

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA PLANNING COMMISSION REGULAR MEETING

Wednesday, June 22, 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](http://www.cityoflosalamitos.org) once the agenda has been publicly posted.

Each matter on the agenda, no matter how described, shall be deemed to include any appropriate motion, whether to adopt a minute motion, resolution, payment of any bill, approval of any matter or action, or any other action. Items listed as "for information" or "for discussion" may also be the subject of an "action" taken by the City Council at the same meeting.

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 Cuiilty
  - 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 April 27, 2016.
- B. Approve the Minutes for the Regular Meeting of May 25, 2016.

**6. CONSENT CALENDAR**

None.

**7. PUBLIC HEARINGS**

**A. Site Plan Review (SPR) 16-02  
Conditional Use Permit (CUP) 16-04  
Conditional Use Permit (CUP) 16-05  
Marriott Fairfield Inn Hotel**

Continued consideration of a Marriott Fairfield Inn & Suites Hotel at 10650 Los Alamitos Boulevard (APN 242-243-03) on a 2.3 acre vacant parcel in the General Commercial (C-G) Zoning District. (Applicant: Shamir Narsai – Triple Sons Investments, LLC.)

Recommendation:

1. Open the continued Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 *In-Fill Development Projects*; and,
3. Adopt Resolution No. 16-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 16-02 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)."
4. Adopt Resolution No. 16-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMITS (CUP) 16-04 & 16-05 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL WITH INCREASED BUILDING HEIGHT AT

10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC).”

**B. Continued Consideration of General Plan Amendment (GPA) 16-01 and Zoning Map Amendment (ZOA) 16-01 - 4411 Katella Avenue.**

Continued consideration of a General Plan Amendment and Zoning Map Amendment to the 28-acre site commonly known as Arrowhead Property. The change would be from the current General Plan Designation (Planned Industrial with Retail Overlay) to Retail Business and amend the Zoning Map (Planned Light Industrial with Retail Overlay) to General Commercial (C-G). More specifically, this property is identified as Orange County Assessor Parcel Nos. 241-241-08, 241-241-09, 241-241-10 and 241-241-11 (4411 Katella).

Recommendation:

1. Open the continued Public Hearing; and, if appropriate,
2. Determine that the proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City Council of the City of Los Alamitos, California, certified the Final Environmental Impact Report on March 23, 2015 for the Los Alamitos General Plan to include land use changes for various parcels and adopting environmental findings, a statement of overriding considerations and a mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act. The changes in this ordinance are within the scope of the Program EIR which adequately describes the changes for purposes of CEQA as the changes parallel the changes made by the General Plan. As zoning is required to be consistent with the General Plan, the impacts relating to the zone changes are identical to the impacts that were covered in the Program EIR and there are no new impacts which would occur from such changes; and,
3. Planning Commission adopt Resolution No. 16-13, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL TO ADOPT GENERAL PLAN AMENDMENT (GPA) 16-01 TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL RETAIL OVERLAY ZONE (P-M ROZ) TO RETAIL BUSINESS (R-B) AND ADOPT ZONING ORDINANCE AMENDMENT (ZOA) 16-01 TO CHANGE ZONING DESIGNATIONS FROM THE PLANNED LIGHT INDUSTRIAL RETAIL OVERLAY ZONE (P-M ROZ) TO THE GENERAL COMMERCIAL (C-G) ZONE FOR PROPERTY AT 4411 KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-

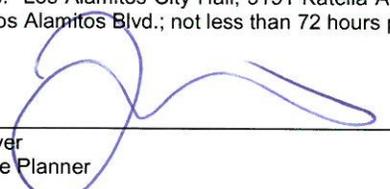
241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS)".

- 8. ITEMS FROM THE DEVELOPMENT SERVICES 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 City Hall, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Blvd.; not less than 72 hours prior to the meeting.

  
\_\_\_\_\_  
Tom Oliver  
Associate Planner

6/16/16  
\_\_\_\_\_  
Date

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

**REGULAR MEETING – April 27, 2016**

**1. CALL TO ORDER**

The Planning Commission met in Regular Session at 7:00 PM, Wednesday, April 27, 2016, in the Council Chambers, 3191 Katella Avenue; Chair CUILTY presiding.

**2. ROLL CALL**

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

Absent: Commissioner John Riley

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

**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Chair CUILTY.

**4. ORAL COMMUNICATION**

Chair CUILTY opened the meeting for Oral Communication for items not on the agenda. There being no speakers, Chair CUILTY closed Oral Communication.

**5. APPROVAL OF MINUTES**

**A. Approve the Minutes for the Regular Meeting of March 23, 2016.**

Motion/Second: Grose/Sofelkanik.

Carried 6/0/0 (Riley absent): The Planning Commission approved the Minutes of the Regular meeting of March 23, 2016 as written.

**B. Approve the Minutes for the Special Meeting of April 6, 2016.**

Motion/Second: Grose/Andrade.

Carried 6/0/0 (Riley absent): The Planning Commission approved the Minutes of the Special meeting of April 6, 2016 as written.

**6. CONSENT CALENDAR**

None.

7. **PUBLIC HEARINGS**

A. **Conditional Use Permit (CUP) 16-01**

**A Request for a Dentist to Locate in the General Commercial (C-G) Zone**  
Continued consideration of a Conditional Use Permit (CUP 16-01) to allow a dentist on a property (Center Plaza) in the General Commercial (C-G) Zone on a major arterial at 10688 Los Alamitos Boulevard, APN 242-245-01 (Applicant: Sandra Yavitz of Los Alamitos Center Plaza II, LLC).

Development Services Director Steven Mendoza summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. He also reminded the Commission that this is a continued Public hearing

Chair Cuiilty re-opened the Public Hearing.

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

Motion/Second: Grose/DeBolt

Carried 6/0/0 (Riley absent): The Planning Commission adopted Resolution No. 16-08 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 16-01 TO ALLOW A MEDICAL USE (DENTIST) AT 10688 LOS ALAMITOS BOULEVARD, A MAJOR ARTERIAL IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT (APPLICANT: SANDRA YAVITZ, OF LOS ALAMITOS CENTER PLAZA II LLC)."

B. **Conditional Use Permit (CUP) 16-06**

**Secondhand Shop in the General Commercial (C-G) Zoning District**

Consideration of Conditional Use Permit (CUP 16-06) for a 750 square foot secondhand shop at 3622 Katella Avenue in the General Commercial (C-G) zoning district, APN 222-091-21 (Applicant: Sheyenna Lesser).

*Commissioner DeBolt indicated he had a conflict due to having interest in real estate within 500 feet and excused himself from the Chamber.*

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, and indicated he is prepared to answer questions from the Commission. Mr. Oliver reminded the Commission that this is a continued Public Hearing.

Chair Cuiilty re-opened the Public Hearing.

Sheyenna Lesser, Applicant, indicated she is very experienced and has been managing a very successful half million dollar per year company in Newport Beach. She concluded that there is a real need for this type of shop in Los

Alamitos and the community. Her goal is not to leave or sell the business and would like to be in the community for a long time.

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

In response to Commissioner Sofelkanik's question, Associate Planner Oliver explained that the differentiation between a pawn shop and a secondhand store is that a pawn shop holds items as collateral and a secondhand store sells products outright. As instructed by Commissioner Sofelkanik, Mr. Oliver read into record Los Alamitos Municipal Code 17.76.02 which deals with the definition of a pawn shop and secondhand stores.

Motion/Second: Grose/Sofelkanik

Carried 5/0/1 (DeBolt abstained and Riley absent): The Planning Commission adopted Resolution No. 16-09 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 16-06 TO OPERATE A 750 SQUARE FOOT SECONDHAND SHOP IN A 8,037 SQUARE FOOT COMMERCIAL BUILDING AT 3622 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 222-091-21 AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHEYENNA LESSER)."

**C. Site Plan Review (SPR 16-03)**

**Duplex to be Constructed on a Parcel in the R-2 Zone**

Consideration of a Site Plan Review (SPR 16-03) application for the construction of a 4,649 square foot residential duplex unit on a 7,405 vacant parcel at 10700 Reagan Street in the Limited Multiple Family residential (R-2) zone, APN 242-183-03. This project would include an attached three-car garage with one uncovered parking spot outside of the structure (Applicant: Teresa Mattazaro).

*Commissioner DeBolt returned to the Chamber.*

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

Chair Cuiilty opened the Public Hearing.

Teresa Mattazaro, Applicant, said that they found this beautiful lot and she is looking forward constructing this duplex.

John Epps, Consulting Project Manager for this project introduced himself to the Commission.

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

In response to Commissioner Grose's question, Mr. Oliver explained that the City requires 15% of required landscaping.

Mr. Epps indicated they've met the requirement as it's at 22.6% for landscaping and it is a low water type of landscaping that also meets the water requirements. Mr. Epps indicated these are not large trees; they are a smaller to medium tree which won't create any sidewalk issues in the future.

Motion/Second: Grose/DeBolt

Commissioner DeBolt pointed out that with regard to Exhibit A, Conditions of Approval, the address on the title is incorrect as it shows 4292 Green and it should be 10700 Reagan Street.

The motion carried 6/0/0 (Riley absent): The Planning Commission moved to adopt Resolution No. 16-10, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW 16-03 FOR THE CONSTRUCTION OF A 4,649 SQUARE FOOT DUPLEX ON A 7,405 SQUARE FOOT VACANT PARCEL AT 10700 REAGAN STREET IN THE LIMITED MULTIPLE-FAMILY RESIDENTIAL (R-2) ZONE, APN 242-183-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: TERESA MATTAZARO)."

**D. Zoning Ordinance Amendment (ZOA) 16-05  
Continued Review of Uses in the Planned Light Industrial Zone  
(Citywide) (City Initiated)**

Continued review of the land use table and definitions for the Industrial Zone (other zones to follow) and consider a Zoning Ordinance Amendment to implement those uses supported by the Commission within the Planned Light Industrial (P-M) Zone and its overlay zones (Citywide) (City initiated).

Development Services Director Steven Mendoza summarized the Staff report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission. He explained that the Commission has received a letter of interest from an attorney representing a property owner in the area.

Chair Cully re-opened the Public hearing.

Chris Burke of Manatt, Phelps, & Phillips, LLP, representing JCB, Inc., the owner of the property located 4411 Katella Avenue. Mr. Burke confirmed the Commission received a letter today and within that letter was a specific question about Arrowhead's existing operations which generally they conduct aerospace engineering and manufacturing accessories, etc., and they also use some sort of rubber manufacturing in preparing those products. He explained that rubber products have been eliminated from the use list and he just wanted clarification as to the continued operation of Arrowhead under the aerospace heading.

Chair Cuijly asked Mr. Mendoza if Arrowhead would be grandfathered in.

Mr. Mendoza explained that he would see it more as a primary use issue versus a secondary use issue.

Assistant City Attorney Lisa Kranitz explained that she's not exactly sure what Arrowhead does and whether the City made that a CUP or not but it would be legal non-conforming so they could continue doing that use even under a new owner. She further explained that assuming the City Council does the second reading of the Non-Conforming Ordinance that they introduced the other night, then Arrowhead is a legal, non-conforming use because it doesn't have a CUP and would be allowed to continue its operations.

