	P	P	17.38.170
Emergency shelters—more than 20 beds	CUP	—	CUP	CUP	17.38.170
Mixed-use projects, residential and commercial	—	CUP	—	—	
Residential care facilities	CUP	—	—	—	
Senior residential housing projects	CUP	CUP	—	—	17.38.160
Single room occupancy unit	—	—	CUP	CUP	17.38.180
Supportive housing	CUP	—	—	—	
Transitional housing	CUP	—	—	—	

RETAIL TRADE ⁽⁴⁾

Alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use	CUP	CUP	—	—	
Alcoholic beverage sales, off-site consumption	—	—	CUP	CUP	17.38.050
Antiques, art, collectibles, and gifts	P	P	—	—	
Art and art supplies stores	—	P	P	P	
Bakeries, retail	—	P	P	P	
Bakeries, retail and wholesale	—	—	P	P	

**Table 2-04
Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use Regulations
	C-O	C-G	P-M	L-I	
	P	CUP	—	TUP	Permitted use Conditional use permit required Use not allowed Temporary use permit
Book, stationery, newspaper, and magazine stores ⁽²⁾	P	P	—	—	
Building material yard (new materials)	—	—	CUP ⁽¹²⁾	CUP ⁽¹²⁾	
Confectionery shops	P	P	—	—	
Convenience store/mini-mart	CUP	CUP	CUP	CUP	
Drive-in and drive-thru sales	CUP	CUP	—	—	
Electrical supply stores	—	—	P	P	
Farmer's market	CUP	CUP	CUP	CUP	
Florists	P	P	P	P	
Gas/fueling stations	CUP	CUP	CUP ⁽¹³⁾	CUP ⁽¹³⁾	
Gift shops, specialty shops	P	P	P for specified locations; otherwise prohibited ⁽²²⁾	P for specified locations; otherwise prohibited ⁽²²⁾	
Grocery stores/food markets	P	P	P for specified locations; otherwise prohibited ⁽²²⁾	P for specified locations; otherwise prohibited ⁽²²⁾	
Hardware stores	—	P	P for specified locations; otherwise prohibited ⁽²²⁾	P for specified locations; otherwise prohibited ⁽²²⁾	
Jewelry stores	—	P	P for specified locations; otherwise prohibited ⁽²²⁾	P for specified locations; otherwise prohibited ⁽²²⁾	
Lumber yards, planing mills excluded	—	—	P	P	
Medical equipment and supplies	P	P ⁽⁵⁾	—	—	
Motor vehicle parts stores, incidental	—	CUP	P	P	

**Table 2-04
Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use Regulations
	C-O	C-G	P-M	L-I	
installation and repair					
Motor vehicle parts stores, no installation or repair on-site	—	P	P	P	
Motor vehicle sales, leasing, and rental with or without incidental servicing	CUP	CUP	P	P	
Office supply stores	P	P	—	—	
Outdoor retail sales and activities	—	CUP	—	—	17.38.110
Outdoor retail sales, temporary	—	CUP/SEP	—	—	17.54.050(E)
Pawn shops	CUP	CUP	—	—	
Pet stores	—	P	CUP ⁽¹⁵⁾	CUP ⁽¹⁵⁾	
Pharmacies, drug stores ⁽¹³⁾	P	P	P	P	
Plant nurseries	—	P	—	—	
Retail sales, general	CUP	P	P for specified locations; otherwise prohibited ⁽²²⁾	P for specified locations; otherwise prohibited ⁽²²⁾	
Secondhand/consignment shops	CUP	CUP	—	—	
Warehouse retail store (big box retail)	P	P	CUP	CUP	

SERVICES⁽⁴⁾

Animal services					
Animal hospital	—	—	CUP ⁽¹⁵⁾	CUP ⁽¹⁵⁾	
Animal hospital – small animal	CUP	—	CUP ⁽¹⁵⁾	CUP ⁽¹⁵⁾	
Grooming services	—	—	CUP ⁽¹⁵⁾	CUP ⁽¹⁵⁾	
Kennels	—	—	CUP ⁽¹⁵⁾	CUP ⁽¹⁵⁾	
Veterinary clinic	—	—	CUP ⁽¹⁵⁾	CUP ⁽¹⁵⁾	
Business support services	P	P	P	P	
Call centers	P	—	P	P	
Catering services	—	—	P	P	
Check cashing services	P	—	—	—	
Child day care centers	CUP	CUP	CUP ⁽¹⁸⁾	CUP ⁽¹⁸⁾	17.38.090
Copying, printing, and mailing services	P	P	P	P	
Drive-thru establishments	CUP	CUP	—	—	
Dry cleaning establishments – no on-site	P	P ⁽⁵⁾	—	—	

