

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

AGENDA
PLANNING COMMISSION
REGULAR MEETING

Wednesday, February 24, 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 Culty
Vice Chair Andrade
Commissioner DeBolt
Commissioner Grose
Commissioner Loe
Commissioner Riley
Commissioner Sofelkanik
3. **PLEDGE OF ALLEGIANCE**

4. ORAL COMMUNICATIONS

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

5. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of December 16, 2015.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

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

Continued 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. Adopt Resolution No. 16-04 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE FOR ZONING ORDINANCE AMENDMENT (ZOA) 15-05 TO REPEAL CHAPTER 17.64 AND ADD A NEW CHAPTER 17.64 RELATING TO NONCONFORMING USES (CITY INITIATED)."

**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 Applicant has asked that this item be continued to the next Planning Commission meeting for continued consideration of parking options.

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,

3. Continue the Public Hearing to March 23, 2016 providing the Applicant more time to work with Staff to address parking related issues.

C. Zoning Ordinance Amendment No. 15-09

Allowing Recreation Uses Only 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 (L-I) Zone to allow commercial recreation uses only for certain parcels in the Planned Light Industrial (P-M) 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. Continue with the Public Hearing; and,
2. Recommend that the City Council determine that the proposed project is exempt from CEQA pursuant to the certified 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; and,
3. Adoption of Resolution No. 16-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-09 TO ESTABLISH A LIMITED INDUSTRIAL ZONE, 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, 17.10.10, 17.10.020 – TABLE 2-04, 17.10.030 – TABLE 2-05, AND 17.76.020, 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 (CITY INITIATED)."

D. Conditional Use Permit (CUP) 16-01

Request for a Medical Use (Dentist) in the General Commercial (C-G) Zone

Consideration of 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 Staff and Applicant more time to address parking related issues at the property.

E. Conditional Use Permit (CUP) 16-02

Outdoor Storage in the Planned Light Industrial (P-M) Zone

Consideration of a Conditional Use Permit to allow an Outdoor Storage area at the back of a Trend Offset building, 10631 Humbolt Street, in the Planned Light Industrial (P-M) Zone (Applicant: Kristie Nelsen, Kardent Design). Due to an error in publishing the Public Notice, the Hearing for this subject should be deferred to the March 23, 2016 Planning Commission meeting.

Recommendation:

1. Postpone the Public Hearing concerning this Conditional Use Permit to the next scheduled Planning Commission meeting of March 23, 2016.

8. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

9. COMMISSIONER REPORTS

10. ADJOURNMENT

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Community Development Department, within twenty (20) days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,000.00 in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2008-12.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Ave.; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.

Tom Oliver
Associate Planner

2/18/16
Date

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

REGULAR MEETING – December 16, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:00 PM, Wednesday, December 16, 2015, in the Council Chambers, 3191 Katella Avenue; Vice Chair Cuiilty presiding.

2. ROLL CALL

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

Absent: Chair John Riley

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

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chair Cuiilty.

4. ORAL COMMUNICATION

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

Ms. Ann Bickel who resides on Holden Circle said that her family has lived there for almost 32 years and she is very committed to her area. Ms. Bickel reported that she is concerned about a neighbor who moved in next door to her that has an RV parked in front of the house in the driveway. Ms. Bickel has checked and found out that it is legal to have the RV parked in that spot although it had been parked previously in the backyard which was illegal. She said she feels the RV is a visual blight to the neighborhood and it has changed the character of the neighborhood and community. Ms. Bickel passed out to the Commission a flyer and pictures which shows the dimensions of the RV. Ms. Bickel urged the Commission to think about what this means for people moving in to know this RV (or others) could be sitting next to them.

Commissioner Andrade indicated he had done a lot of research before he moved into the City regarding RV's and he wasn't aware that an RV could be parked in the front yard; he thought it had to be on a side yard behind a gate. He asked if the Code says anything about this.

Development Services Director Mendoza said Staff would report back to the Commission on any questions the Commission may have at a future meeting.

Assistant City Attorney Lisa Kranitz reminded the Commission that while they can take comment tonight the Commission cannot address the item as it was not on the agenda but it can be scheduled for a future agenda.

Vice Chair Cuiilty asked Staff to agendize this Code item for a future meeting.

Mr. Mendoza said it can be agendized as long as it's about the Code and not the case because the Commission is not a Code Enforcement Hearing body.

Commissioner Andrade felt that this is more of a Code Enforcement item than for something for the Planning Commission.

Mr. Mendoza explained that he feels that Ms. Bickel desires a Code change.

Commissioner Grose indicated there had recently been something like this come up not too long ago and asked if Staff could also look up some of the information on that and bring that back to the Commission.

Mr. Mendoza said Staff would do that.

There being no further persons wishing to speak, Vice Chair Cuiilty closed Oral Communication.

5. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of October 28, 2015.

Motion/Second: Andrade/Grose.

Carried 6/0/0 (Riley absent): The Planning Commission approved the Minutes of the Regular meeting of October 28, 2015.

6. CONSENT CALENDAR

None.

7. STAFF REPORTS

A. Resolution of Intention No. 15-20 (ZOA 15-10) – Vacant Lots and Buildings

Consideration of a Resolution of Intention by the Planning Commission to make zoning code changes to clarify maintenance standards for Vacant Lots and Buildings (Citywide) (City initiated).

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.

Mr. Mendoza said the present ordinance has regular maintenance but there are no teeth in it to require maybe having a five foot landscape berm around the perimeter of the property like some cities require.

Commissioner Grose asked if Staff could get examples from other cities.

Mr. Mendoza indicated Staff has already found two that they like and based on guidance from the Commission, they will go look at others that may match some of the comments from the Commission.

Commissioner DeBolt asked how many vacant lots we have in the City.

Mr. Mendoza said there are two commercial lots; the one next to the high school and the one on Los Alamitos Blvd. Then there are a few residential lots both in the R-2 zone.

Responding to Commissioner DeBolt, Mr. Mendoza explained that there is nothing that requires him to have them upgrade their landscaping to have it at least landscaped from a marketing point of view to have it look like it hasn't been abandoned. It's more about aesthetics, not just maintenance.

Commissioner Grose asked if this also deals with the fencing around the property as well.

Mr. Mendoza said yes; Staff will look at fencing as well.

Commissioner Grose pointed out that banners need to also be addressed in the Code as well.