Motion/Second: DeBolt/Sofelkanik

Carried 6/0/0 (Riley absent): The Planning Commission moved to Adopt Resolution No. 16-07, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 16-05 THEREBY MAKING CHANGES TO THE TABLE OF ALLOWED USES IN SECTION 17.10.020, TABLE 2-04, SECTION 17.38.140 RELATING TO RECYCLING FACILITIES, AND DEFINITIONS IN CHAPTER 17.76, OF THE LOS ALAMITOS MUNICIPAL CODE (CITY INITIATED)."

## **8. STAFF REPORTS**

### **A. Update on Recreational Vehicle Issue**

A Staff update to the Planning Commission concerning the zoning code that pertains to Recreational Vehicles (Citywide) (City initiated).

Development Services Director Mendoza summarized the Staff report, and explained that the Commissioners asked Staff to bring back this Resolution of Intention so they may discuss this subject. In their meeting the Commission recommended that Staff refer the issue to the City Prosecutors' office to review the compliance of the recreational vehicle prior to taking on this issue. The City Prosecutor made a visit to the site that the resident had presented as an example to the Commission at the December, 2015

meeting. The Prosecutor did not observe a recreational vehicle parked at the site, and later met with Staff to review photographs and the applicable code sections.

It is the opinion of the Prosecutor, the requirements of LAMC 17.26.060 (RV parking code), permit the parking of an operable recreational vehicle on the front driveway at least 5 feet from the adjacent property, albeit in public view. With respect to parking in the side setback, the requirements for an obscuring wall (up to 7') and minimum setback from the property line prevents utilizing the side yard at this particular property. The wooden gate hiding the side yard setback does not alter these requirements. Code changes would be required to further limit front yard parking on the driveway or to allow side yard parking with the absence of the minimum setback and wall requirements.

Mr. Mendoza indicated Staff has corresponded through email with the resident who brought this subject up at the December meeting and has learned that the owner of the neighboring property in question has not been parking the RV at the home as of late.

Ann Bickel, resident, supplied the Commission with new updated Information and explained the code changes she would suggest the Commissioners take a look at in Municipal Code Section 17.26.060. She said she would like to urge the Commission to continue to discuss this issue and have it opened in a Public Hearing. She said she spent some time looking at how this evolved (the zoning regulations) as far as the intent was concerned.

Mr. Mendoza indicated it was in 2006 with a small change that didn't pertain to RV's occurring in 2014.

Commissioner DeBolt said he would like to see something like this come from the City Council to the Commission rather than have it initiated from the Commission.

Vice Chair Andrade said this is a widely debated topic and it never ends well because 50% of the people will be happy with a change and 50% of the people are not going to be happy. There's only one issue that is being looked at right now and that's why there isn't a large amount of people coming in saying that this is a huge problem in the City. The other question he has with regard to that was whether or not Code Enforcement went out to inspect the property and what the outcome was on that.

Mr. Mendoza explained the resident was cited when the RV was in the side yard towards the back; when it was in the front yard, it wasn't a violation of the code. Then we had the City Prosecutor look at it and make sure we were enforcing it correctly and he stated he agrees with Staff; that if it's in the front part of the property, it is not a violation of the code as it's currently written

today. The RV comes and goes; it hasn't been there this entire time but it appeared back in the yard yesterday.

Vice Chair Andrade asked if they found a place to store it somewhere else and that's why it's been gone.

Ms. Bickel indicated they store it somewhere else as they found out she was making an attempt to regulate the code.

Vice Chair Andrade asked if they brought the RV back to pack it up for another trip.

Ms. Bickel acknowledged that that was probably the case.

Vice Chair Andrade said actually it sounds like they were possibly being neighborly and actually made an attempt to move it somewhere else.

Ms. Bickel said that yes, they did.

Vice Chair Andrade said he's not a fan of opening this up to further discussion. He said he understands Ms. Bickel's point but it sounds like that neighbor has actually made an attempt to possibly help out the situation. Commissioner DeBolt asked Staff if the City gets a lot of calls or complaints about this type of thing.

Mr. Mendoza explained that Code Enforcement does get calls but it normally it's boats more than RV's they get complaints about.

Commissioner Sofelkanik asked Ms. Kranitz if a Commissioner had a motor home, should that Commissioner recuse him or herself from the discussion.

Ms. Kranitz said that would probably be a good idea but she would have to check the specific rules.

Vice Chair Andrade said we haven't seen a rash of people coming in to complain about RV's and he feels that if we open this up for discussion, this Chamber will be completely full and the end result is he doesn't know if it would be any better than what we currently have in place. Why go there? He said he's not trying to discount Ms. Bickel's complaint because it is just as important as anybody else's but there is just one complaint, not twenty or thirty.

Motion/Second: Grose/Andrade.

Carried: 6/0/0 (Riley absent). The Planning Commission moved to deny the resolution.

**9. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR**

None.

**10. COMMISSIONER REPORTS**

None.

**11. ADJOURNMENT**

The Planning Commission adjourned at 7:47 PM.

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Mary Anne CUILTY, Chair

ATTEST:

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Steven Mendoza, Secretary

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

**REGULAR MEETING – May 25, 2016**

**1. CALL TO ORDER**

The Planning Commission met in Regular Session at 7:02 PM, Wednesday, May 25, 2016, in the Council Chambers, 3191 Katella Avenue; Chair Cuiilty presiding.

**2. ROLL CALL**

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

**Absent:** Commissioner 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 Chair Cuiilty.

**4. ORAL COMMUNICATION**

Chair Cuiilty opened the meeting for Oral Communication for items not on the agenda. There being no speakers, Chair Cuiilty closed Oral Communication.

**5. APPROVAL OF MINUTES**

None.

**6. CONSENT CALENDAR**

**A. Boards, Commissions, and Committees Policy Handbook**

At its April 18, 2016 meeting, the City Council unanimously adopted Resolution 2016-11, adopting the City's Policy Handbook for Boards, Commissions, and Committees. The information is being provided to the Commissions.

City Clerk Windmera Quintanar gave a short overview of the Policy Handbook and indicated her office would be available if the Commissioners have any questions.

## 7. PUBLIC HEARINGS

### A. Site Plan Review (SPR) 16-02 Conditional Use Permit (CUP) 16-04 Conditional Use Permit (CUP) 16-05 Marriott Fairfield Inn Hotel

Consideration of a Marriott Fairfield Inn & Suites Hotel at 10650 Los Alamitos Boulevard (APN 242-243-03) on a 2.3 acre vacant parcel in the General Commercial (C-G) Zoning District. (Applicant: Shamir Narsai – Triple Sons Investments, LLC.)

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

Chair Cuiilty called on the Applicant.

Shamir Narsai, Applicant, Triple Sons Investments - Commended Staff on their hard work to bring the proposal forward to the Commission. He went over the proposed project and went over what and who Marriott is and indicated this project will be a Fairfield Inn & Suites. One of the target consumers that Fairfield Inn & Suites is attracting are the "millennial's" (people born between 1980-2000). He spoke about not only the Marriott chain of hotels studying the consumer market but all hotel chains are doing so as well and they are all targeting the "millennial's" who like smart technology; they want access to Wi-Fi, vibrant open social spaces where they can communicate and conduct business and they want it at a certain price. He said they believe in Fairfield Inn & Suites; a design and contemporary model that have proven successful.

Commissioner Sofelkanik asked if they have a franchise agreement with Marriott currently.

Mr. Narsai indicated they have been in constant communication with Marriott and have not signed a commitment yet but they are engaged actively. He said typically how franchise agreements work is once they get the approval on a project, they pursue the agreement at that point.

Commissioner Sofelkanik pointed out that the City will have no idea what the terms and conditions of that franchise agreement are at this time since Mr. Narsai doesn't know and he feels it's important to know what those terms are.

Chair Cuiilty opened the Public Hearing for comment.

Stan Blackwell, resident, said he liked the presentation but is concerned due to the last hotel project being proposed and they, too, did not have a franchise agreement with Marriott and it seemed to be a bit vague as to

whether they are going to be promoting this industry. If the Applicant doesn't have anything firm that he can come to the table with and have substantiation from Marriott's involvement with him may be ill advised

J.M. Ivler, resident, thanked the City Staff for doing a great job but he has a concern; they have one parking space per room (108 rooms). He said there is a fairly major issue in the City with parking particularly in that area and wonders about employee parking.

John Eclevia, LAUSD, Director for Facilities Maintenance Operations and Transportation, said he wanted to bring to light that Briggeman Drive already is a narrow street and there is already truck traffic on that street in the form of Ganahl Lumber, the post office, and the Grading Pacific Company in all hours of the day and night. This could also potentially be a noise issue as well for the developer and the clients. He also indicated that school children from the high school walk to and from school along that stretch of pedestrian sidewalk. The last project that was proposed for this property included store fronts along Los Alamitos Blvd. so what he would like to request is if this project includes any type of store front or facilities in the interior of the building, those businesses don't have any alcohol or tobacco outlets.

Megan Macias, Consultant to the Applicant and is with Transpo Group, indicated they prepared the traffic analysis on the project. Mr. Oliver asked her to note that they do have one requested change in the Conditions of Approval; it's on Condition 73 and the condition notes that trip generation of the project was based on a previously proposed hotel that was 111 rooms rather than the currently proposed 108 rooms. The trip generation should be changed to note that it's 882 daily trips, 58 AM peak hour trips and 65 PM peak hour trips. She said she believes that that condition is the calculation of the traffic impact fee so she wants to make sure that the latest information is used.

Commissioner Sofelkanik asked if there had been a study done to determine if a traffic control light be added on Serpentine and Los Alamitos Blvd. to address the additional 882 trips.

Ms. Macias said no as they evaluated the intersection but it was found that it operates acceptably and within the City Standards without the traffic signal so it doesn't require it in terms of the operation of the intersection.

Commissioner Sofelkanik asked if her study broke down the 882 trips as to how many would proceed, exit Serpentine and go north as opposed to how many would exit Serpentine and go south which require them to cross the northbound lanes.

Ms. Macias said they did; it would have been taken into account in the project trip distribution and gave the analysis.

Commissioner Sofelkanik said his concern is with the people as they exit Serpentine and wanting to proceed southbound on Los Alamitos Blvd. would have to, without the strength of a signal, cross over the northbound lanes.

Ms. Macias explained that they had in their trip distribution that 65% of the traffic from the site making a left turn and going southbound and then the remaining 35% going northbound. So this is accounted for in the analysis of the left turn out of Serpentine. Some of those trips, of course, are assumed to go out of Briggeman as well so they don't all turn left out of Serpentine but that does account for the left turns out of the project.

Commissioner Sofelkanik clarified that the cars going out of Briggeman going southbound would eventually cross over the traffic coming out of Serpentine going southbound. So 65% of the traffic coming out of this project would have to cross over the northbound lanes without the benefit of a signal.

Ms. Macias indicated that that was correct. She said that the analysis that they did on the traffic study accounted for a larger project than the current one before the Commission tonight because the original traffic analysis included not only the 111 rooms but a drive-thru coffee shop as well and that's been removed from the project description. She said she can't tell the Commission what the result is because they took a look at it and saw that they're generating quite a bit fewer trips and they didn't have any impacts based on the City's threshold in the original study so, therefore, they won't have any impacts with the project description now. In the worst case it would be level of service "D" on Serpentine.

Commissioner DeBolt inquired as to what time of day she estimated to be the peak as far as leaving the site?