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Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use Regulations
	C-O	C-G	P-M	L-I	
processing					
Fortunetelling/palm reading/psychic reading	P	P	—	—	
Hotels/motels	CUP	CUP	CUP	CUP	
Internet cafés	CUP	CUP	—	—	
Laundry (commercial)	—	—	P	P	
Locksmith	P	P	P	P	
Massage establishment	P	P	—	—	LAMC 5.32
Medical services (state-licensed)					
Ambulance services	CUP	—	CUP	CUP	
Clinics and offices	P	P ⁽⁵⁾	P ⁽⁸⁾	P ⁽⁸⁾	
Extended care facilities	CUP	—	—	—	
Health facilities, therapy and rehabilitation	P	P ⁽⁵⁾	—	—	
Hospitals, including convalescent	CUP	—	P ⁽⁸⁾	P ⁽⁸⁾	
Mortuaries	CUP	—	—	—	
Motor vehicle services					
Car washes	—	CUP	—	—	
Impound yards – no dismantling or wrecking	—	—	CUP ⁽¹⁷⁾	CUP ⁽¹⁷⁾	
Repair	—	—	CUP	CUP	17.38.070
Repair incidental to motor vehicle sales, leasing, and rental	CUP	CUP	CUP	CUP	17.38.070
Service station	CUP	CUP	CUP ⁽¹³⁾	CUP ⁽¹³⁾	17.38.070
Moving companies, storage allowed	—	—	CUP	CUP	
Personal services	P	P	P ⁽⁸⁾	P ⁽⁸⁾	
Photofinishing shops	—	P	—	—	
Photography studios	P	P	—	—	
Plumbing services	—	—	P ⁽¹⁰⁾	P ⁽¹⁰⁾	
Property maintenance service	—	—	P	P	
Repair services, excluding motor vehicles	—	—	P	P	
Social service facilities	CUP	—	—	—	
Storage					
Outdoor	—	—	CUP	CUP	17.38.120
Personal storage facility	—	—	CUP ⁽¹⁶⁾	CUP ⁽¹⁶⁾	
Travel agencies	P	P	—	—	

Table 2-04
Allowed Uses and Permit Requirements for
Commercial / Industrial Zoning Districts (see Parking Requirements, Chapter 17.26)

	P	Permitted use			
	CUP	Conditional use permit required			
	—	Use not allowed			
	TUP	Temporary use permit			
LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use Regulations
	C-O	C-G	P-M	L-I	
Video and disc rental services	P	P	—	—	

TRANSPORTATION AND COMMUNICATION USES

Antennas	P	P	P	P	17.18
Parking lots	CUP	P	P	P	
Parking structures	CUP	CUP	CUP	CUP	
Studios—motion picture, radio, or television	—	—	P	P	
Vehicle and freight terminal	—	—	CUP	CUP	
Wireless communications facilities					
Major	CUP	CUP	CUP	CUP	17.30
Minor	P	P	P	P	17.30

OTHER USES

Other uses that the commission determines by resolution to be similar in character	CUP	CUP	CUP	CUP	17.10.020(H)
Temporary uses/activities	TUP	TUP	TUP	TUP	17.54
Utility facilities, public	—	CUP	P	P	17.16.160

- (1) Twenty (20) students or fewer per class, and two thousand five hundred (2,500) square feet or less in net structure area.
- (2) Twenty (20) students or more per class, or greater than two thousand five hundred (2,500) in net building area.
- (3) Excluding those uses that are regulated under Section 17.48 (Adult Zoning Regulations).
- (4) CUP required for retail sales or service establishments that operate between the hours of ten p.m. to six a.m., in the C-O and C-G zoning districts.
- (5) On properties with non-arterial street frontage, CUP on properties with arterial street frontage.
- (6) In multi-story structures, offices may occupy up to one hundred (100) percent of the gross floor area in the second and higher stories, and up to fifteen (15) percent of the ground floor upon verification of the square footage by the director. In single-story structures located in shopping centers, up to fifteen (15) percent of the gross floor area of the center is allowed for office uses upon verification of the square footage by the director.
- (7) Excluding fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- (8) Incidental to an allowed industrial use.
- (9) No boiling process employed, no aboveground tank farm or surface storage is allowed except above surface thinner storage – which cannot exceed two hundred (200) gallons.