Motion/Second: Grose/Sofelkanik

Carried 6/0/0 (Riley absent): The Planning Commission approved the adoption of Resolution No. 15-20 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO DIRECT STAFF TO BRING BACK SUGGESTED CODE CHANGES TO THE PLANNING COMMISSION CONCERNING VACANT LOTS AND BUILDINGS (ZOA 15-10) (CITYWIDE) (CITY INITIATED)."

8. PUBLIC HEARINGS

A. Continued Discussion of Nonconforming Use Provisions

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

Development Services Director Mendoza explained that this is a continued Public Hearing and indicated Ms. Kranitz would continue with the report.

Assistant City Attorney Kranitz summarized the Staff report explaining the process in detail. A long discussion ensued with the Commission as she explained and went over her "Working Document Ordinance" and recorded the Commission's comments.

Following the discussion, Ms. Kranitz indicated she would incorporate the Commission's changes into the ordinance and will bring it back to the next regularly scheduled Commission meeting.

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

This is the initial discussion for the Planning Commission to consider 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).

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.

Vice Chair Cuijty opened the Public Hearing.

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

Commissioner Grose said she liked the idea of requiring a CUP because this is going to impact residents and businesses. It's also better that it comes before the Commission so that it puts some of the responsibility on the Commission and takes some of it off Staff's shoulders.

Mr. Mendoza asked if there were any uses that the Commission really wanted called out.

Commissioner DeBolt said he thinks the important thing is the 24-Hour Fitness types of businesses, the open gym types where you can get a concentration of people at any given time which will impact parking. They can have many classes in a day but a finite amount of people that are for each class and for certain time periods.

It was the consensus of the Commission that this should also cover theater (children's groups) as well.

Mr. Mendoza explained that it really isn't about the use for the Commission; it's about the impacts of the use. We want to be able to define the impacts of the use separately. Mr. Mendoza indicated Staff will get into that and bring it back to the Commission. This Public Hearing will remain open until the next Commission meeting on January 27, 2016.

9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

- Wished the Commission a Merry Christmas and a Happy New Year.

10. COMMISSIONER REPORTS

- Commissioner DeBolt inquired as to the Arrowhead property and the fact he heard of a possibility of a sell going on for the acreage behind the property. He said evidently the rumor is true but it would have been nice to have known when the Commission was talking about it because they distinctly talked about whether to do an overlay versus an outright zone change. He said he's of the opinion that the Commission ought to probably suggest that the City Council reconsider that overlay. He said he doesn't know if it's too late but if it hasn't passed the Council yet, it may be worthy of further consideration.

Ms. Kranitz indicated the General Plan made it an overlay; the City would have to go back and re-do the General Plan. She said her guess is they'll have an application in before the City could amend the General Plan.

Commissioner DeBolt asked what type of industrial use the property is going to be.

Mr. Mendoza answered that no application has been filed; the property hasn't been sold yet.

Commissioner DeBolt pointed out that this could be agendized for a special meeting which could result in a recommendation for maybe a moratorium to the Council.

- Commissioner Grose wished everybody a Merry Christmas and thanked the Staff for the nice Christmas dinner they had as well as the gift.

11. ADJOURNMENT

The Planning Commission meeting adjourned at 9:25 p.m.

Mary Anne Culty, Vice Chair

ATTEST:

Steven Mendoza, Secretary

City of Los Alamitos

Planning Commission

**Agenda Report
Public Hearing**

**February 24, 2016
Item No: 7A**

To: Chair Culty 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: Continued 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. Adopt Resolution No. 16-04 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE FOR ZONING ORDINANCE AMENDMENT (ZOA) 15-05 TO REPEAL CHAPTER 17.64 AND ADD A NEW CHAPTER 17.64 RELATING TO NONCONFORMING USES (CITY INITIATED)."

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, December 16th, January 27, 2016, and then was continued to tonight.

Environmental:

The proposed ordinance has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b) (3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

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 use 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. Tonight's discussion is a continued Public Hearing from October 28, 2015, November 18, 2015, December 16, 2015, and January 27, 2016. Staff recommends that the Planning Commission approve the attached Resolution of Recommendation to the City Council for the draft ordinance that the Commission has been working on over the last few months.

Recommendation

With the progress made in the previous meetings, Staff has continued to draft the working document of an ordinance that is attached to this report. Staff feels that this would be a good draft for the Commission to recommend to the City Council.

Attachments: 1) Resolution of Recommendation to the City Council 16-04
2) Draft Ordinance

RESOLUTION NO. PC 16-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-05 TO REPEAL CHAPTER 17.64 AND ADD A NEW CHAPTER 17.64 RELATING TO NONCONFORMING USES (CITY INITIATED)

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 the hearing was opened and continued to November 18, 2015, and then continued to December 16, 2015, and then continued to January 27, 2016, and then again continued to February 24, 2016; and,

WHEREAS, the Planning Commission continued the duly noticed Public Hearing concerning this Amendment on February 24, 2016; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt Ordinance No. TBD (ZOA 15-05), attached hereto.

SECTION 2. In making this recommendation the Planning Commission makes the following findings:

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 Sections 15305 – minor alterations in land use limitations and 15061(b) (3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

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.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2016.

Mary Anne CUILTY, Chair

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Cary S. Reisman, City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 24th day of February, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

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 then again to February 24, 2016; and,

WHEREAS, after receiving input from the Planning Commission, Staff drafted a new Chapter 17.64 relating to nonconforming uses, and a categorical exemption from the California Environmental Quality Act; 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 sections 15305 minor alterations in land use limitations and 15061(b)(3) - activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment as the Ordinance allows the continuance of existing uses. Further, there is no evidence that any of the exceptions to the exemption applies.

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)~~

~~**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)~~

~~**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 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)~~

~~**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 Categorical Exemption from CEQA 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 _____, 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

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

February 24, 2016
Item No: 7B

To: Chair Culty 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 Applicant has asked that this item be continued to the next Planning Commission meeting for continued consideration of parking options.