Ms. Macias indicated they analyzed the peak commute hours because that's the highest traffic on the adjacent streets. In terms of the hotel, she said she doesn't know if it's the same and corresponds with the peak commute hours.

Commissioner DeBolt asked if there was going to be access to the site from Los Alamitos Blvd.

Mr. Mendoza explained that there is no proposed driveway on Los Alamitos Blvd.

Commissioner DeBolt said the City is proposing to put raised medians along the Blvd. and asked if there is going to be a cut there for Serpentine.

Mr. Mendoza explained that Staff is having their first Open House June 6<sup>th</sup> on this item and will help Staff determine where the center medians actually are.

Commissioner DeBolt asked if drivers are unable to turn left off of Serpentine onto Los Alamitos Blvd., how would that affect the project.

Ms. Macias said that if that were the case, then obviously traffic would turn right and possibly make a U-turn perhaps at Cerritos or go to Briggeman.

In response to a question Commissioner Grose had, Mr. Mendoza explained that the development requires the developer to widen Briggeman by ten feet and install curbs, gutters and sidewalks. Any current condition will be remedied by the widened Briggeman. When you get up to almost Reagan Street, you have that industrial condominium park which they have on deposit with the City since they built that for the City to widen that when this project came on line. So all the way up to Reagan will be widened subject to this project being approved. So this will remedy Briggeman from Reagan to Los Alamitos Blvd. to meet the goals of the General Plan and also lines up the intersection at Los Alamitos Blvd. to where Briggeman turns into Sausalito. That's one of the requirements of the developer; the taxpayers are not on the bill for that. Also, there is no CUP for alcohol requested and Mr. Eclevia also was concerned about retail store fronts. There are no retail store fronts on this except for a snack shop inside the hotel. As far as traffic is concerned, Mr. Mendoza said that Los Alamitos Blvd. frontages he alluded to isn't changing; there are no driveway cutouts now and there will be none in the future.

Mr. Eclevia said there was one last issue with regards to the truck traffic coming through there with the hotel clients expecting to get rest at late hours and is concerned that when school buses are returning from a late field trip, perhaps a complaint will filter down from the client to the hotel owner to the school district.

Mr. Mendoza said that these problems can be mitigated by the hotel manager and Staff is confident they'll be able to manage their noise issues.

Commissioner Grose asked about the parking issues for employees as she thinks it's a valid issue.

Mr. Narsai explained that typical operating hours and check in and check out times of hotels come into play. It's atypical so it would be unlikely that the lot would be full in the peak hours. Basically a typical hotel check in time is after 3:00 PM and employees typically come for work at 7:30 AM or so. Guests usually check out well before 8:00 to 11:00 AM range. There's a good flow that leaves and a flow of employees that comes in.

Commissioner Grose pointed out that a problem that she sees is how the hotel will monitor students to keep them from parking in the lot. Also, just south of there, there's a shopping center that doesn't have parking as well and they will potentially use the hotel's lot, too. Although it's not the City's

problem, it is something the hotel will need to give some thought as to how they'll manage that.

Mr. Narsai said he appreciated that input.

Commissioner Grose said she can understand why somebody wouldn't finalize an agreement because you don't have the project guaranteed to be built and asked if this is common practice.

Ms. Kranitz answered that she thinks this is a common practice. The hotel franchise doesn't want to get into it if they don't have the entitlements. The City does have conditions of approval (Condition 7) that require that if it's not a Marriott, it's at least a 3-star triple rated hotel so it can't be a bait and switch that we're promised a Fairfield and we get a Motel 6 instead.

Commissioner DeBolt indicated in the Staff report, it states Staff made several requests of the Applicant for modifying the architectural style to more comport with the style that is in the area, i.e. early California type architecture and the report says this was to no avail.

Mr. Narsai explained that after lengthy conversations with leading experts, studying the contemporary movement, where the hospitality industry is moving, what the transient guests are requesting of hotels today and into the future, these experts have advised that this contemporary model serves the best purpose for the business model that they have done in their feasibility study. The major concern of making adjustments to the contemporary model is undermining the purpose of that look and that contemporary feel that is known and marketed by Marriott so heavily in the Fairfield Inn & Suites brand.

Chair Culty added that she was in one of those meetings with Mr. Mendoza and the Applicant and Staff wasn't asking for it to be early California style; they were asking for more architectural details to make it a little bit more interesting.

Commissioner DeBolt said he appreciated the video that the Applicant played during his presentation which described adequately the wants and needs of the millennial generation that is being marketed to, but he said that seems to be all in the interior of the building but what about the exterior? He said his concern lies in the architecture; the post modern style and fitting into the overall genre of the City. If this necessitates a radical change, then that necessitates that change.

Mr. Narsai indicated that that is a very valid point. There's been four generations of Fairfield Inns & Suites and this is the fourth generation. The hotel industry is very competitive and they seek to compete with each other by studying the market segments and this is one of the big things that every

hotel brand is hitting. Because they're going for a business class hotel here, this contemporary design is ideal for this Los Alamitos community.

Commissioner DeBolt asked how? He spoke about his experiences with traveling and choosing a hotel to stay in and the amenities he needs and wants but he does that once he gets inside. He said sitting here and living in this City and driving by that property every day, he said he wants to see something that fits the neighborhood and for him that style does not fit. He said he's okay with everything but he would condition any issuance of permits upon receipt of a signed agreement from Marriott. But for him, the problem is the overall architecture; he doesn't think it fits the City.

Mr. Narsai thanked Commissioner DeBolt for his input and appreciates his concern and understands that everyone has their own view of what is architecturally pleasant.

Vice Chair Andrade said he's a little torn as well because of that character and charm that you lose by going to something like this in our City which we're used to seeing. But then the market that they are catering to is not us; it is to the millennial's and it's to the people that go on line and look at exterior photographs on line before making reservations and this is the type of architecture that appeals to the younger generation. Also, he said if you really look at the drawing, it doesn't look much different than our hospital building that was done just recently. Also, all franchises have the same look no matter where they go in the United States; they all try to make them look the same so that when you go to that location, there's a certain comfort that you feel because you're used to seeing that style.

Commissioner DeBolt said he understands fully what they're saying; they vet their market or their customers that are going to stay in their hotel but we are the people that have to live with what we see when driving by. While that style might fit somewhere else, it is out of place in Los Alamitos and he feels that this is a radical departure.

Chair Cuiilty said it is a radical departure but it's clean and neat and she pointed out that the buildings on either side of the property are not award winning buildings.

Commissioner DeBolt said those buildings are older and they're in that style. Looking at this location, he said he doesn't care for the architecture and feels that something more needs to be done but it's the question of spending more money to do it.

Commissioner Grose pointed out that if the design of the building isn't changed, perhaps the kind of trees that can be used to accent the building or lighting can be. She said she really doesn't have an issue with the design of

the building; she understands where he's going with it and recognizes that she's not the millennial that he's trying to attract.

Vice Chair Andrade said that what we also hope for at the end of the day is that he does fill the hotel with customers because if we do get the pedestrian area with eateries and different things to walk to, you want those businesses to be supported by something like this and you want people to be attracted to it and spend their money.

Commissioner DeBolt said he understands but pointed out that this is the second person coming in with the idea of a hotel for this property and if it doesn't fit for him with this style, then it can fit for someone else who is willing to come in and bring something that would be acceptable.

Commissioner Sofelkanik indicated that contrary to what the Staff report says, he does not see this property as a blighted property; it's been undeveloped for 30 years but that was because it was contaminated. He sees this property as an opportunity for the City to put something viable in and something that will take the City in a direction that has been talked about for the last few months; this project isn't something that will do that in his opinion. He said the franchise agreement issue is very unsettling with him but that's something that everybody seems to be comfortable with. He further went on to say that there's a big assumption being made that this hotel is going to be a destination for a lot of people; he said he doesn't see any evidence of that. He said this is a very valuable piece of property and thinks we can put something better there than this project. The Staff report further talks about the investment and economic engine but again, he doesn't know if there have been any studies; they've never seen anything that is telling them that this hotel is going to bring in "x" amount of revenues; this is all assumptions and presumptions. He spoke about traffic issues that haven't been fully vetted. He said this is not the project that he thinks that this City needs on that very, very valuable piece of property which is right in the heart of the City. He said he feels the City could do better. He said he's very much against this project as it stands and if they want to come back with some changes, then he would possibly revisit his position.

Chair Cuiilty said she actually likes a hotel project for that piece of property and feels that it would really help increase the business in that area. The people that stay at the hotel wouldn't have to drive over to eat at the Brew Kitchen, for example, and cause parking problems; they could just walk over. She agrees that the architecture could be improved but the overall project is good and she said she likes it. She then asked the Applicant if they had done any occupancy studies for the other hotels in the area and asked if they know what the occupancy rates are.

Mr. Narsai indicated that during the feasibility studies, they calculate several aspects to the viability to a hotel, what type of hotel, the type of clientele that

it will generate; they had extensive meetings with representatives from Marriott and they also helped them with that study as well so as far as transient tax dollars that this property will generate, they are estimating somewhere around \$250,000 per year. It's basically a partnership between the City, the franchisee and the franchisor. In the past, Marriott doesn't give any franchise agreements that are less than 20 years so it will be a 20 year agreement.

Commissioner Sofelkanik inquired if the Commission would condition this project on a franchise agreement coming forward from Marriott with a term of 20 years or more, and could that be arranged?

Mr. Narsai indicated it could.

Commissioner Sofelkanik then asked if the studies that Mr. Narsai spoke about are available for review if the Commission requests it.

Mr. Narsai said they were.

Motion: Grose

Motion for the adoption of Resolution No. 16-11 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A SITE PLAN REVIEW (SPR) 16-02 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)."

AND

Resolution No. 16-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMITS (CUP) 16-04 & 16-05 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL WITH INCREASED BUILDING HEIGHT AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)."

With changes to Condition of Approval No. 73 as shown below:

73. The fees, dedications, reservations...Transpo Group: The proposed project is anticipated to generate **882** net new daily trips with **58**

occurring during the AM peak hour and **65** occurring during the PM peak hour...

And

The addition of a condition which covers the franchise agreement to be 20 years or more with Marriott prior to issuance of building permits.

There was no second to that Motion; the Motion failed.

Motion/Second: DeBolt/Sofelkanik

Failed 2/4/0 (Ayes: DeBolt and Sofelkanik. Nays: Cuiilty, Grose, Andrade and Loe. Riley absent): The Motion was to deny the project.

A long discussion ensued covering the same information as previously spoken about.

Motion/Second: DeBolt/Andrade

Failed 3/3/0 (Ayes: DeBolt, Andrade and Cuiilty. Nays: Grose, Loe and Sofelkanik. Riley absent): Motion to continue the Public Hearing providing the Applicant time to obtain an audio copy of this meeting so that he can get a feel of what the Commission is striving for and to see if he can't come back with something that may be a little bit more acceptable.

Motion/Second: Grose/Loe

Motion for the adoption of Resolution No. 16-11 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A SITE PLAN REVIEW (SPR) 16-02 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)."

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And

The addition of a condition which covers the franchise agreement to be 20 years or more with Marriott prior to issuance of building permits.

Before the vote took place, Vice Chair Andrade indicated he thought the choice of the color pallet gives the hotel a colder feeling and not maybe a warmer feeling and this just based on the colors used and the stone that is being used but perhaps this could also be something the Applicant can take a look at as well.