- (10) All storage of supplies and equipment shall be within a structure or enclosed area.
- (11) Provided that no rubber is melted, that an internal mixer is used and that the residue is collected in compliance with applicable law.
- (12) Located at least three hundred (300) feet away from Single-Family Residential (R-1), Limited Multiple-Family Residential (R-2), Multiple-Family Residential (R-3), and Community Facilities (C-F) Zoning Districts.
- (13) Commission shall make additional finding that this use is primarily dependent upon activities generated by the industrial uses allowed in the Planned Light Industrial (P-M) or Limited Industrial (L-I) zoning districts.
- (14) Located at least three hundred (300) feet from any residential or community facilities zoning districts.
- (15) All operations are conducted completely within a masonry structure.
- (16) Provided that outdoor storage uses are entirely and effectively sight-screened from adjacent public rights-of-way or private property by masonry walls (limited to a maximum height of eight feet), building walls, or view-obscuring landscaping.
- (17) Storage and activities shall be conducted within an enclosed structure or an area enclosed by solid, decorative masonry walls with solid gates not less than six feet in height. Walls and gates shall be maintained in a sound and aesthetically pleasing fashion. Vehicles shall be screened from public view and shall not be stacked higher than the block wall. Vehicles may not be stored outside the enclosed yard area. Storage areas shall be paved and landscaped in compliance with applicable standards.
- (18) Provided for employees of the primary use. CC&Rs may be required limiting adjacent uses in the same complex to those that are compatible with a (child) day care center.
- (19) Dwelling, single where used exclusively by a caretaker or superintendent of an allowed Planned Light Industrial (P-M) or Limited Industrial (L-I) use and their family.
- (20) Nonmedical office shall not exceed thirty (30) percent of each Planned Light Industrial (P-M) or Limited Industrial (L-I) zoned parcel.
- (21) Excludes medical office.
- (22) "Specified locations" are those storefronts facing Katella Avenue, Los Alamitos Boulevard, and Cerritos Avenue only. Retail requires a CUP to locate any other unit of the Planned Light Industrial (P-M) or Limited Industrial (L-I) zone.
- (23) Does not include academic schools.

SECTION 6. Municipal Code Section 17.10.030, Table 2-05 *Commercial/Industrial Zoning Districts General Development Standards* shall be amended as shown below:

TABLE 2-05			
Commercial/Industrial Zoning Districts General Development Standards			
Development Feature	Requirement by Zoning District		
	C-O	C-G	P-M/L-I
Parcel size	<i>Minimum area, width, and depth for new parcels.</i>		
Parcel area (sq. ft.)	No requirement	6,000	6,000
Parcel width (ft.)	No requirement	60	60 ⁽³⁾
Parcel depth (ft.)	No requirement	100	100 ⁽⁴⁾
Parcel coverage	50%	90%	1.50 FAR
Height limit – Main	3 stories or 40 ft. ^{(2), (6)}	3 stories or 40 ft. ⁽²⁾	3 stories or 40 ft. ⁽²⁾

**TABLE 2-05
Commercial/Industrial Zoning Districts General Development Standards**

Development Feature	Requirement by Zoning District		
	C-O	C-G	P-M/L-I
Structures (ft.) ⁽¹⁾			
Setbacks	<i>Minimum setbacks required. Also see Section 17.16.140 (Sight Safety Triangle)</i>		
Front	15 ft. ⁽³⁾	None required.	Where the site abuts an arterial or local street that is a boundary with any residential or commercial zoning district, a 50-foot setback shall be required. The 20 feet nearest the street shall be landscaped; the remainder may be used for parking.
Sides	Not required unless abutting a residential zoning district, then 10 ft.	Not required unless abutting a residential zoning district, then 15 ft.	
Street side yard (Corner parcel)	10 ft.	None required.	
Rear	10 ft., unless rear parcel abuts a C-G or P-M zoning district, then no setback is required	Not required unless abutting a residential zoning district, then 15 ft.	If the site abuts an arterial or local street that is not a boundary with a residential or commercial zoning district, a 10-foot setback shall be required.
Metal structures			150 ft. from any property line along a freeway or major / secondary highway. 100 ft. from the property line along any other dedicated street ⁽⁷⁾
Access	<i>As required by Section 17.16.030 (Access)</i>		
Fences, hedges, and walls	<i>As required by Section 17.16.060 (Fences, hedges, and walls) and Section 17.16.140 (Sight safety triangle)</i>		
Landscaping	<i>As required by Chapter 17.20 (Landscaping)</i>		
Materials storage	<i>As required by Section 17.38.120 (Outdoor storage)</i>		
Off-Street parking	<i>As required by Chapter 17.26 (Off-Street Parking and Loading)</i>		
Refuse and recycling storage areas	<i>As required by Section 17.16.110 (Refuse and recycling storage areas)</i>		
Screening and buffering	<i>As required by Section 17.16.130 (Screening and buffering)</i>		
Signs	<i>As required by Chapter 17.28 (Signs)</i>		
Site plan review	<i>As required by Chapter 17.50 (Site Plan Review)</i>		

(1) In zoning districts with a height limit of less than 50 feet, public structures, schools, religious institutions, hospitals, and other institutions allowed in each zoning district may be erected not exceeding 50 feet; provided that the front, rear, and side setbacks shall be increased one foot for

each one foot by which each structure exceeds the height limit previously established for the zoning district (Ord. 535 § 1, 1990).