Recommendation:

1. Open the Public Hearing; and,
2. Take Testimony; and,
3. Continue the Public Hearing to March 23, 2016 providing the Applicant more time to work with Staff to address parking 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 February 24, 2016, were mailed to all property owners within 500 feet of the proposed location on February 10, 2016. A Public Hearing notice regarding this meeting was also published in the News Enterprise on February 10, 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. 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

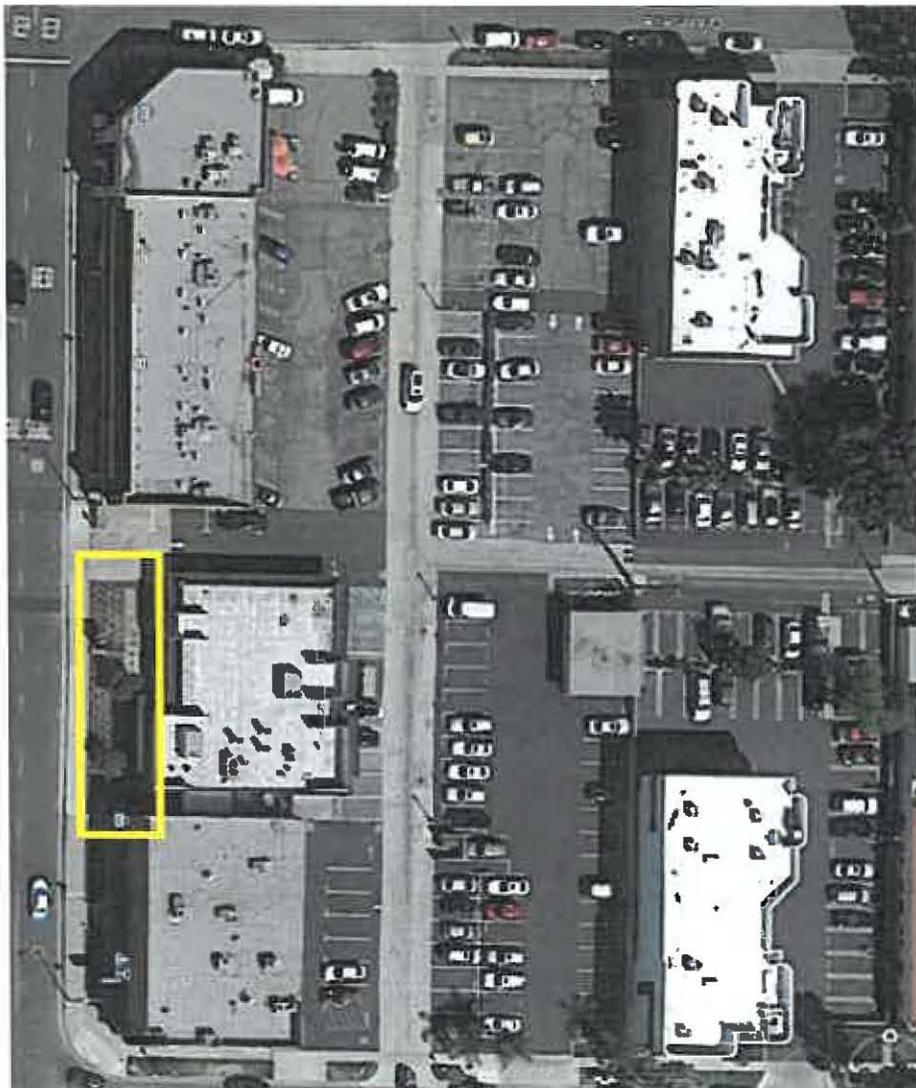
that these eight spaces could address issues that may arise regarding their parking; however, the Applicant has been unable to obtain a written authorization from the property owner of the additional eight spaces to place a deed restriction on the property.

Discussion

The Applicant has closed 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.



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

This proposed new concept of 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 the 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: 0.45 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 Parking Generation (TSF)	104	47	57
ITE's Parking Generation (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-adjoining parcel. However, no one has ever complained about the parking situation other than comments about alley speeds.

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.

Staff and the Applicant have met to discuss ideas for the parking that may or may not be needed for this proposed restaurant outside seating. 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 of 3561 Howard Ave. for eight spaces at that location that can be used all day on weekends and after 5:00 p.m. on week days. Staff finds this handshake

deal to be problematic since Mr. Benfanti does not want a formal deed restriction recorded on his property for the eight spaces which would be required in order to approve this Conditional Use Permit for outside seating and thus complying with Municipal Code Section 17.26.050 concerning Shared Parking.

Recommendation

The Applicant has asked for more time to discuss other parking alternatives with Staff. Staff recommends that the Commission continue the Public Hearing to a future date providing the Applicant and Staff more time to address parking related issues.

Attachment: 1) Traffic Engineer Report



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 the 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



City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

February 24, 2016
Item No: 7C

To: Chair Culty 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 Recreation Uses Only 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 (L-I) Zone to allow commercial recreation uses only for certain parcels in the Planned Light Industrial (P-M) 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. Continue with the Public Hearing; and,
2. Recommend that the City Council determine that the proposed project is exempt from CEQA pursuant to the certified 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; and,
3. Adoption of Resolution No. 16-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-09 TO ESTABLISH A LIMITED INDUSTRIAL ZONE, 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, 17.10.10, 17.10.020 - TABLE 2-04, 17.10.030 - TABLE 2-05, AND 17.76.020, 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 (CITY INITIATED)."

- 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. The Public Hearing was continued to January 27, 2016 and to February 24, 2016.
- 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

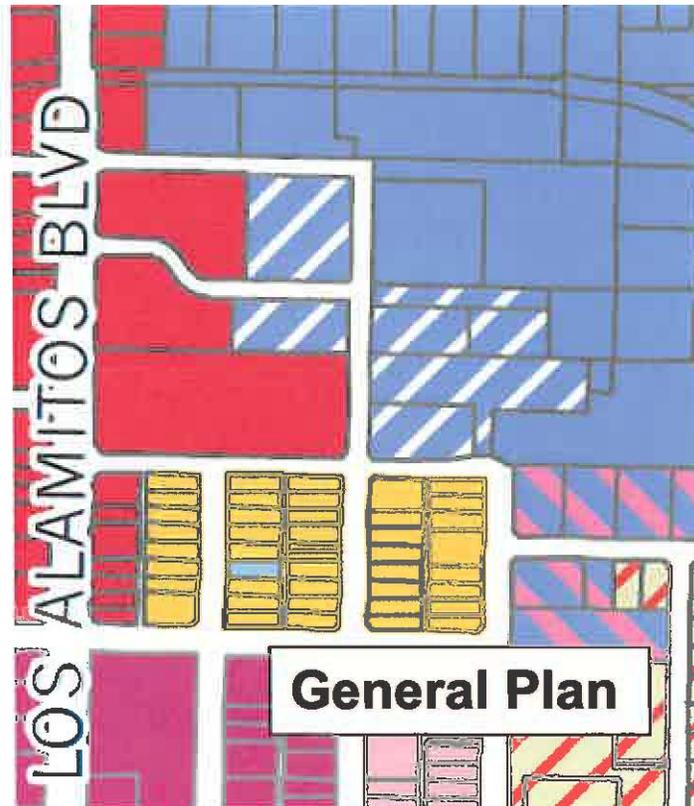
The 2012 – 2035 General Plan was approved and a Program Environmental Impact Report (EIR) was certified by the City Council on March 23, 2015. As part of the new General Plan, a Limited Industrial land use designation was created and placed on certain industrial parcels as shown on Attachment 2. The 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.