Chair CUILTY pointed out there appears to be no path for guests as they have to walk through the driveway to get across the street to Shenandoah Restaurant or Brew Kitchen; it seems there should be some sort of path. Even coming out of the port cochere it doesn't look like on the landscape drawing that there's a path. She said she agrees that the big square of landscaping in the middle is nice but she said she would like to see a little bit more on the Boulevard.

Chair CUILTY called for a vote.

The Motion failed 3/3/0 (Ayes: CUILTY, GROSE and LOE. Nays: ANDRADE, DEBOLT and SOFELKANIK. RILEY absent):

Assistant City Attorney Lisa Kranitz suggested continuing this item until the seventh Commissioner can be present. She indicated that the Commissioner can watch the video of tonight's meeting to catch up.

Motion/Second: LOE/DEBOLT

Carried 4/2/0 (Nays: GROSE and SOFELKANIK; RILEY absent): The Planning Commission continued this item until the Commission meeting in June so that the seventh Commissioner is in attendance.

*A break was called at 8:52 PM and reconvened at 9:09 PM with all Commissioners present.*

**B. General Plan Amendment (GPA) 16-01 and Zoning Map Amendment (ZOA) 16-01 – 4411 Katella Avenue.**

Consideration of a General Plan Amendment and Zoning Map Amendment to the 28-acre site commonly known as Arrowhead Property. More specifically,

this property is identified as Orange County Assessor Parcel Nos. 241-241-08, 241-241-09, 241-241-10 and 241-241-11 (4411 Katella). The change would be from the current General Plan Designation (Planned Industrial with Retail Overlay) to Retail Business and amend the Zoning Map (Planned Light Industrial with Retail Overlay) to General Commercial (C-G).

Development Services Director Steven Mendoza summarized the Staff report, referring to the information contained therein, and indicated he is prepared to answer questions from the Commission. Mr. Mendoza indicated a letter that Staff received from a law firm representing JCB/Arrowhead has been distributed to the Commission and copies for the public are available at the counter.

Chair Cully opened the Public Hearing.

Susan Hori, Manatt, Phelps & Phillips, LLP, representing Arrowhead Products and the landowner, JCB, Inc., indicated the letter that Mr. Mendoza just spoke about gives the reasons why they oppose the proposed amendment to change the land use and the zoning from Industrial to Retail on the site. She started off by saying that Arrowhead intends to continue its operations on the property and would like to remain in the City but to be honest, it is increasingly harder and harder to do so. Just last year the City adopted the General Plan which said it would support Arrowhead's continued operation and success. The General Plan also spoke to maintaining the integrity of industrial areas and preserving the economic viability of existing industrial businesses. When the General Plan update was first proposed, it considered zoning this land Retail and also designating it for Retail uses. She said they understand that the City wanted to eventually bring more retail to the City and that this was an opportunity site; however, that would have significantly impacted Arrowhead's ability to continue its operations, to expand and to modify its buildings. Because of that, she thinks they reached a really effective compromise which would allow the industrial uses to be retained on the site, the land use and zoning would be Industrial and a Retail Overlay would be imposed speaking to the City's desire to see retail uses if the property were ever redeveloped. This did give the landowner the option to consider how the site could best be used in the future. For the present, Arrowhead does intend to continue operating there and therefore has very significant concerns about the City's actions. Arrowhead is very concerned about the limitations that would be imposed on their ability to use their property if these amendments were enacted. If they were approved, Arrowhead becomes a non-conforming use which means they could not expand and they could not intensify its operations on the site. This would effectively limit the types of contracts that they could pursue for their business. Also, if approved, Arrowhead cannot expand its industrial operations and the landowner would be left with a small area behind the existing buildings that could only be built for retail uses. But based upon their conversations with real property brokers as to whether or not this is a viable

retail site, they've been informed that retail uses at the back part of the property is not all conducive to retail development because of the fact that there are two very large structures fronting Katella Ave. so it would be difficult if not impossible to put any sort of retail uses on the back side of the property. Lastly, even if they could develop retail or any other use on the back part of the property, right now the land is effected by a settlement agreement that the City entered into with the City of Cypress and Cottonwood Church which would limit any new driveways on Lexington from the Arrowhead site and therefore access off of Lexington would also be difficult to obtain.

She said they do understand the City's desire for more retail development but singling out one property owner that has a thriving business on its site and limiting the use of that property they don't feel is the right way to do that. They would request that the City retain the existing Industrial land use and zoning with the Retail Overland and they think that this is a more effective way of addressing the City's concerns then the proposed amendments that is before the Commission tonight.

JM Ivler, resident, indicated he's the biggest champion of turning that piece of property into General Commercial. He said he is not trying to get rid of Arrowhead; he's just looking at the future development of the City and that piece of property is a massive revenue opportunity. It was validated in the General Plan and this is a great opportunity as to whether or not Arrowhead stays or goes. When we look at this piece of property in relation to our City, this is an opportunity; there are two opportunity properties and the other one is next door to City Hall which was rezoned. The City was going to rezone the Arrowhead property but Ms. Hori came before the Commission and said she didn't want the property to be non-conforming because it would stop Arrowhead. Arrowhead had an opportunity to build a new building and they built it in Cypress although they could have extended their building onto that property and they chose not to. He said the concern is what Arrowhead just did to the City; the bait and switch. They said they want Arrowhead to have the capability of doing this but then they wanted to put a trucking terminal for a totally different company in the back half of the property. This is not what the community wants. If Arrowhead wants to expand on the property, it shouldn't be a problem but we don't want additional industrial development back there. What would be nice is if when Arrowhead decides to move the rest of their business to Cypress and they are no longer a tenant, that the owner of that property could get more per square foot selling that property as retail than they'll ever get as industrial. It would help our City, increase our tax base, and it would make the City have a viable commercial area. He finished by urging the Commission to do what they did for the next door property, i.e., rezone the property and let's create an opportunity for Los Alamitos' future.

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

Assistant City Attorney Lisa Kranitz said she wanted to address a legal point; under the non-conforming ordinance that the City Council just adopted, expansions of non-conforming uses are no longer allowed.

Vice Chair Andrade asked if the zone were to be changed, Ms. Hori said it would be a non-conforming use at that point but does it not just stay current to what they already have or does it instantly change over at that point?

Ms. Kranitz explained that it makes them a legal non-conforming use but does prevent expansion and it prevents them from getting financing in all likelihood on future things that they may want because banks don't like to loan on non-conforming uses.

Commissioner Grose asked long currently is the lease for Arrowhead.

Ms. Hori said she doesn't have that information but will find out.

Commissioner Grose asked when they opened the new building in Cypress.

Ms. Hori said she did know that as well. The other thing she wanted to say is Arrowhead has a number of different operations in terms of the various parts they manufacture and so a lot of their decisions as to whether or not they why they went over to the Cypress facility is not necessarily the decision as to why they would leave Los Alamitos or go to Cypress, it also has to do with operationally what types of parts they are manufacturing.

Commissioner DeBolt said in essence what the Commission is doing is turning the clock back to when they were discussing this a year or so ago as to what to do with the property. The original thought was to designate it a C-G property, basically a retail use, as they did with the property next door to City Hall, and all the way through, they had the attorney present at all the meetings and stressing the importance that the property be kept as it was because of a need to not allow it to become non-conforming. There is language in the Staff report that he doesn't like; it talks about as a compromise, the Planning Commission, kind of like did a deal. He said the Commission didn't reach a compromise; they discussed among themselves and considered the Retail Overlay and considered its effects that it would allow the underlying industrial use to remain. He felt that there is no one on the Commission that didn't understand that. Evidently the Council didn't understand that so now they're sending it back to the Commission. The Commission understood what was happening but there was one more condition in there that the Commission talked about and that was they needed to take a look at the uses in the Industrial zone in order to eliminate

those uses that they could find objectionable; the heavier dirtier uses such as warehouses, the distribution, the metal plating, etc. He then asked Ms. Hori if she recalled those discussions.

Ms. Hori indicated she doesn't recall that but she does know that the Planning Commission recently took on that exercise.

Commissioner DeBolt said that was a continuation of what should have happened earlier but didn't. If we're revisiting the whole issue, that was a major concern at the time and that was not only that we would like the retail use, but it also, by changing that use, it precludes the industrial uses going into the property. Then they finally decided on the Overlay that was presented by Staff but none the less, they adopted the Overlay and, as reflected in the minutes, that at some point the City needs to revisit the uses, need to look at the zoning and we need to eliminate uses before anything can go in there. He said he distinctly remembers saying, "Who knows, we could approve this and then tomorrow we could have a project in here that we didn't like; that would have one of these uses in there". That happened. We're now back to square one and have a request by Council and as far as he's concerned, the Commission is revisiting the issue. The Commission has a little more information and he has no problem in changing the zone into retail.

Commissioner Sofelkanik said it was appropriate to add to Mr. DeBolt's record the fact that the Planning Commission did go forward on a couple of meetings and reviewed the uses in the particular zones and after much discussion, chose ones that they felt were no longer appropriate. Those uses went to Council and they decided to Receive and File those and took no action.

Commissioner Grose said that no matter how they look at it, they are not going to have somebody happy no matter what they do with that property. She said it sends a negative message if they take and try to zone it where it makes it impossible for them to work. They have been a good neighbor. They have been in the City a long time and she feels they're not going anywhere. It would have been nice if they would have expanded to the back of their property but she can't say what they do or why they decided to move that part of the business to Cypress. The stuff they went through in the past to look at this was how to make this that if in the event that Arrowhead left, the City had a voice that we would like it to go retail. It was not about trying to rezone it and put it as a commercial or anything else; it was trying to keep it in the way they were so that if they needed to go get financial loans, etc., it wouldn't tie their hands up and make it impossible for them to do anything. It would allow them to continue to function as a business but if at any time Arrowhead decided to leave, it would allow the City to invoke the right to have retail there. She felt that was the valid point of what the Commission came up with on their compromise and she still stands by that. She said she

thinks that's a good way to move forward. She said she is not in favor of rezoning this to any kind of hardship on them; they have been a good neighbor and she would like to keep them as such.

Chair Cuijly agrees that that was absolutely the Commission's intention but from what she read that's not what happens with the Retail Overlay. If Arrowhead leaves, the property is not going to become retail; it's an option but another industrial person can go right in. At least what she thought was going to happen, is not how it ended up working out.

Commissioner Grose asked how we put that into place.

Ms. Kranitz indicated that the zoning goes to the use and the zoning is for industrial so it's a difficult task and without making it a nonconforming use. She said she can think of a way that the Commission could allow expansion on the Arrowhead site by doing an ordinance amendment to the nonconforming that was just adopted that said, "Notwithstanding...", whatever the section numbers were there. This property has a right; this use can expand. The property is larger than most properties; it's not like a Crossfit in a building expanding. This is somewhat of a unique circumstance and that's why it was identified as an opportunity site. She said she thinks we can develop findings that would justify getting around a spot zoning argument but you still have the problem that Arrowhead doesn't want to be considered a nonconforming use and she can't solve that and say that when Arrowhead goes out, then it has to go retail.

Commissioner Sofelkanik commented that he wants to correct what Ms. Kranitz just said in that Arrowhead doesn't want to be a nonconforming use. It's more important to say that the landowner doesn't want it to be a nonconforming use.

Ms. Kranitz said she heard that the business itself doesn't want to become nonconforming.