- (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.
- (3) Shall extend across the full width of the parcel (except for access drives, walks, fences, and minor ornamental structures). Commission may allow staggering of setbacks as part of a total development plan, but in no case shall a setback of less than 10 feet be allowed.
- (4) When adjacent to a residential zoning district, a school, or a park, width shall be 160 feet
- (5) When adjacent to a residential zoning district, a school, or a park, depth shall be 200 feet
- (6) When adjacent to a residential zoning district, height limits in C-O district shall be:
 - a. One-story structure within 10-25 feet of a residential zoning district.
 - b. Two story structure within 25-75 feet of a residential zoning district.
 - c. Three-story structure within 75 plus feet for a residential zoning district.
- (7) The metal structure may be located closer than 100 feet to the street if the following conditions prevail:
 - a. The sheet metal comprises 25 percent or less of the exterior wall area of the structure; or
 - b. The sheet metal consists of panels with baked enamel or similar finish; or
 - c. The structure is concealed from view from the public street by walls, fences, landscaping or other structures.

SECTION 7. Section 17.12.020, Table 2-06, is hereby amended to read as follows:

**Table 2-06
Allowed Uses and Permit Requirements for
Special Purpose Zoning Districts**

P	Permitted use			
CUP	Conditional use permit required			
—	Use not allowed			
TUP	Temporary use permit			
LAND USE		PERMIT REQUIRED BY ZONING DISTRICT		Specific Use Regulations
		O-A	C-F	

AGRICULTURE AND OPEN SPACE

Agriculture	P	—	
Agricultural experimental facilities	—	CUP	
Facilities necessary to preserve open space, including public facilities	CUP	CUP	
Parks and playgrounds	P	CUP	

**Table 2-06
Allowed Uses and Permit Requirements for
Special Purpose Zoning Districts**

P	Permitted use		
CUP	Conditional use permit required		
—	Use not allowed		
TUP	Temporary use permit		
LAND USE	PERMIT REQUIRED BY ZONING DISTRICT		Specific Use Regulations
	O-A	C-F	

EDUCATION, PUBLIC ASSEMBLY, AND RECREATION

Bingo	—	P	5.16
Bingo, remote caller	—	P	5.18
Commercial recreation establishments, Outdoors	P	CUP	
Community/cultural centers	CUP	CUP	
Educational and research institutions	CUP	CUP	
Schools and colleges, public or private nonprofit	—	CUP	
Golf courses/country clubs	P	CUP	
Libraries and reading rooms	CUP	CUP	
Museums	CUP	CUP	
Religious facilities	—	CUP	
Zoos	—	CUP	

RESIDENTIAL

Senior residential housing projects, low and very low income households	—	CUP	17.24.200 17.38.040
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SERVICES

Animal services			
Shelter	—	CUP	
Cemeteries, crematories, columbaria, and related facilities	—	CUP	
Hospitals	—	CUP	

TRANSPORTATION AND COMMUNICATION USES

Antennas	CUP	CUP	17.44
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**Table 2-06
Allowed Uses and Permit Requirements for
Special Purpose Zoning Districts**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT		Specific Use Regulations
	O-A	C-F	
Studios - motion picture, radio, or television	CUP	—	
Wireless communications facilities			
Major	CUP	CUP	17.45
Minor	P	P	17.45

OTHER USES

Accessory structures, incidental to allowed/conditional uses on the same parcel	P	CUP	
Corporation yards	—	CUP	
Flood control facilities	P	—	
Government facilities	—	CUP	
Historical landmarks	—	CUP	17.22
Post office	—	CUP	
Public safety facilities (e.g., fire station)	—	CUP	
Temporary uses/activities	TUP	TUP	17.54
Utility facilities, public	CUP	CUP	17.16.160
Utility facilities, semi-public	CUP	—	17.16.160

SECTION 8. The Los Alamitos Zoning Map, is amended to change the properties listed below as indicated and as shown on the map attached hereto as Exhibit A and incorporated herein below by reference.