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 a Resolution of Recommendation to the City Council and the draft ordinance that outlines Staff’s recommended steps toward those goals.



Limited Industrial



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 are similar 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.

Recommendation

Staff recommends that the Planning Commission open the Public Hearing; review, discuss the attached documents, and then approve the Resolution of Recommendation if the draft Ordinance is considered appropriate for the creation of this zone.

Attachments: 1) *Resolution 16-03*
2) *Draft Ordinance No. TBD*
3) *Mapped Changes (the General Plan Map)*

RESOLUTION NO. 16-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 15-09 TO ESTABLISH A LIMITED INDUSTRIAL ZONE, 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, 17.10.10, 17.10.020 - TABLE 2-04, 17.10.030 – TABLE 2-05, AND 17.76.020, 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 (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 Planned Light Industrial Zone; and,

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

WHEREAS, in its April 22, 2015 meeting, the Planning Commission approved a Resolution of Intention directing Staff to bring back to future Commission meetings draft Zoning Ordinance Amendments that recommend to the City Council modifications to the Los Alamitos Zoning Code, to bring the Zoning Code and its map into conformance with the 2015-2035 General Plan; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on December 16, 2015; and continued that hearing to January 27, 2016, and then to February 24, 2016; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt Ordinance No. TBD (ZOA 15-09), attached hereto.

SECTION 2. In making this recommendation the Planning Commission makes the following findings:

A. The proposed changes ensure and maintain consistency between the General Plan and the Zoning Code. The creation 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.

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. The site on which the Limited Industrial zone is being placed is physically suitable for the type of development which would be allowed in the zone. The changes do not involve any actual development and any development specific impacts will be dealt with at the project specific level.

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. 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.

PASSED, APPROVED, AND ADOPTED this 24th day of February, 2016.

Mary Ann CUILTY, Chair

ATTEST:

Steven Mendoza, Secretary

APPROVED AS TO FORM:

Cary S. Reisman, City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 24th day of February, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Mendoza, Secretary

ORDINANCE NO. 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, 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, 17.10.10, 17.10.020 - TABLE 2-04, 17.10.030 – TABLE 2-05, AND 17.76.020, 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 (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 opened a duly noticed Public Hearing concerning this Amendment on December 16, 2015; and continued that meeting to January 27, 2016, and then to February 24, 2016; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Amendment on February 24, 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 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. ~~Amusement and~~Commercial Recreation Establishments, Indoor. “Indoor amusement and recreation establishments” ~~means~~include but are not limited to:

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

B. ~~Amusement and~~Commercial Recreation Establishments, Outdoor. See also, “Outdoor commercial recreation facilities” and “Parks and playgrounds.” “Outdoor amusement and recreation establishments” ~~means~~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
- 7.18. Zoos.

“Health clubs/fitness facilities/spas,” means fitness centers, gymnasiums, health, and athletic and sports clubs, and spas, including indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, and other indoor sports activities. 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. Karate classes;

“Outdoor Commercial recreation facilities” means privately owned amusement and recreation facilities whether indoors or outdoors for various outdoor spectator or participant sports and types of recreation where a fee is charged for use. See also “Amusement and recreation establishments, outdoor,” and “Parks and playgrounds Amusement and recreation establishments, indoors.”

1. Amphitheaters;
2. Amusement parks;
3. Batting cages;
4. Bocce ball;
5. Drive-in theaters;
6. Go-cart and miniature auto race tracks;
7. Golf driving ranges (separate from golf courses);
8. Miniature golf courses;
9. Motorcycle racing and drag strips;
10. Race tracks;
11. Shooting ranges;
12. Skateboard parks;
13. Stadiums and coliseums;
14. Swim and tennis clubs;
15. Swimming pools;
16. Tennis courts;

~~17. Water slides;~~

~~18. Zoos.~~

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	Mobilehome park zoning district	Multiple Family Residential
Commercial / Industrial Zoning Districts		
C-O	Commercial-professional office zoning district	<u>Commercial-Professional Office</u>
C-G	General commercial zoning district	<u>Commercial-Retail Business</u>
P-M	Planned light-industrial zoning district	Planned Industrial
<u>L-I</u>	<u>Limited industrial zoning district</u>	<u>Limited Industrial</u>
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)**

LAND USE	PERMIT REQUIRED BY ZONING DISTRICT				Specific Use Regulations
	C-O	C-G	P-M	<u>L-I</u>	
AGRICULTURE AND OPEN SPACE					
Agriculture, exclusive of livestock	—	—	CUP	<u>CUP</u>	
BUSINESS AND PROFESSIONAL USES					
Banks/financial institutions (without drive-through facilities)	P	P	—	=	
Offices, administrative or professional	P	P ⁽⁶⁾	C ⁽²⁰⁾ (21)	<u>C⁽²⁰⁾ (21)</u>	
Offices, incidental to an allowed primary use	P	P	P	<u>P</u>	
Public utility commercial office	P	P/CUP ⁽⁵⁾	P	<u>P</u>	
EATING AND DRINKING					
Bars/nightclubs	CUP	CUP	CUP	<u>CUP</u>	
Employee's cafeteria/coffee shop	—	—	P	<u>P</u>	
Restaurants, with drive-through facilities	CUP	CUP	CUP	<u>CUP</u>	