Commissioner Sofelkanik argued that it's probably the owner, also because the owner could sever their tenancy agreement with Arrowhead.

Ms. Kranitz said she's not sure exactly what the legal relationship is between the owner and Arrowhead but right now she thinks the Commission is focused on Arrowhead at the General Plan and zoning level because Arrowhead is the tax revenue to the City.

Responding to Commissioner DeBolt's question, Ms. Kranitz explained that to expand their existing use, it leaves them with the back half of the property basically undevelopable.

Commissioner DeBolt said if we can craft or the City Attorney could come up with an accommodation that allows for the expansion even though we have our ordinance, if we can legally do that so that we satisfy that concern that Commissioner Grose and Ms. Hori voiced, to him that seems to be the win-win in this because they can expand their use, and the zone can be changed to a retail zone and Arrowhead is safe. They have 28 acres there and they can expand to the extent that they need to expand. If Arrowhead ever decides to leave, they would still be able to sell it to another like firm who could step in even though they're non-conforming perhaps with a CUP. So basically Arrowhead can continue along the same lines and can expand which seems to be the hang up and this seems to be a good solution.

Ms. Kranitz said that's a legal solution but she doesn't know what practicality if that has problems for Arrowhead.

Commissioner DeBolt indicated that that is a solution that he feels the Commission would recommend because it seems to address the concerns that have been raised.

Ms. Hori said she isn't really sure what the solution that Commissioner DeBolt was articulating.

Ms. Kranitz explained that the solution that they were talking about is that on this piece of property with the zoning, Arrowhead would be allowed to expand the nonconforming use notwithstanding the provisions of the recently adopted nonconforming use ordinance.

Ms. Hori said that certainly addresses the concern that they had about expansion. She said she thinks the issue was to how a construction lender, for example, would look at that as being a nonconforming use. That is something that she would probably want to talk to Arrowhead about.

Ms. Kranitz commented that now unlike the previous ordinance, when you were looking at a nonconforming use at the General Plan stage, we no longer have an amortization provision in our ordinance so that issue has been removed.

Ms. Hori repeated that that is something she'll want to talk to both the landowner and Arrowhead about and she is representing both of them.

Motion/Second: Grose/Sofelkanik

Carried 5/1/0 (Nay: DeBolt and Riley absent): The Planning Commission continued this item until the next Commission meeting.

## **8. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR**

Mr. Mendoza announced that there would be an Open House at the Community Center on June 6<sup>th</sup> between 6:00-8:00 PM for the public to review the designs for

the new proposed raised center medians along Los Alamitos Blvd. between Katella Ave. and Cerritos Ave.

**9. COMMISSIONER REPORTS**

- Commissioner Grose said she attended the Open House for the new Trend printer. They did an outstanding job and it was amazing.

**10. ADJOURNMENT**

The Planning Commission adjourned at 9:53 PM.

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Mary Anne Culty, Chair

ATTEST:

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Steven Mendoza, Secretary

# City of Los Alamitos

## Planning Commission

### Agenda Report Public Hearing

June 22, 2016  
Item No: 7A

**To:** Chair Culty and Members of the Planning Commission

**Via:** Steven A. Mendoza, Development Services Director

**From:** Tom Oliver, Associate Planner

**Subject:** Site Plan Review (SPR) 16-02  
Conditional Use Permit (CUP) 16-04  
Conditional Use Permit (CUP) 16-05  
Marriott Fairfield Inn Hotel

**Summary:** Continued consideration of a Marriott Fairfield Inn & Suites Hotel at 10650 Los Alamitos Boulevard (APN 242-243-03) on a 2.3 acre vacant parcel in the General Commercial (C-G) Zoning District. (Applicant: Shamir Narsai – Triple Sons Investments, LLC).

#### Recommendation:

1. Open the continued Public Hearing; and, if appropriate,
2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 *In-Fill Development Projects*; and,
3. Adopt Resolution No. 16-11, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 16-02 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)."
4. Adopt Resolution No. 16-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMITS (CUP) 16-04 & 16-05 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL WITH INCREASED

BUILDING HEIGHT AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC).”

**Applicant/Owner:** Applicant: Shamir Narsai – Triple Sons Investments, LLC  
Owner: Pradip Patel, Sukima Hospitality Group, LLC

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

**Notice:** On April 13, 2016, a Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum and at the Site. It was also published in the News Enterprise and public notices were mailed out to all property owners and tenants within 500 feet of the property on April 27, 2016. This Public Hearing tonight is a continuation from the May 25<sup>th</sup> meeting.

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

## **Background**

The Applicant has submitted for consideration an application for development of a 61,643 sq. ft., 108 room, Marriott Fairfield Inn & Suites Hotel to be located on a 2.3 acre vacant site at 10650 Los Alamitos Boulevard. The proposed hotel will include a porte-cochere entryway, one board room, two conference rooms (with partition), breakfast service area, gym, a small food market, and a pool. All parking will be at grade. The proposed hotel compliments this area of Los Alamitos and has the potential to bring business travelers and tourists whom will shop, dine and spend nearby. The Applicant has fashioned a development that reflects the vision of an attractive and pedestrian-friendly town center that serves as the heart of the community. Further, this development promotes a unique town center around Los Alamitos Boulevard. This development invests in public improvements to transform a vacant underutilized lot into an attractive economic engine. The development of a hotel adds to the diverse businesses and activities and will attract a variety of shopping, dining, and entertainment options for residents and visitors. Further, a quality hotel will encourage the creation of daytime, nighttime, and weekend activity. A quality hotel can increase the City's fiscal sustainability and economic development by diversifying the City's tax base.

In the May 25, 2016 Planning Commission meeting the Commissioners continued the Public Hearing to June's meeting to give the Applicant time to see what they could do to improve the project's aesthetics and landscaping. Tonight, is the continued Public

Hearing from that meeting. The Applicant plans to present a site plan at the meeting that will incorporate the Commissioner's comments from the May meeting.

Attachments:

1. *SPR Resolution No. 16-11 & the following, retained from the May meeting agenda*
  - Exhibit A. Conditions of Approval*
  - Exhibit B. Site Plan*
  - Exhibit C. Renderings*
  - Exhibit D. Notice of Exemption*
2. *Conditional Use Permit Resolution No.16-12*
3. *11X17 Spiral Bound Brochure (retained from the May meeting agenda)*
4. **NOT INCLUDED IN YOUR PACKET BUT AVAILABLE ON CD AND HARDCOPY AND IN DEVELOPMENT SERVICES DEPARTMENT:**
  - Hotel Supplemental Reports***
    - a. Transportation Impact Analysis*
    - b. Air Quality/Greenhouse Gas Emissions Impact Analysis*
    - c. Noise Impact Analysis*
    - d. Phase 1 Environmental Site Assessment*

## RESOLUTION NO. 16-11

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 16-02 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)**

**WHEREAS**, an application for a Site Plan Review was submitted by Shamir Narsai of Triple Sons Investments, LLC on February 8, 2016, requesting approval for grading of an empty lot, and building a hotel with increased height, to be located at 10650 Los Alamitos Boulevard, APN 242-243-03; and,

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

**WHEREAS**, the Planning Commission considered said application at a duly noticed public hearing on May 25, 2016 at which time it considered all of the evidence presented, both written and oral, and then was continued to the June 22, 2016 meeting;

**WHEREAS**, the Planning Commission considered said application at a continued public hearing on June 22, 2016 at which time it considered all of the evidence presented, both written and oral;

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

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

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

- A. The design and layout of the hotel at 10650 Los Alamitos Boulevard, as conditioned, is consistent with the development and design standards/guidelines of the General Commercial (C-G) General Commercial Zoning District. As shown above, the development meets, or will be conditioned to meet, all requirements.

- B. The design and layout of the hotel at 10650 Los Alamitos Boulevard as conditioned, would not interfere with the use and enjoyment of neighboring commercial and industrial developments. The immediately surrounding uses are higher impact uses and this project has less impacts than the maximum use that has been studied for the General Plan. The approved location is appropriate for a hotel. The location of the private driveway ingress/egress access to the surrounding streets would not create traffic or pedestrian hazards and would create a safe environment along Los Alamitos Boulevard with no curb cuts, Briggeman Street with one curb cut, and the less travelled Serpentine Drive with two curb cuts. The property is zoned for this type of development.
- C. The design of the hotel at 10650 Los Alamitos Boulevard as conditioned would maintain and enhance the attractive, harmonious, and orderly development of the property. The design is in harmony with surrounding development and improves upon the City's architecture with an updated commercial building design, extensive landscaping, and property maintenance required under the zoning code.
- D. The design of the hotel at 10650 Los Alamitos Boulevard, as conditioned, would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, landscaping, and color as described above. Such changes will enhance the existing property and maintain an appropriate level of maintenance, through the implementation of maintained landscaping, removal of an aged screening fence for a vacant property, and adding on-site management presence. The hotel use at this location is recognized as a low intensity use that will result in fewer impacts to the existing industrial and commercial uses surrounding this parcel, with regards to traffic, noise and aesthetics than other commercial type businesses.
- E. The proposed hotel at 10650 Los Alamitos Boulevard, as conditioned, would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity as the development will improve a long-vacant commercial site rather than leaving an unmaintained, fenced off area in the middle of the City's commercial business area. As stated in the Notice of Exemption, the proposed project will not result in noise, traffic, air or water quality impacts as the applicant has submitted studies which show that the project will not result in any traffic, noise or air impacts. Compliance with standard conditions of approval will insure there are no water quality impacts, lighting or issues related to signage.
- F. The proposed hotel at 10650 Los Alamitos Boulevard, as conditioned would not depreciate property values in the vicinity, as the area is zoned

for this type of use and it will actuality improve the aesthetics by eliminating the blighted vacant lot.

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

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

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review SPR16-02, as represented by the plans and elevations in "Exhibit B" and subject to the conditions located in "Exhibit A."

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

**PASSED, APPROVED, AND ADOPTED** this 22nd day of June, 2016, by the following vote:

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Mary Anne Cuiilty, Chair

ATTEST:

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Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

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Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 22<sup>th</sup> day of June, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven A. Mendoza, Secretary

**HOTEL PROJECT  
CONDITIONS OF APPROVAL  
SPR 16-02  
CUP 16-04  
CUP 16-05**

**GENERAL CONDITIONS**

1. Approval of this application is to develop a 61,643 square foot, 44'9" Marriott Fairfield Inn & Suites at 10650 Los Alamitos Boulevard (APN 243-243-03) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review and Conditional Use Permits noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the use, tenancy, location or alteration of the plans dated September 14, 2015 (as amended during the hearing); a request for an amendment of this approval must be submitted to the Community Development Director. If the Community Development Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Community Development Director without requiring a public meeting.
2. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
3. The applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department within 30 days of final approval of all resolutions. The property applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange

County Recorder and proof of such recordation shall be submitted to the Community Development Department.

4. In case of violation of any of the conditions of approval of applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.
5. Approval of Site Plan Review 16-02 and Conditional Use Permits 16-04 & 16-05 shall be valid for a period of eighteen (18) months from the date they are approved. If construction is commenced within this eighteen (18) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.