Planned Light Industrial (P-M) to Limited Industrial (L-I)		
APN	OWNER	BUILDING ADDRESS
242-243-04	Cohen	3620 Briggeman Drive
	CDK Investment	3621 Serpentine Drive
	3622 Briggeman Drive	3622 Briggeman Drive
	Mt Cole	3623 Serpentine Drive
	Briggeman Drive, LLC	3624 Briggeman Drive
	Mt Cole	3525 Serpentine Drive
	Assurance Service	3626 Briggeman Drive
	McLean Allen	3627 Serpentine Drive

Planned Light Industrial (P-M) to Limited Industrial (L-I)		
APN	OWNER	BUILDING ADDRESS
242-245-02	Severson Group	3601 Serpentine Drive
242-242-68	Cherry Avenue Holdings	10712 Reagan Street
242-242-67	Centrifugal Casting	10712 Reagan Street
242-242-69	Cherry Avenue Holdings	10714 Reagan Street
242-244-13	Ganahl Lumber	10722 Reagan Street
242-244-14	Ganahl Lumber	10742 Reagan Street

SECTION 9. This approval is based upon the following findings:

A. The proposed changes ensure and maintain consistency between the General Plan and the Zoning Code. The addition of this zone is required of the Zoning Code by the Land Use Map of the new General Plan.

B. The proposed amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the Code amendments as demonstrated by the Certified EIR for the General Plan Amendment which contemplated these zone changes. The changes continue the planning that has been put into place by the General Plan and it is good planning practice, as well as a legal necessity, to create consistency between the General Plan and zoning. Further, the change provides protection for the Planned Industrial zone to ensure that there is an area for industrial uses that will not be compromised by the encroachment of non-industrial uses.

C. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code and do not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

D. This area of the City is generally suitable for commercial recreational uses as there are already a number of such uses in this area. The changes do not involve any actual development and any development specific impacts will be dealt with at the project specific level. The sites on which the zone is being placed will be evaluated for physical suitability at the time of application.

E. The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City Council of the City of Los Alamitos, California, certified the Final Environmental Impact Report on March 23, 2015 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 changes in this ordinance parallel the changes made by the General Plan. As zoning is required to be consistent with the General Plan, the impacts relating to the zone changes are identical to the impacts that were covered in the Program EIR and there are no new impacts which would occur from such changes. As such, the zone changes are within the scope of the Program EIR.

SECTION 10. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 11. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2016.

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

Cary Reisman, City Attorney

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

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2016-TBD was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___th day of _____, 2016 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2016, by the following vote, to wit:

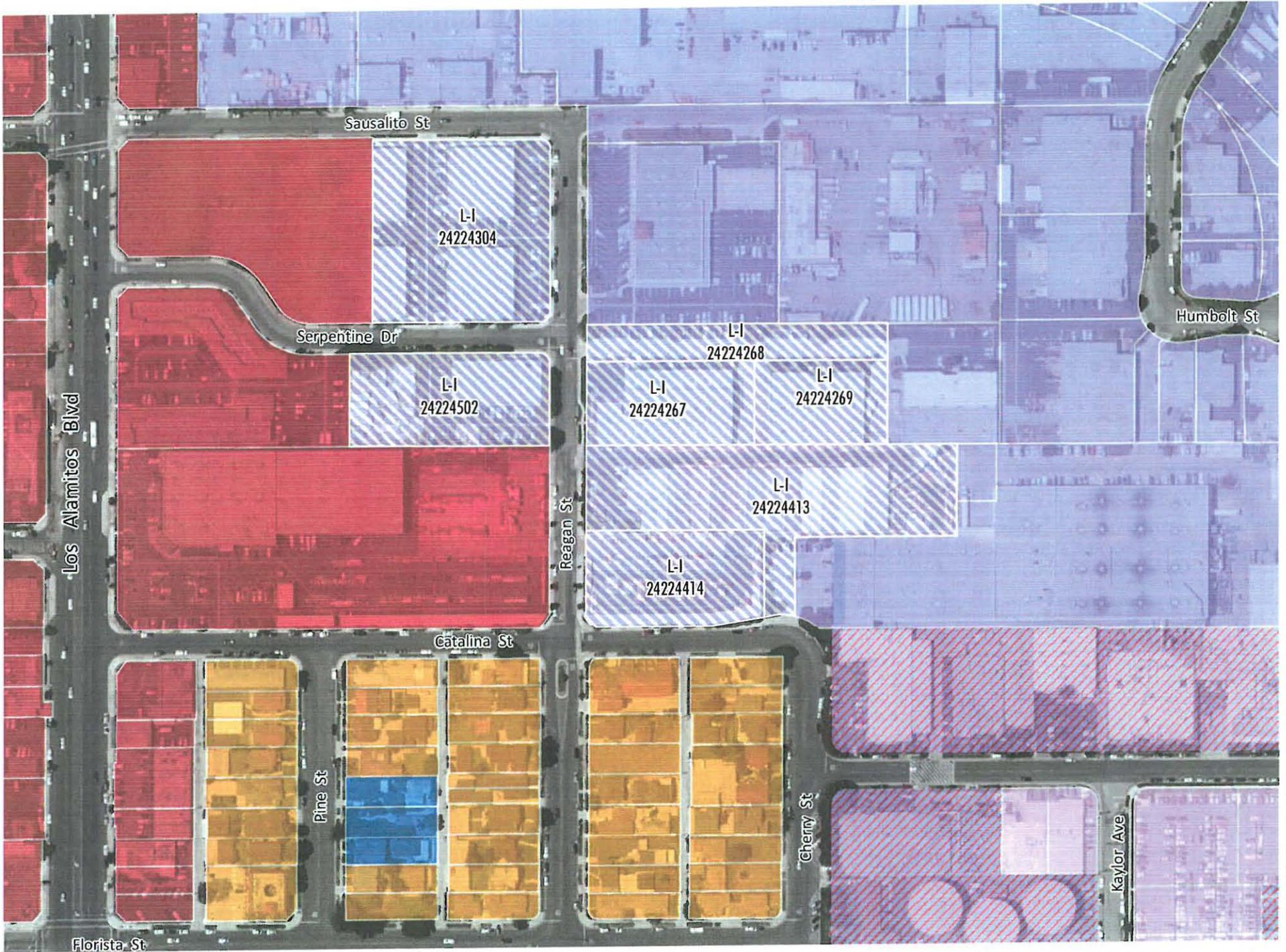
AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