**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	Permitted use			
	CUP	Conditional use permit required			
	—	Use not allowed			
	TUP	Temporary use permit			
Restaurants, full service	P	P	CUP ⁽¹³⁾	<u>CUP⁽¹³⁾</u>	
Restaurants, take-out	P	P	CUP	<u>CUP</u>	
Restaurants, with outside seating areas	CUP	CUP	—	==	
EDUCATION, PUBLIC ASSEMBLY, AND RECREATION AND FITNESS					
Adult entertainment businesses	—	—	P	<u>P</u>	17.48
<u>Amusement and recreation establishments, indoor⁽³⁾</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>		
<u>Amusement and recreation establishments, outdoor⁽³⁾</u>	—	—	<u>CUP</u>		
Arcades	CUP	CUP	---	==	17.38.060
Auditoriums, meeting halls, and theaters	CUP	—	---	==	
Bingo	P	P	P	<u>P</u>	5.16
<u>Commercial recreation establishments, Indoors</u>	<u>CUP</u>	<u>CUP</u>		<u>CUP</u>	
<u>Commercial recreation establishments, Outdoors</u>	---	---	==	<u>CUP</u>	
<u>Health/fitness facilities/spas</u>	—	CUP	---	<u>CUP</u>	
Industrial training center	—	—	P	<u>P</u>	
Libraries and reading rooms	P	—	---	---	
Live entertainment, incidental to an allowed use	CUP ⁽³⁾	CUP ⁽³⁾	---	---	
Museums	—	P	---	---	
<u>Outdoor commercial recreation facilities</u>	—	—	<u>CUP</u>		
Religious facilities	CUP	—	---	---	
Schools, commercial - small	P ⁽¹⁾	P ⁽¹⁾	---	<u>CUP⁽²³⁾</u>	
Schools, commercial - large	CUP ⁽²⁾	CUP ⁽²⁾	---	<u>CUP⁽²³⁾</u>	
INDUSTRY, MANUFACTURING, AND PROCESSING USES					
Aircraft and related aircraft accessories manufacturing	—	—	P	<u>P</u>	
Carpet cleaning and dyeing plants	—	—	P	<u>P</u>	
Ceramics manufacturing	---	---	P	<u>P</u>	
Clothing manufacturing	—	—	P	<u>P</u>	
Contractor's storage yards—new	—	—	CUP ⁽¹⁴⁾	<u>CUP⁽¹⁴⁾</u>	

**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	<u>L-I</u>	
materials only					
Construction equipment rental/sales, with incidental repair and service	—	—	CUP	<u>CUP</u>	
Cutlery and handtool manufacturing	—	—	P	<u>P</u>	
Food products manufacturing	—	—	P ⁽⁷⁾	<u>P⁽⁷⁾</u>	
Frozen food locker	—	—	P	<u>P</u>	
Furniture and fixtures manufacturing, cabinet shops, and woodworking shops (wholesale only)	—	—	P	<u>P</u>	
Hazardous waste facility, off-site	—	—	CUP	<u>CUP</u>	17.36
Ice and cold storage plant	—	—	P	<u>P</u>	
Laboratories					
Biological and x-ray	P	P ⁽⁵⁾	P	<u>P</u>	
Medical and dental	P	P ⁽⁵⁾	P	<u>P</u>	
Film processing	—	—	P	<u>P</u>	
Laundries and dry cleaning plants	—	P	P	<u>P</u>	
Machine shop	—	—	P	<u>P</u>	
Metal plating	—	—	P	<u>P</u>	
Metal working, light fabrication	—	—	P	<u>P</u>	
Motor vehicle/transportation equipment manufacturing and assembly	—	—	P	<u>P</u>	
Paint mixing	—	—	P ⁽⁹⁾	<u>P⁽⁹⁾</u>	
Paper product fabrication	—	—	P	<u>P</u>	
Plastic products fabrication	—	—	P	<u>P</u>	
Pottery manufacturing	—	—	CUP	<u>CUP</u>	
Printing and publishing	—	—	P	<u>P</u>	
Recycling facilities	P	P	P	<u>P</u>	17.38.140
Rubber products	—	—	P ⁽¹¹⁾	<u>P⁽¹¹⁾</u>	
Sign manufacturing	—	—	P	<u>P</u>	
Textile manufacturing	—	—	P	<u>P</u>	
Underground bulk storage of petroleum or gas	—	—	CUP	<u>CUP</u>	
Upholstery shops	—	—	P	<u>P</u>	
Welding services	—	—	P	<u>P</u>	
Warehousing	—	—	P	<u>P</u>	
Wholesaling & distribution	—	—	P	<u>P</u>	

**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	<u>L-I</u>	
RESIDENTIAL USES					
Caretaker or employee housing	—	—	P ⁽¹⁹⁾	<u>P⁽¹⁹⁾</u>	
Emergency shelters—up to 20 beds	CUP	—	P	<u>P</u>	17.38.170
Emergency shelters—more than 20 beds	CUP	—	CUP	<u>CUP</u>	17.38.170
Mixed-use projects, residential and commercial	—	CUP	—	<u>—</u>	
Residential care facilities	CUP	—	—	<u>—</u>	
Senior residential housing projects	CUP	CUP	—	<u>—</u>	17.38.160
Single room occupancy unit	—	—	CUP	<u>CUP</u>	17.38.180
Supportive housing	CUP	—	—	<u>—</u>	
Transitional housing	CUP	—	—	<u>—</u>	
RETAIL TRADE ⁽⁴⁾					
Alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use	CUP	CUP	—	<u>—</u>	
Alcoholic beverage sales, off-site consumption	—	—	CUP	<u>CUP</u>	17.38.050
Antiques, art, collectibles, and gifts	P	P	—	<u>—</u>	
Art and art supplies stores	—	P	P	<u>P</u>	
Bakeries, retail	—	P	P	<u>P</u>	
Bakeries, retail and wholesale	—	—	P	<u>P</u>	
Book, stationery, newspaper, and magazine stores ⁽²⁾	P	P	—	<u>—</u>	
Building material yard (new materials)	—	—	CUP ⁽¹²⁾	<u>CUP ⁽¹²⁾</u>	
Confectionery shops	P	P	—	<u>—</u>	
Convenience store/mini-mart	CUP	CUP	CUP	<u>CUP</u>	
Drive-in and drive-thru sales	CUP	CUP	—	<u>—</u>	
Electrical supply stores	—	—	P	<u>P</u>	
Farmer's market	CUP	CUP	CUP	<u>CUP</u>	
Florists	P	P	P	<u>P</u>	
Gas/fueling stations	CUP	CUP	CUP ⁽¹³⁾	<u>CUP ⁽¹³⁾</u>	
Gift shops, specialty shops	P	P	P for specified locations;	<u>P for specified locations;</u>	