## **PLANNING**

6. Hotel shall not be an extended stay hotel.
7. Hotel Shall be developed to the AAA Three Diamond standard or better as described below:
  - a. More attention has been paid to style and décor, and amenities and services have been added:
  - b. Better curb appeal, landscaping and lighting in the parking lot; porte-cochere entry
  - c. Carpet, wood or tile floors with accent rugs; more seating in the registration area; luggage carts
  - d. Small gift shop
  - e. Swimming pool, hot tub and an exercise room
  - f. Full service restaurant or food court (or an expanded continental breakfast) and a lounge
  - g. Larger guest rooms with coordinated furniture and décor, better bed linens, blackout drapes or shades, closet with hangers, TV on a credenza with remote and movie channels, coffee maker, two-line phone, video games, wall-mounted hair dryer, shampoo.
  - h. Internet access, elevator, valet laundry, telephone, vending, ice machines
8. Applicant shall ensure that bicycle racks are installed on site for both patrons and employees.
9. Prior to issuance of a building permit for any fences and/or walls, the specific design, placement, screening, height, and other design components of the proposal shall be reviewed and approved by the Director of Community

Development. Any fence and/or wall design proposed to occur on the property shall be compatible with the overall project design, as determined by the Director of Community Development.

10. Prior to the issuance of any building permit, the design, location, and placement of required screening for rooftop or ground - level equipment (e.g., parapets, fencing, panels, etc.) shall be reviewed and approved by the Director of Community Development. As directed, minor revisions to the parapet design or other building elevation design elements shall be made to ensure that all rooftop equipment is adequately screened to the satisfaction of the Director of Community Development.
11. The applicant shall provide, as a minimum, a trash enclosure to hold two standard dumpsters for solid waste and recycling, with five (5) foot by eight (8) foot clear interior dimension for each dumpster, including a solid roof designed to the satisfaction of the Director of Community Development. Walls shall be a minimum of five (5) feet high and constructed of reinforced masonry or similar material. The enclosure shall be constructed with a roof made of solid material, such as that provided by a standing-seam metal roof. Wrought iron or equivalent gates with latch shall be provided. The top one-foot of the gates shall be open work with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to meet the solid waste and recycling needs of the development project.
12. Applicant will promptly remove any graffiti or unapproved writing on the exterior walls of any structures within twenty-four hours of the onset of such graffiti or writing at the sole expense of the applicant.
13. Bollards shall be used to separate pedestrians from traffic at all fire hydrant, gazebo, and bench locations.
14. Parking Spaces shall be dimensioned not less than 9 feet by 19 feet for all spaces as required by Los Alamitos Municipal Code chapter 17.26.

### **Landscaping Conditions**

15. A landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Community Development Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that

will present the above information clearly and accurately. The City reserves the right to require subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.

16. Landscaping shall comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation), Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code, and any provisions in the California Green Code.
17. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.
18. All submitted landscape plans shall reflect the site plan dated May 5, 2016 and changes that may be incorporated by the Commission.
19. All arbors and benches shown on conceptual site plan shall be installed as illustrated on September 14, 2015 conceptual site plan.

### **Lighting Conditions**

20. The applicant shall submit specs for the proposed on-site light poles and light pole base for review by the Community Development Department. Light pole base(s) shall utilize a decorative design to provide an enhanced appearance at the pedestrian level.
21. Photometric data must be provided to indicate that the parking area will meet one (1) foot-candle of minimum maintained illumination per square foot of parking surface, over the entire paved area. The parking area shall be illuminated from dusk until the termination of business every operating day.
22. Said lighting shall be constructed by using sufficient poles and fixtures so that the lighting is evenly distributed over the surface and does not impact adjacent public and/or private properties.
23. Lighting shall be shielded from neighboring properties and directed at a specific task or target. Exposed bulbs are prohibited.
24. Prior to permit issuance, applicant shall submit a lighting plan to the Community Development Department to the satisfaction of the Director of Community Development.
25. The applicant shall provide adequate exterior lighting that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.

26. The applicant shall provide an illuminated uniform address number near the entryway of the building, or other location acceptable to the Director of Community Development.
27. All utility service lines shall be placed underground.
28. All utilities, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each building shall be separately metered.

### **Signage Conditions**

29. Signage shall conform to Chapter 17.28 of the Los Alamitos Municipal Code. Applicant shall file future Sign Applications for monument and building signage. Pole Signs are not permitted.

### **Construction Conditions**

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

## ENGINEERING

36. Applicant shall dedicate 10 feet of the northern property for street purposes along Briggeman Ave. The applicant shall satisfy dedication and/or reservation requirements as applicable, including, but not limited to, dedication in Fee Title of all required street rights of way; dedication of all required flood control right of way easements; and dedication of vehicular access rights defined and approved as to specific locations by the City Engineer (at no cost to the City) and / or other agencies.
37. Applicant shall underground power and any other utility on the poles along Briggeman Ave.
38. Provide two new driveway approaches on Serpentine Drive and one on Briggeman Avenue per City standards.
39. Remove and construct new sidewalks without tree wells along Los Alamitos Blvd.
40. Provide two new ADA Curb Ramps per the newest standard. One at the southeast corner of Los Alamitos Blvd. and Briggeman Avenue and the other at the northeast corner of Los Alamitos Blvd. at Serpentine Drive
41. Prior to issuance of an Encroachment Permit, The Applicant shall submit Improvement Plans for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance. The applicant shall submit to the Public Works Department 24" x 36" reproducible street improvement plans, as prepared by a California Registered Civil Engineer, for approval. The plans shall clearly show existing and proposed surface and underground improvements, including construction and / or replacement of any missing or damaged public improvements adjacent to this development. Said plans shall include, but not be limited to, the following:
  - a) Curb and gutter
  - b) Sidewalk, including curb ramps for the physically disabled
  - c) Drive aprons
  - d) Signing / striping
  - e) Street paving
  - f) Street lighting
  - g) Catch basin / storm drain laterals /connection to existing storm drain system.
  - h) Domestic water facilities
  - i) Reclaimed water facilities
  - j) Sanitary sewer facilities
  - k) Landscape / irrigation
  - l) Dry utility lines
  - m) Traffic signal
42. Current Federal Americans with Disabilities Act (ADA) requirements shall be met at all driveways and sidewalks adjacent to the site. City of Los Alamitos standards shall apply, unless otherwise approved by the City Engineer.

43. The applicant shall coordinate the relocation of an existing Southern California Edison (SCE) street light with SCE. The applicant shall be responsible for all costs associated with the relocation of the SCE street light.
44. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.
45. Driveway slope shall be a minimum slope of 1% for asphalt and .5% for concrete and Parking lot slope shall be a minimum slope of 1%.
46. If utility cuts are excessive in the street the street must be have a grid and overlay place on it per the satisfaction of the City Engineer. See Public Work Encroachment Conditions.
47. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.
48. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.
49. An on-site drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan.
50. Provide catch basin that meet NPDES standards along the north side of Serpentine Drive east of the first drive near Los Alamitos Blvd and connect to the storm drain in Serpentine Drive. Enlarge the existing catch basin on the north side of Serpentine Drive near Los Alamitos Blvd. 10-year storm cannot overtop Serpentine Drive curb in front of the property.
51. An on-site grading plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01 foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan.
52. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.

53. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.
54. The Development shall comply with all applicable provisions of the City of Los Alamitos Water Quality Ordinance and all Federal, State, and Regional Water Quality Control Board rules and regulations.
55. Developer shall prepare a sedimentation and erosion control plan for all work related to this development.
56. Prior to issuance of a Grading Permit, a final grading plan, prepared by a California Registered Civil Engineer, shall be submitted and approved. The plan shall be consistent with the approved site plan and landscaping plans.
57. Prior to issuance of a Grading Permit, a grading bond (on a form acceptable to the City) will be required. The engineer's estimate, which covers the cost of all work shown on the grading plan, including grading, drainage, water, sewer and erosion control, shall be submitted to the City for approval.
58. Prior to issuance of any permits, the applicant shall submit for approval by the Community Development and Public Works Departments, a Water Quality Management Plan (WQMP). If the WQMP has been determined to be a Priority WQMP, it shall identify Low Impact Development (LID) principles and Best Management Practices (BMPs) that will be used on-site to retain storm water and treat predictable pollutant run-off. The Priority WQMP shall identify: the implementation of BMPs, the assignment of longterm maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessees, etc.) and reference to the location(s) of structural BMPs.
59. Prior to final inspection of the project, a Water Quality Management Plan (WQMP) shall be recorded with the County of Orange and presented to the Planning Department.
60. Prior to issuance of any permits, the applicant shall record a "Covenant and Agreement Regarding O & M Plan to Fund and Maintain Water Quality BMPs, Consent to Inspect, and Indemnification", with the County Clerk - Recorder. These documents shall bind current and future owner(s) of the property regarding implementation and maintenance of the structural and non-structural BMPs as specified in the approved WQMP.
61. Prior to issuance of a Grading Permit, the applicant shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Quality Control Board.

**Traffic / Street Lights**

- 67. Applicant shall move or install new traffic signal poles as required by current standards at Los Alamitos Blvd and Briggeman Ave.
- 68. Applicant shall move traffic signal control boxes that are on Los Alamitos Blvd. sidewalk to Briggeman Avenue sidewalk.
- 69. Applicant shall install new street light on the north side of Serpentine Drive along the curved portion of the roadway.
- 70. Applicant shall remove the wooden street light pole and replace with marble pole and underground the power to the other poles mentioned in Condition 69 above which is located at the south eastern portion of the property
- 71. Applicant shall replace the existing street light on Briggeman Avenue where the power lines are being undergrounded with a new marblelite pole.
- 72. Pursuant to and in accordance with Government Code Section 66020(d)(1), the Project Applicant is hereby notified as follows:
- 73. The fees, dedications, reservations and other exactions (“impositions”) imposed on this development and which are subject to notification pursuant to Government Code Section 66020(d)(1) are based upon the May 2015 Traffic Impact Analysis provide by the Transpo Group: The proposed project is anticipated to generate 882 net new daily trips with 58 occurring during the AM peak hour and 65 occurring during the PM peak hour. The Applicant is hereby notified that any protest to the impositions described above must be made within 90 days from the date of this Resolution’s approval. The Applicant also is notified that any lawsuit to protest these impositions must be filed within 180 days from the date of this notice and that the timely making of a 90-day protest is a prerequisite to filing such.

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

**ROSSMOOR/LOS ALAMITOS SEWER DISTRICT**

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

## **PUBLIC WORKS**

76. The Applicant shall replace all of the existing sidewalks, surrounding the parcel, to include the latest ADA curb ramps where applicable.
77. The Applicant shall install five (5) new public sidewalk street trees that are crape myrtle and are staggered diagonally every thirty feet (or 15 feet between each private property crape myrtle) and are to include irrigation and metal grates to the satisfaction of the City's Public Works Superintendent.
78. All Toyon plants along Los Alamitos Boulevard shall be removed from the landscape plan and replaced with a plant that is acceptable to the City's Public Works Superintendent.

## **BUILDING AND SAFETY DIVISION**

79. The applicant must comply with all current California Building Codes.
80. The applicant shall submit three sets of complete building plans to the Building and Safety Department for review, to include structural calculations.
81. The applicant shall submit Title 24 calculations and grading & drainage plans.
82. Prior to obtaining grading permits, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for review and approval by the Building and Safety Division.
83. At the time of building permit application, the plans shall comply with the latest edition of the codes, City Ordinances, State, Federal laws, and regulations as adopted by the City Council of the City of Los Alamitos.
84. At permit issuance, the Building Department will collect fees on behalf of the Orange County Sanitation District.
85. Prior to permit issuance, school fees must be paid to the Los Alamitos Unified School District.
86. The Applicant shall submit a liquefaction report, by a registered geotechnical engineer, with build plans.
87. Prior to permit issuance, the Applicant shall submit a copy of the front page of the approved Orange County Fire Authority plan set.