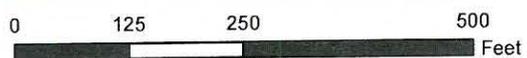
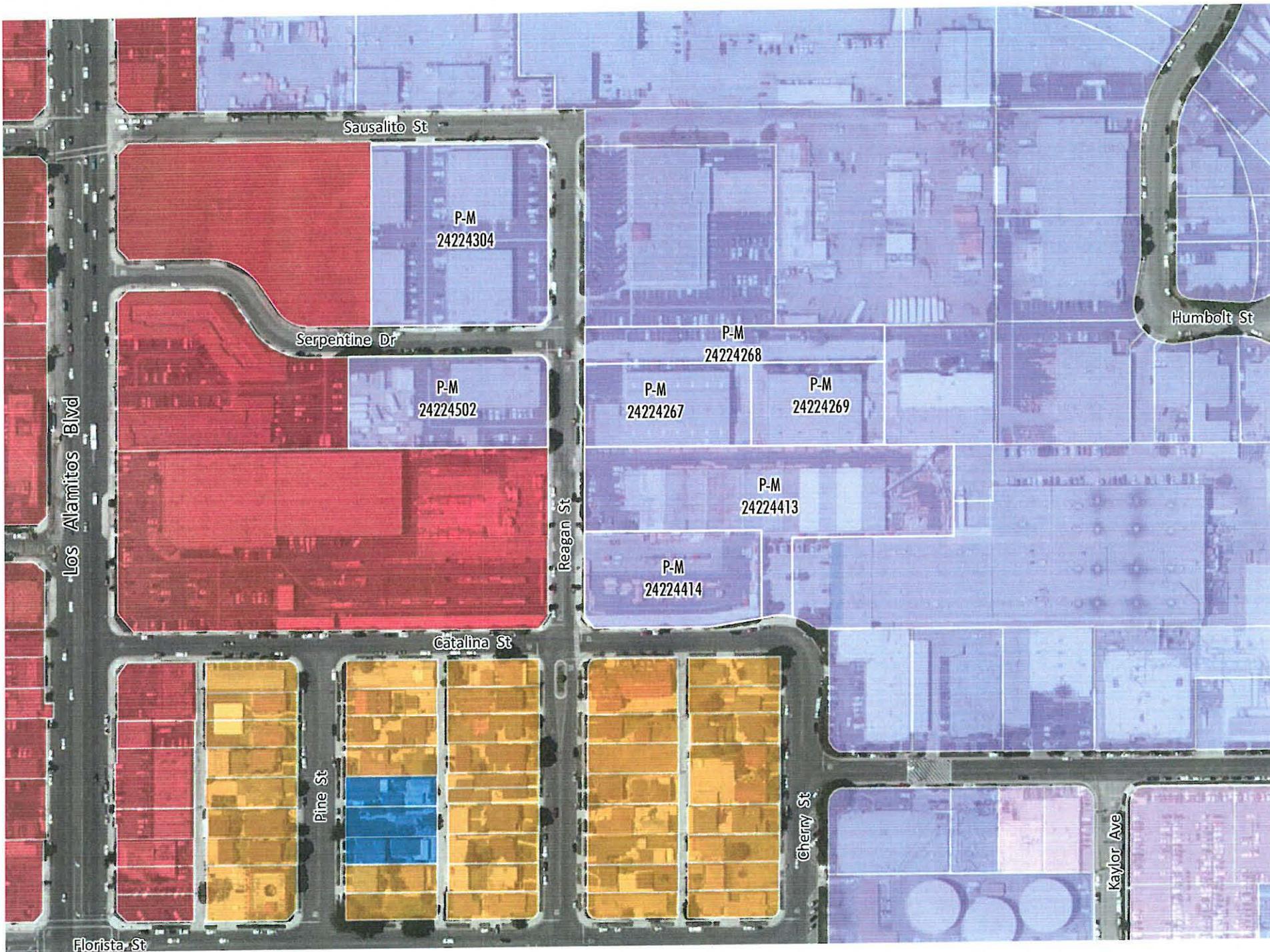
ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, City Clerk, CMC