**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	<u>L-I</u>	
			otherwise prohibited ⁽²²⁾	<u>otherwise prohibited⁽²²⁾</u>	
Grocery stores/food markets	P	P	P for specified locations; otherwise prohibited ⁽²²⁾	<u>P for specified locations; otherwise prohibited⁽²²⁾</u>	
Hardware stores	—	P	P for specified locations; otherwise prohibited ⁽²²⁾	<u>P for specified locations; otherwise prohibited⁽²²⁾</u>	
Jewelry stores	—	P	P for specified locations; otherwise prohibited ⁽²²⁾	<u>P for specified locations; otherwise prohibited⁽²²⁾</u>	
Lumber yards, planing mills excluded	—	—	P	<u>P</u>	
Medical equipment and supplies	P	P ⁽⁵⁾	—	<u>—</u>	
Motor vehicle parts stores, incidental installation and repair	—	CUP	P	<u>P</u>	
Motor vehicle parts stores, no installation or repair on-site	—	P	P	<u>P</u>	
Motor vehicle sales, leasing, and rental with or without incidental servicing	CUP	CUP	P	<u>P</u>	
Office supply stores	P	P	—	<u>—</u>	
Outdoor retail sales and activities	—	CUP	—	<u>—</u>	17.38.110
Outdoor retail sales, temporary	—	CUP/SEP	—	<u>—</u>	17.54.050(E)
Pawn shops	CUP	CUP	—	<u>—</u>	
Pet stores	—	P	CUP ⁽¹⁵⁾	<u>CUP⁽¹⁵⁾</u>	
Pharmacies, drug stores ⁽¹³⁾	P	P	P	<u>P</u>	
Plant nurseries	—	P	—	<u>—</u>	

**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	<u>L-I</u>	Regulations
Retail sales, general	CUP	P	P for specified locations; otherwise prohibited ⁽²²⁾	<u>P for specified locations; otherwise prohibited⁽²²⁾</u>	
Secondhand/consignment shops	CUP	CUP	—	<u>—</u>	
Warehouse retail store (big box retail)	P	P	CUP	<u>CUP</u>	

SERVICES⁽⁴⁾

Animal services					
Animal hospital	—	—	CUP ⁽¹⁵⁾	<u>CUP⁽¹⁵⁾</u>	
Animal hospital – small animal	CUP	—	CUP ⁽¹⁵⁾	<u>CUP⁽¹⁵⁾</u>	
Grooming services	—	—	CUP ⁽¹⁵⁾	<u>CUP⁽¹⁵⁾</u>	
Kennels	—	—	CUP ⁽¹⁵⁾	<u>CUP⁽¹⁵⁾</u>	
Veterinary clinic	—	—	CUP ⁽¹⁵⁾	<u>CUP⁽¹⁵⁾</u>	
Business support services	P	P	P	<u>P</u>	
Call centers	P	—	P	<u>P</u>	
Catering services	—	—	P	<u>P</u>	
Check cashing services	P	—	—	<u>—</u>	
Child day care centers	CUP	CUP	CUP ⁽¹⁸⁾	<u>CUP⁽¹⁸⁾</u>	17.38.090
Copying, printing, and mailing services	P	P	P	<u>P</u>	
Drive-thru establishments	CUP	CUP	—	<u>—</u>	
Dry cleaning establishments – no on-site processing	P	P ⁽⁵⁾	—	<u>—</u>	
Fortunetelling/palm reading/psychic reading	P	P	—	<u>—</u>	
Hotels/motels	CUP	CUP	CUP	<u>CUP</u>	
Internet cafés	CUP	CUP	—	<u>—</u>	
Laundry (commercial)	—	—	P	<u>P</u>	
Locksmith	P	P	P	<u>P</u>	
Massage establishment	P	P	—	<u>—</u>	LAMC 5.32
Medical services (state-licensed)					
Ambulance services	CUP	—	CUP	<u>CUP</u>	
Clinics and offices	P	P ⁽⁵⁾	P ⁽⁸⁾	<u>P⁽⁸⁾</u>	
Extended care facilities	CUP	—	—	<u>—</u>	

**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	<u>L-I</u>	
	P	Permitted use			
	CUP	Conditional use permit required			
	—	Use not allowed			
	TUP	Temporary use permit			
Health facilities, therapy and rehabilitation	P	P ⁽⁵⁾	—	—	
Hospitals, including convalescent	CUP	—	P ⁽⁸⁾	<u>P⁽⁸⁾</u>	
Mortuaries	CUP	—	—	—	
Motor vehicle services					
Car washes	—	CUP	—	—	
Impound yards – no dismantling or wrecking	—	—	CUP ⁽¹⁷⁾	<u>CUP⁽¹⁷⁾</u>	
Repair	—	—	CUP	<u>CUP</u>	17.38.070
Repair incidental to motor vehicle sales, leasing, and rental	CUP	CUP	CUP	<u>CUP</u>	17.38.070
Service station	CUP	CUP	CUP ⁽¹³⁾	<u>CUP⁽¹³⁾</u>	17.38.070
Moving companies, storage allowed	—	—	CUP	<u>CUP</u>	
Personal services	P	P	P ⁽⁸⁾	<u>P⁽⁸⁾</u>	
Photofinishing shops	—	P	—	—	
Photography studios	P	P	—	—	
Plumbing services	—	—	P ⁽¹⁰⁾	<u>P⁽¹⁰⁾</u>	
Property maintenance service	—	—	P	<u>P</u>	
Repair services, excluding motor vehicles	—	—	P	<u>P</u>	
Social service facilities	CUP	—	—	—	
Storage					
Outdoor	—	—	CUP	<u>CUP</u>	17.38.120
Personal storage facility	—	—	CUP ⁽¹⁶⁾	<u>CUP⁽¹⁶⁾</u>	
Travel agencies	P	P	—	—	
Video and disc rental services	P	P	—	—	
TRANSPORTATION AND COMMUNICATION USES					
Antennas	P	P	P	<u>P</u>	17.18
Parking lots	CUP	P	P	<u>P</u>	
Parking structures	CUP	CUP	CUP	<u>CUP</u>	
Studios—motion picture, radio, or television	—	—	P	<u>P</u>	
Vehicle and freight terminal	—	—	CUP	<u>CUP</u>	
Wireless communications facilities					
Major	CUP	CUP	CUP	<u>CUP</u>	17.30
Minor	P	P	P	<u>P</u>	17.30