## ORANGE COUNTY FIRE AUTHORITY

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

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

- fire master plan (service code PR145)

***Prior to issuance of a building permit:***

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

***Prior to concealing interior construction:***

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

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Standard notes, guidelines, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting [www.ocfa.org](http://www.ocfa.org) and clicking on "Fire Prevention" and then "Planning & Development Services."

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

### Orange County Environmental Health

90. Permits will be required for the hotel, pool, spa, and any food served at the site. Plans are required. Contact plan check at 714-433-6074.

## RESOLUTION NO. 16-12

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMITS (CUP) 16-04 & 16-05 TO ALLOW CONSTRUCTION OF A FOUR-STORY 61,643 SQUARE FOOT HOTEL WITH INCREASED BUILDING HEIGHT AT 10650 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-243-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SHAMIR NARSAI – TRIPLE SONS INVESTMENTS, LLC)**

**WHEREAS**, an application for a Conditional Use Permit was submitted for the construction of a hotel with increased height at 10650 Los Alamitos Boulevard, APN 242-243-03, on February 8, 2016; and,

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

**WHEREAS**, the Planning Commission considered said application at a duly noticed public hearing on May 25, 2016 at which time it considered all of the evidence presented, both written and oral, and then was continued to the June 22, 2016 meeting;

**WHEREAS**, the Planning Commission considered said application at a continued public hearing on June 22, 2016 at which time it considered all of the evidence presented, both written and oral;

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

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

SECTION 2. Conditional Use Permits 16-04 & 16-05 are hereby approved to allow the construction of a hotel, and at a height of 44' 9" for the hotel at 10650 Los Alamitos Boulevard as depicted on the Site Plans attached hereto as Exhibit B and subject to the conditions attached hereto as Exhibit A. This approval is based on the following findings set forth in the following sections which are supported by the evidence presented at the hearing, both written and oral, and the staff report which is incorporated herein by reference.

SECTION 3. Standard Conditional Use Permit Findings.

- A. The Marriott Fairfield Inn Hotel and its extended height, as proposed and conditioned, will not endanger the public health, or general welfare. The

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

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

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

<b>Applicable General Plan Implementing Goals and Policies</b>	<b>Consistency of Proposed Project</b>
<b>Land Use Element</b>	
Goal 1: An attractive and pedestrian-friendly town center that serves as the heart of the community.	This new project can set a trend for a pedestrian-friendly downtown, such as that suggested in the Corridors project. The streetscape is inviting with its gazebos, benches, and enhanced flatwork.
Policy 1.1 Promote the development of a unique	This project has pedestrian-friendly features. The

town center around Los Alamitos Boulevard, with spaces designed for community celebrations and events.	hotel will bring in people who will help support other businesses that will make up a unique town center.
Policy 1.2 Invest in public improvements to transform Los Alamitos Boulevard into an attractive and pedestrian-friendly street.	The project will create a pedestrian-friendly environment with trellis and benches. Additionally, the project will dedicate right-of-way and realign the Biggeman/Los Alamitos intersection to create a more pedestrian-friendly environment.
Policy 1.3 Diverse businesses and activities. Attract and retain a variety of shopping, dining, and entertainment options for residents and visitors in the town center. Encourage the creation of daytime, nighttime, and weekend activity in the town center.	This is a project that would set a high bar for quality, commercial structures in the City. The layout creates a welcoming environment for people to walk in, walk out, and walk along the borders of the project. The project will place visitors in the downtown area to frequent surrounding businesses.
Goal 2: Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.	Hotels are required to pay bed tax to the City which creates income for the City that is above and beyond ordinary sales tax.
Policy 1.6 Public art. Encourage the incorporation of art in public and private spaces that celebrates the community's history and imagines a greater future.	Staff has conditioned the project to invest in public art visible from Los Alamitos Blvd.
<b>Economic Development Element</b>	
Goal 1: Development patterns and a mix of uses that provide a fiscal balance sufficient to continue and increase public investment in the community's quality of life.	Staff believes that the high-quality services that this structure will provide are an exciting addition to the City. The requirement of the plan-presented Fairfield Inn to be the tenant has been conditioned for approval of the project.
Goal 4: An economic development mindset integrated throughout City Hall.	Staff has encouraged developers to explore the construction of this type of business to seek an appropriate site in the town, and believes that this project is a direct result of that encouragement.
Policy 4.1 Economic development responsibility. Promote an ethos in which economic development is the responsibility of each elected official, appointed official, and City employee.	Staff has encouraged developers to explore the construction of this type of business to seek an appropriate site in the town, and believes that this project is a direct result of that encouragement.
<b>Open Space, Recreation, and Conservation Element</b>	
Policy 3.2 Urban forest. Maintain and enhance a diverse and healthy urban forest on public and private lands. Incorporate and preserve mature and specimen trees at key gateways, landmarks, and public facilities.	49 new trees will be added by the project.
Policy 3.3 Landscaping. Establish and maintain attractive landscaping on public and private property visible to the public, including rights-of-way, freeways access points, building frontages, and trails.	The elevation provided from across Los Alamitos Boulevard (in the large set of plans) shows the proposed view from the Boulevard. This project would present an attractive, encouraging addition to the commercial areas along this corridor.
Policy 4.8 Stormwater management. Encourage the use of low impact development techniques that retain or mimic natural features for	This management is satisfied through requirement of the Water Quality Management Plan (WQMP).

stormwater management.	
Action 4.2 Construction activities. Encourage the use of best management practices during construction activities to reduce emissions of criteria pollutants as outlined by the SCAQMD.	These BMP's are all noted in the conditions.
<b>Mobility and Circulation Element</b>	
Action 1.11 <b>New development.</b> Require new development to finance and construct internal and adjacent roadway circulation and citywide improvements as necessary to mitigate project impacts, including roadway, transit, pedestrian, and bicycle facilities. Additional requirements could include transportation demand management programs.	Staff has added conditions to address each of these matters. Traffic fees are to be collected, bike racks added, the Applicant will dedicate land to widen Briggeman, repair sidewalks, underground utilities, and upgrade intersections and roadways surrounding the project.

The recommended findings are based on the quality of tenant (Marriott Fairfield Inn & Suites) that is identified for this project.

SECTION 4. Increased Height Findings. In addition to the findings made in Section 3 above, the Planning Commission hereby finds that it has considered the additional factors set forth in Section 17.10.030 and that such additional requirements have been met for the additional height:

- a. A structure with increased height shall be located at least 100 feet from a residential zoning district – This project 265 feet from the nearest residence.
- b. The Commission may require that vision into adjacent residences be limited from a structure with increased height – This is not an issue under any circumstance given the distance to the nearest residence.
- c. Open space shall constitute 10 percent of the total site area, in addition to the 15 percent required to be landscaped - Open space excluding building footprint & parking is 26,379 square feet which brings the total open space to 26%.
- 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. A four-story hotel at 40 feet would have the same gross floor area as this proposed project at approximately 45 feet. The subject property is designated Retail Business on the City's Land Use Policy Map and is further compatible with the adjacent industrial and commercial uses and will further be constructed in a manner to insulate various noises that could occur. Further, the use will serve the area medical community and provide a customer base for area shops and restaurant. The project does not exceed the maximum FAR in the land use category is 1.0 and the project has an FAR of .615.

SECTION 5. The Commission concurs with Staff's determination that the project qualifies for an Infill Exemption under CEQA based on the following from the City's CEQA Consultant:

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

SECTION 6. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file the Notice of Exemption, attached hereto as Exhibit C, with the County Clerk.

**PASSED, APPROVED, AND ADOPTED** this 22<sup>th</sup> day of June, 2016, by the following vote:

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Mary Anne Cuiilty, Chair

ATTEST:

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Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

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Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 22<sup>th</sup> day of June, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven A. Mendoza, Secretary

# City of Los Alamitos

## Planning Commission

**Agenda Report**  
**Public Hearing**

**June 22, 2016**  
**Item No: 7B**

**To: Chair Culty and Members of the Planning Commission**

**From: Steven A. Mendoza, Development Services Director**

**Subject: Continued Consideration of General Plan Amendment and Zoning Map Amendment for 4411 Katella Avenue**

**Summary:** Continued consideration of a General Plan Amendment and Zoning Map Amendment to the 28-acre site commonly known as Arrowhead Properties. The change would be from the current General Plan Designation (Planned Industrial with Retail Overlay) to Retail Business and amend the Zoning Map (Planned Light Industrial with Retail Overlay) to General Commercial (C-G). More specifically this property is identified as Orange County Assessor Parcel Nos. 241-241-08, 241-241-09, 241-241-10 and 241-241-11 (4411 Katella Avenue).

### **Recommendation:**

1. Open the continued Public Hearing; and, if appropriate,
2. Determine that the proposed amendment has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA). The City Council of the City of Los Alamitos, California, certified the Final Environmental Impact Report on March 23, 2015 for the Los Alamitos General Plan to include land use changes for various parcels and adopting environmental findings, a statement of overriding considerations and a mitigation monitoring and reporting plan pursuant to the California Environmental Quality Act. The changes in this ordinance are within the scope of the Program EIR which adequately describes the changes for purposes of CEQA as the changes parallel the changes made by the General Plan. As zoning is required to be consistent with the General Plan, the impacts relating to the zone changes are identical to the impacts that were covered in the Program EIR and there are no new impacts which would occur from such changes; and,
3. Planning Commission adopt Resolution No. 16-13, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPT GENERAL PLAN AMENDMENT (GPA)

16-01 TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL RETAIL OVERLAY ZONE (P-M ROZ) TO RETAIL BUSINESS (R-B) AND ADOPT ZONING ORDINANCE AMENDMENT (ZOA) 16-01 TO CHANGE ZONING DESIGNATIONS FROM THE PLANNED LIGHT INDUSTRIAL RETAIL OVERLAY ZONE (P-M ROZ) TO THE GENERAL COMMERCIAL (C-G) ZONE FOR PROPERTY AT 4411 KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS).”

- Applicant:** City of Los Alamitos
- Description:** City initiated General Plan Amendment and Zoning Map Amendment.
- Location:** The subject property is a 28-acre site is located at 4411 Katella Avenue (APN 241-241-08, 241-241-09, 241-241-10 and 241-241-11) more particularly located at the northwest corner of Katella Avenue and Lexington Drive.
- Notice:** On May 4, 2016, Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum and published in the News Enterprise on May 11, 2016. Public Hearing Notices were mailed out to all property owners and tenants within 500 feet of the property. The May 25<sup>th</sup> Public Hearing for this item was continued to tonight’s meeting.
- Environmental:** The proposed changes are within the scope of the Program Environmental Impact Report (PEIR) for the General Plan which was certified on March 23, 2015. The General Plan PEIR specifically looked at changing the land use designation to Retail Business and because the zoning of the City parallels the General Plan, the PEIR also covers the proposed zone change. Therefore, these changes were adequately described in the PEIR.