Limited Industrial - After



Limited Industrial - Before

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

January 27, 2016
Item No: 9F

To: Chair and Members of the Planning Commission
Via: Steven Mendoza, Development Services Director
From: Tom Oliver, Associate Planner
Subject: Zoning Ordinance Amendment 15-10
Vacant Lots and Buildings

Summary: Consideration of a zoning code changes to clarify maintenance standards for vacant lots and buildings. The draft ordinance is brought to the Planning Commission for review (Citywide) (City initiated).

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and if appropriate,
3. Continue the Public Hearing to a future date providing the City Attorney and Staff more time.

Applicant: City Initiated

Location: Citywide

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

Noticing: Since the number of real property owners exceeds 1,000, notices announcing the Public Hearing were published as a 1/8 page ad in the News Enterprise on January 11, 2016 for a hearing on January 27, 2016.

Environmental: The proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures in that the proposed

amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the Code Amendments will have no significant effect on the environment and pursuant to Section 15305 as a minor alteration in land use limitations.

Discussion

Unmaintained, vacant lots and buildings constitute a form of visual blight and are especially susceptible to nuisance conditions such as accumulations of trash and debris, vegetation overgrowth, and graffiti. As an exercise of its police power, the City can enact an ordinance requiring the owners of vacant lots to maintain or improve these properties so as to enhance their aesthetic appearance. The City's current code section concerning this subject (Los Alamitos Municipal Code Section 17.14.070.E) makes no clear mention of, for instance, fencing/screening materials or weed abatement. What should a vacant lot or building look like, if vacant for many months or years? Staff has drafted a possible ordinance for the Planning Commission to discuss and provide feedback to Staff.

Attachment: 1) Draft Ordinance 2016-TBD

ORDINANCE NO. 2016-TBD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 15-10 ADDING SECTION 17.38.130.G TO THE MUNICIPAL CODE TO CLARIFY MAINTENANCE STANDARDS FOR VACANT LOTS (BOTH UNIMPROVED AND WITH VACANT BUILDINGS), AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)

WHEREAS, Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be a public nuisance or health hazards, or that promote social, economic, or aesthetic considerations; and,

WHEREAS, Government Code § 38771 permits the City to identify a public nuisance by ordinance; and,

WHEREAS, this Ordinance is intended to protect the public health, safety and welfare by requiring the maintenance of vacant properties found within the City's jurisdiction; and,

WHEREAS, failure to maintain vacant lots can result in reduced property values, eyesores, a haven for scofflaws, and create nuisance situations, as well as reduce the property value of adjacent properties; and,

WHEREAS, it is in the public interest for the City to take appropriate actions to protect the citizens and their property; and,

WHEREAS, the Planning Commission held a duly noticed Public Hearing concerning this Ordinance on January 27, 2016; and,

WHEREAS, at the conclusion of the Public Hearing, the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Ordinance on _____, 2016 at which time it considered all evidence presented, both written and oral; and,

WHEREAS, the City Council concurs with the Planning Commission that maintenance standards for vacant lots should be adopted; and,

WHEREAS, after consideration of all applicable Staff reports and all public testimony and evidence presented at the Public Hearings, the City Council does hereby make the following findings for a Zoning Ordinance Amendment adding Section

17.38.130.G “Vacant Lot Maintenance,” as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendment ensures and maintains consistency between the General Plan and the Zoning Code as these amendments implement General Plan Policy 4.1 *Pride and identify*, “Enhance the sense of identity and increase the feeling of pride among Los Alamitos residents, business owners, employees, and visitors through excellent physical design and continual property maintenance and improvements”; and,

2. The proposed amendment would not be detrimental to the public convenience, health, interest, safety, or welfare of the City. The intent and purpose of this Chapter is to alleviate visual blight and nuisance conditions associated with vacant lots throughout the City by providing standards for the maintenance and appearance of vacant lots, thereby improving the public health, interest, safety and welfare; and,

3. The proposed amendments have been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City’s environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that the Code Amendments will have no significant effect on the environment as they are designed to prevent blight and nuisance situations. Additionally, the Ordinance is exempt from review under the following sections of the CEQA Guidelines: 15301 (existing facilities), 15304(e) (minor temporary use of land), 15305 (minor alteration in land use limitations) and 15308 (maintenance, restoration and protection of the environment). None of the exceptions to the use of exemptions are applicable in this case.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

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

SECTION 2. A new section 17.38.130.G is hereby added to the Los Alamitos Municipal Code to read as follows:

“G. Vacant Lot Maintenance.