**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	<u>L-I</u>	Regulations

OTHER USES

Other uses that the commission determines by resolution to be similar in character	CUP	CUP	CUP	<u>CUP</u>	17.10.020(H)
Temporary uses/activities	TUP	TUP	TUP	<u>TUP</u>	17.54
Utility facilities, public	—	CUP	P	<u>P</u>	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 ~~R-1 (Single-Family Residential) (R-1), R-2 (Limited Multiple-Family Residential) (R-2), R-3 (Multiple-Family Residential) (R-3), and C-F (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 Structures (ft.) ⁽¹⁾	3 stories or 40 ft. ^{(2), (6)}	3 stories or 40 ft. ⁽²⁾	3 stories or 40 ft. ⁽²⁾
Setbacks	<i>Minimum setbacks required. Also see Section 17.16.140 (Sight Safety Triangle)</i>		
Front	15 ft. ⁽³⁾	None required.	<input type="checkbox"/> 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
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.	

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

Development Feature	Requirement by Zoning District		
	C-O	C-G	P-M/L-I
			used for parking. □ 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	As required by Section 17.16.030 (Access)		
Fences, hedges, and walls	As required by Section 17.16.060 (Fences, hedges, and walls) and Section 17.16.140 (Sight safety triangle)		
Landscaping	As required by Chapter 17.20 (Landscaping)		
Materials storage	As required by Section 17.38.120 (Outdoor storage)		
Off-Street parking	As required by Chapter 17.26 (Off-Street Parking and Loading)		
Refuse and recycling storage areas	As required by Section 17.16.110 (Refuse and recycling storage areas)		
Screening and buffering	As required by Section 17.16.130 (Screening and buffering)		
Signs	As required by Chapter 17.28 (Signs)		
Site plan review	As required by Chapter 17.50 (Site Plan Review)		

- (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 17.12.010C relating to the Town Center Overlay District is hereby deleted in its entirety and subsections D and E shall be relettered as subsections C and D accordingly.

SECTION 8. 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

<u>Amusement and recreation establishments, outdoor</u>	<u>P</u>	<u>CUP</u>	
Bingo	—	P	5.16
Bingo, remote caller	—	P	5.18
<u>Commercial recreation establishments, Outdoors</u>	<u>P</u>	<u>CUP</u>	
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	
<u>Outdoor commercial recreation facilities</u>	<u>P</u>	<u>CUP</u>	
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	

**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	

TRANSPORTATION AND COMMUNICATION USES

Antennas	CUP	CUP	17.44
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 9. 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
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 10. 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. The sites on which the zone is being placed are physically suitable for the type of development which would be allowed in the zone. 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. 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 11. 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 12. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

SECTION 13. 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.

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

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

Cary S. 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:

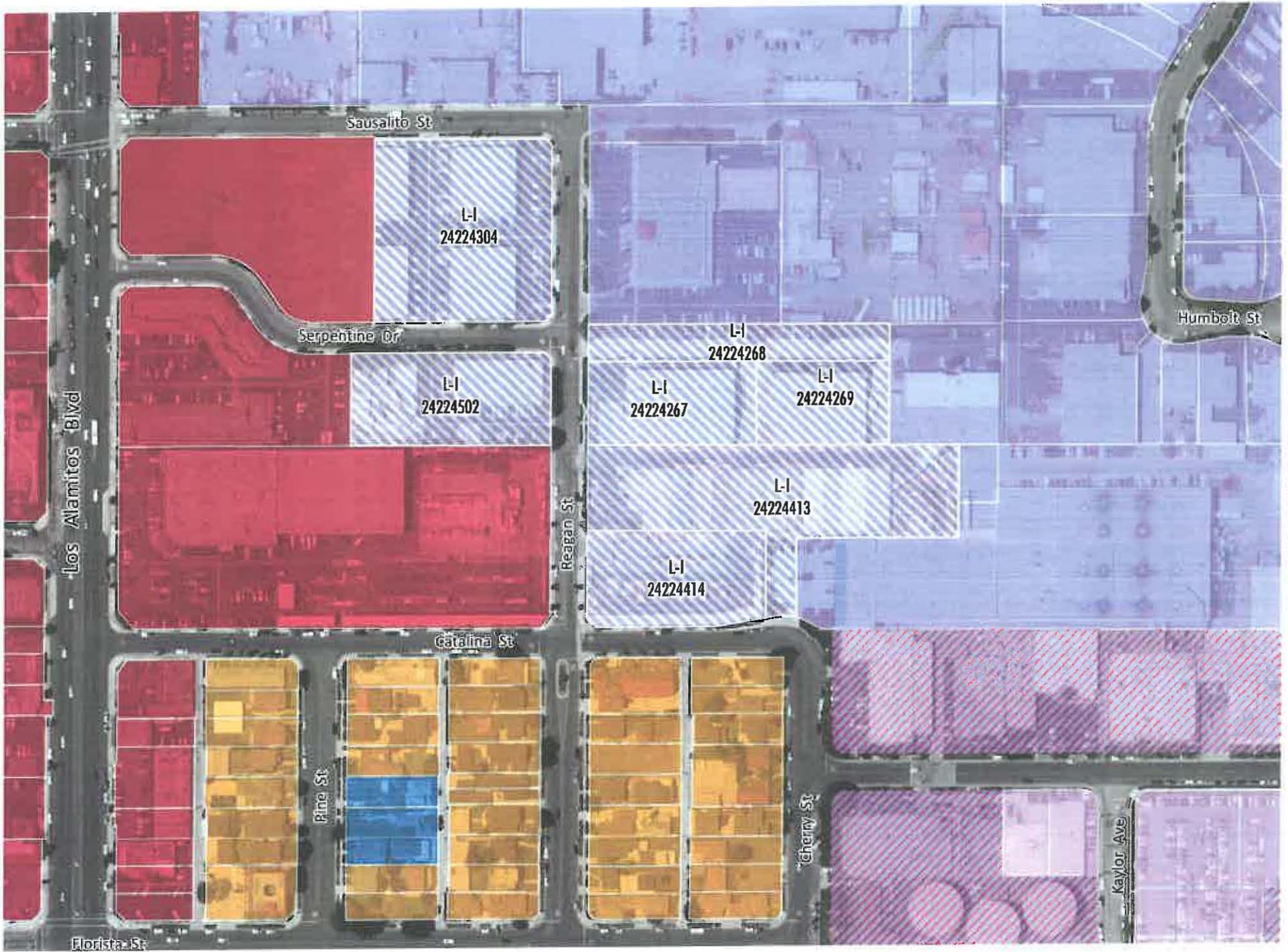
AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

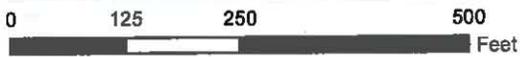
ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

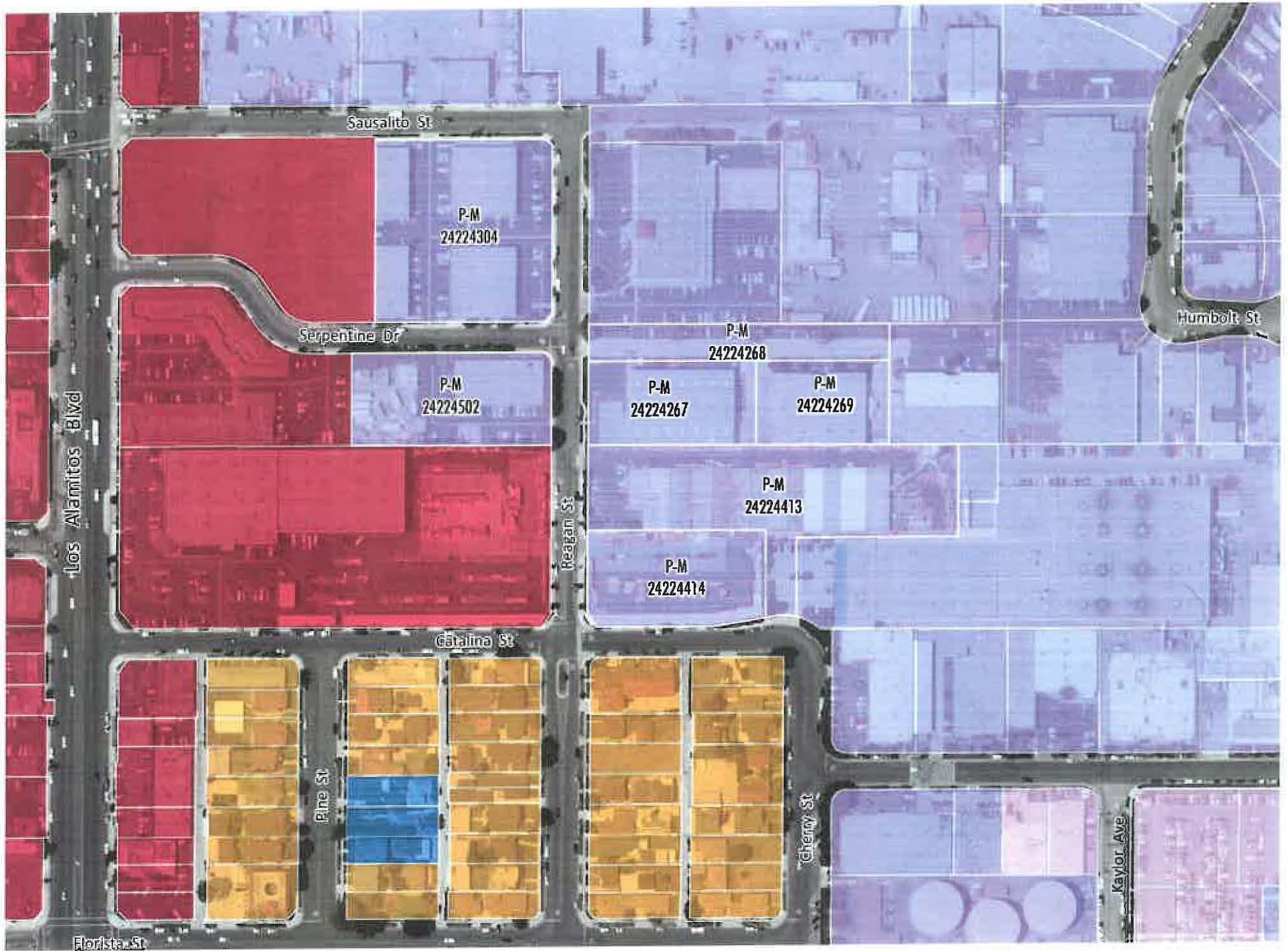
Windmera Quintanar, City Clerk, CMC



Attachment 3



Limited Industrial - After



Limited Industrial - Before

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

February 24, 2016
Item No: 7D

To: Chair Culty 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 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 Staff and Applicant more time to address parking related issues 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 would like to help them do that and 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, there was a separate parking time limits discussion at the January 19, 2016 City Council meeting. 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 additional parking analysis.

City of Los Alamitos

Planning Commission

Agenda Report Public Hearing

February 24, 2016
Item No: 7E

To: Chair Culty and Members of the Planning Commission

Via: Steven Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 16-02
Outdoor Storage in the Planned Light Industrial (P-M) Zone

Summary: Consideration of a Conditional Use Permit to allow an Outdoor Storage area at the back of a Trend Offset building, 10631 Humbolt Street, in the Planned Light Industrial (P-M) Zone (Applicant: Kristie Nelsen, Kardent Design). Due to an error in publishing the Public Notice, the Hearing for this subject should be deferred to the March 23, 2016 Planning Commission meeting.

Recommendation: Postpone the Public Hearing concerning this Conditional Use Permit to the next scheduled Planning Commission meeting of March 23, 2016.

Background

An application has been filed by Kristie Nelsen of Kardent Design, on behalf of Trend Offset Printing, for a Conditional Use Permit to allow an outdoor storage area in the Planned Light Industrial (P-M) zone, behind an 18,808 square foot industrial building occupied by Trend Offset Printing. This would allow needed covered storage at one of Trend Offset's many buildings in the area. Trend is already using the outside of its building for storage. The conditional use permit will provide a much needed enclosed space to store paper supplies for this busy part of the printing company.

Recommendation

If a member of the public is present and would like to discuss the item, it would be appropriate to open the floor for comment. Due to an error in publishing the Public Notice, the hearing for this subject should be deferred to the March 23, 2016 Planning Commission meeting, so that proper notice may be given for this issue.