1. Definition. As used in this section, "vacant lot" means any property that is undeveloped, or property that has been developed with a building or structure which building or structure has been abandoned, vacant, or unoccupied by the property owner, tenant, or subtenant for more than sixty (60) consecutive

days. "Vacant lot" does not include a lot for which building permits have been issued and are still valid.

2. Maintenance Plan. Persons owning or maintaining vacant lots must develop a Vacant Lot Landscape and Irrigation Plan as required by Section 17.20.040 of this Code.
3. Requirements. All vacant lots shall be improved and maintained as set forth herein.
 - a. A minimum five-foot wide landscaped buffer area must be maintained along the perimeter of a vacant lot, between all sidewalks, streets, alleys, or other public rights-of-way and the fence required by subsection G.3.b below.
 - i. All landscaping shall be drought-tolerant and shall meet the requirements of all City and State laws regarding drought tolerant landscaping.
 - ii. Landscaping shall consist of a combination of trees, shrubs, and groundcover. Such landscape materials must maintain a minimum height of two feet.
 - iii. If necessary for stormwater or runoff control, the City may require that the remainder of the property be covered with a permeable material that is suitable to the Development Services Director.
 - iv. Any improved vacant lot must also maintain all existing on-site landscaping and irrigation in good condition.
 - b. A fence must be installed behind the landscaped buffer area and surrounding the perimeter of the vacant lot.
 - i. Fences shall have a gate to allow for maintenance and emergency access.
 - ii. The gate shall be of an open design so as to allow a view of the property behind the gate.
 - iii. Fences shall be constructed of tubular steel, vinyl, wood, or such other durable material as approved by the Development Services Director. Barbed wire, chain link and plywood fences are not allowed.

- iv. Fences shall not exceed the allowed height set forth in Section 17.60.060 for that zone.
 - v. A placard shall be visibly posted on the fence containing the name of the property owner or authorized representative and a phone number where such person may be reached. The information placard shall be a minimum size of 4 inches by 8 inches and a minimum size of one-half inch lettering.
 - vi. No advertising signs or banners may be hung on the fence other than for the sale of the property and for the required owner information placard.
- c. General requirements. Vacant lots must be maintained free of litter, weeds, graffiti, debris, storage units, and the stockpiling of any material at all times. The property owner, or designee, must inspect the property at reasonable intervals and take other steps to reasonably ensure that no litter, weeds, graffiti, debris, storage units, or materials are stockpiled, collect, or are maintained on the lot. Any dead or dying vegetation, as well as any broken, malfunctioning irrigation components on the lot must be replaced by the property owner, or designee, within seventy-two hours of discovery or notification by the City.
4. Public Nuisance Declared; Violations; Enforcement. Failure to maintain any vacant lot as required by this Chapter constitutes a public nuisance and is subject to the provisions of Chapter 8.32 of this Code. Each day that a violation continues shall constitute a separate offense and shall be punishable as such.
5. No Mandatory Duty Created. No part of this section shall impose a mandatory duty on the City, or on any officer, official, agent, employee, board, council, or commission of the City. Instead, if any section purports to impose a mandatory duty of enforcement, that section shall be deemed to invest the City, and the appropriate officer, official, agent, employee, board, council, or commission with discretion to enforce the section or not to enforce it.
6. Implementation. All vacant lots existing at the time this Chapter becomes effective must comply with this Chapter within ninety days of receiving notice from the City alerting the property owner of the requirements of this section. A reasonable extension of time may be wanted by the Development Services Director for good cause as determined by the Development Services Director or designee. For the purposes of this section only, receipt of notice is deemed to have been provided five days after such notice is mailed by first class mail to the property owner(s) shown on the last assessment roll of the county. The

failure of any property owner to receive this notice does not affect the validity of any proceedings under this Chapter.

SECTION 3. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 4. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

SECTION 5. Staff is hereby directed to file a Notice of Exemption with the County Clerk's office.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2016.

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

Cary Reisman, City Attorney

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

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2016-TBD was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2016 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2016, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Windmera Quintanar, City Clerk, CMC