## Background

The Los Alamitos City Council has asked the Planning Commission to consider a General Plan Amendment and a Zoning Map change to the subject property as described above. This request was formally initiated by Council Resolution No. 2016-07, adopted on March 21, 2016.

The City of Los Alamitos (“City”) recently approved a Zoning Ordinance (2015-09) to create a Retail Overlay Zone, allowing more flexible uses for the Arrowhead Properties

in the Planned Light Industrial Zone to comply with the 2035 General Plan. Due to recent events, it is now understood by City officials that the adoption of the Retail Overlay Zone (ROZ) designation does not preclude new development from developing under the existing Planned Light Industrial (P-M) zone permitted and conditionally permitted uses. The proposed changes would eliminate/reduce future new development of industrial areas as well as the expansion of Arrowhead's current use, and increase land available with retail areas. These changes could be found consistent with the General Plan goals and the desires of the community.

The Planning Commission opened a Public Hearing on this matter in its May 25<sup>th</sup> meeting and after a discussion they continued the item to tonight's meeting to provide the property owners' attorney time to consult with the client.

## Discussion

Here is a reiteration of the discussion from last month's Staff Report:

During the General Plan Update visioning workshops and several community outreach sessions, the community's desire and need for more retail establishments was communicated to the Council, the Planning Commission, and Staff. The Draft Land Use Map was developed to change **the site from Planned Industrial to Retail Business with corresponding zoning to be Planned Light Industrial (P-M) and General Commercial (CG) respectively. The Draft Land Use Plan was solidified and studied within the Draft Environmental Impact Report and the EIR was released for circulation.** As the EIR was being circulated, a letter was sent to the Commission from the Benenson Family asking that the subject property retain the Land Use designation as Planned Industrial in order to "continue our operations consistent with the General Plan."

As a compromise, the Planning Commission, and later the City Council created a new "Retail Overlay Zone" designation and amended the zoning map to place the Retail Overlay Zone over the land located at 4411 Katella Avenue (commonly known as the Arrowhead Properties). However, the underlying P-M Zone designation remained in place and allowed uses other than retail.



**Project Location**

The project is located at 4411 Katella Avenue near the intersection of Lexington Avenue and Katella Avenue. The property consists of 28 acres. Cottonwood Church is located to the east of the property in the City of Cypress. Industrial uses are located to the North and to the West. Commercial uses are located across Katella Avenue.

**Existing Site**

Arrowhead Products is an aerospace company whose facilities are situated on 28 acres; its two plants total over 250,000 square feet of working area. The company manufactures metal products such as flexible and ridged bleed ducting, flex joints, and exhaust ducts; and non-metal products such as insulation to support metal products and end item composites made from plastic, rubber, fiberglass, resins, Kevlar, etc. The facility permits the manufacture of intricate, detailed parts from raw material (sheet, rod, forge, blank, mixtures, etc.) through complex final assembly and cleaning processes. Arrowhead Products has been operating at this location for decades and generates a large number of highly skilled, highly paid jobs as the company continues to build upon its global status. Collectively, the four parcels offer 28 acres of land—larger than any other privately owned site in the City. Additionally, the site sits along Katella Avenue, a regional thoroughfare that carries upward of 60,000 vehicles per day, and is in proximity to substantial commercial development in Cypress.

### **General Plan Amendment (GPA 16-01)**

The General Plan is the local “constitution” for development. With the authority of law, its objectives and policies are meant to carry out the community’s development goals regarding the density and distribution of future land uses. The currently adopted Los Alamitos General Plan was prepared in 2015.

### **Analysis**

In considering this General Plan Amendment, Staff looked back at the recently adopted 2035 General Plan (approved 2015). The 2035 General Plan was drafted to change the Arrowhead Site to Retail Business as demonstrated below.

*Arrowhead Products is a dynamic aerospace company whose facilities are situated on 28 acres; its two plants total over 250,000 square feet of working area. The company manufactures metals products such as flexible and ridged bleed ducting, flex joints, and exhaust ducts; and non-metal products such as insulation to support metals product and end item composites made from plastic, rubber, fiberglass, resins, Kevlar, etc. The facility permits the manufacture of intricate, detailed parts from raw material (sheet, rod, forge, blank, mixtures, etc.) through complex final assembly and cleaning processes. Arrowhead Products has been operating at this location for decades and generates a large number of highly skilled, highly paid jobs as the company continues to build upon its global status. The City supports its continued operation and success. If the company ever decides to move locations or change its business, the property could also be an ideal site for new retail development. Collectively, the four parcels offer 28 acres of land—larger than any other privately used site in the City. Additionally, the site sits along Katella Avenue, a regional thoroughfare that carries upward of 60,000 vehicles per day, and is in proximity to substantial commercial development in Cypress. To ensure that the City could understand and plan for a potential retail uses on the site, the City created and applied a Retail Overlay to the site to allow both the underlying Planned Industrial district and, at the time that the property owner determines that industrial uses are no longer desired, the introduction of new retail businesses as primary uses. Retail uses generate greater traffic impacts than manufacturing uses, and the environmental analysis evaluated the site as retail to analyze the greatest potential traffic impact.*

Changing the General Plan Designation from its current designation to Retail Business would eliminate the compromise and return the designation as it was originally drafted - Retail Business. This change would further meet the following goals of the General Plan:

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
<b>LAND USE ELEMENT</b>	
<b>Goal 2:</b> <i>Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenue for valuable services.
<b>Policy 2.2</b> <i>Mix of land uses. Maintain a balanced mix of residential, retail, employment, industrial, open space, and public facility land uses</i>	<u>Consistent.</u> The proposed project will increase the acreage of retail from 51 acres by 28 acres bringing the total to 79 acres. Additionally, the industrial area will decrease from 146 acres to 118 acres bringing the industrial area and the retail area into closer alignment.
<b>Policy 2.3</b> <i>Maximize retail along Katella. Maximize community- and regional-scale retail opportunities along Katella Avenue. For parcels 10 acres or larger along Katella Avenue, support the conversion to community- and regional-scale retail.</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would facilitate a commercial shopping center larger than any other in the City.
<b>Land Use Element</b>	
<b>Goal 3:</b> <i>Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would be more compatible with the retail lands uses across Katella and further compatible with the residential areas across Katella Avenue.
<b>Policy 3.2</b> <i>Economic viability. Preserve the economic viability and continuity of existing commercial and industrial businesses.</i>	<u>Consistent.</u> The proposed project, which reduces the acreage of Industrial Land Uses while increasing the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.
<b>Economic Development Element</b>	
<b>Goal 3:</b> <i>Distinctive shopping and entertainment corridors and districts that attract consumer spending by residents, workers, and regional visitors.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail lands uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.

### **Zoning Ordinance Amendment (ZOA 16-01)**

The City's Zoning Ordinance is Title 17 (Zoning) of the Los Alamitos Municipal Code. The Zoning Ordinance consists of two parts: text and map. The text identifies the written regulations and procedures that define how property in specific geographic zones or district can be used. Zoning ordinances specify whether zones can be used for residential or commercial purposes, and may also regulate lot size, placement, density, and the height of structures. Division 2 (Zoning Districts, Allowable Uses, and Development Regulations) of the Zoning Ordinance was comprehensively updated in 2006 and the Planning Commission has been working on updates for the past several years. The Zoning Map shows the various zoning districts in the City. The Zoning Map will show the number of districts, into which the locality is divided, and the zoning designation and usage of each district.

The City seeks a Zoning Map Amendment to change the Zoning District on the official Zoning Map. No changes are proposed to the text of the Zoning Ordinance. The existing Zoning District for the Applicant's property is currently Planned Light Industrial (P-M)

with Retail Overlay Zone (ROZ). The City (as Applicant) is requesting to change the property to General Commercial to ensure the compatibility with the General Plan Designation of Retail Business. According to the Zoning District description under Section 17.10.010(C) (Purpose of Zoning Districts), the description of the General Commercial (C-G) R-3 Residential Zoning District is as follows:

*C-G (General Commercial) Zoning District. The C-G zoning district is established to provide for the development of general commercial and highway-related uses.*

As set forth above, this will make Arrowhead's current operations a legal non-conforming use. They will not have to leave, but they will not be able to expand.

### **Compliance with California Environmental Quality Act (CEQA)**

The California Environmental Quality Act (CEQA), adopted as state law in 1970, was intended to inform citizens and decision makers about potential significant environmental impacts of projects by requiring a thorough public review of those projects within a framework of environmental concerns (air and water quality, wildlife and habitats, public health, etc.). The CEQA review is meant to identify ways that environmental damage can be avoided or significantly reduced, requiring changes in projects through the use of alternatives or mitigation measures when feasible, and disclosing to the public the reasons why a project was approved if significant environmental effects are involved.

The General Plan Environmental Impact Report (EIR) evaluated potential environmental impacts associated with conversion of the Arrowhead Products site from Planned Industrial to Retail Business. The EIR identified that build out of the Land Use Plan would generate additional vehicle trips and associated transportation, air quality, greenhouse gas emissions, and noise impacts. The EIR evaluated a range of alternatives that would reduce potential environmental impacts.

According to the EIR, at build out, the existing Planned Industrial use would generate 1,835 average daily trips while the Retail Business use would generate 11,243 average daily trips. Consequently, the existing zoning is expected to generate at least 9,000 fewer trips than the proposed Project so long as the property remains industrial. As identified in the EIR, industrial uses would have the same or slightly less environmental impacts compared to changing the use for retail business. For these reasons, the Arrowhead Products Site Alternative (i.e., leaving the industrial use with a retail overlay) was identified as the environmentally superior alternative. In addition to reduced transportation impacts, the industrial use would reduce environmental impacts relating to air quality, greenhouse gas emissions, and noise as compared to a retail use.

CEQA Guidelines section 15168(c) provides that when the City finds that a later activity (such as the contemplated actions) would not create any new effects and that no new mitigation measures would be required, the City can approve the activity as being within the scope of the Program EIR, no new environmental document is required. Because

the PEIR examined the exact scenario that is now being contemplated, these actions are within the scope of the PEIR.

### **Public Communications**

**Public Hearing Notice** - A copy of the Public Hearing notice for this hearing was published in the News Enterprise on May 11, 2016 and was mailed to property owners and business tenants of properties within a 500 feet radius as required by the City's Zoning Ordinance.

**Senate Bill 18** – SB 18 is a requirement to ask for consultation from Native American tribes if they so choose. Staff initiated the 90 day tribal consultation required by SB 18 on March 30, 2016. [SB 18 \(Chapter 905, Statutes of 2004\)](#) requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan. Once the Commission has provided their recommendation, the item will be presented to the City Council for a duly noticed public hearing no earlier than the 90 days required by SB 18. Staff to insert description if one comes available.

**Comments from the Public** – No comments have been received at Staff report deadline.

*Attachments: 1. Planning Commission Resolution No. 16-13 Recommending that City Council Approve Exhibit A City Council General Plan Amendment Resolution No. 16-TBD Exhibit B City Council Ordinance No. 16-TBD*

## RESOLUTION NO. 16-13

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPT GENERAL PLAN AMENDMENT (GPA) 16-01 TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL RETAIL OVERLAY ZONE (P-M ROZ) TO RETAIL BUSINESS (R-B) AND ADOPT ZONING ORDINANCE AMENDMENT (ZOA) 16-01 TO CHANGE ZONING DESIGNATIONS FROM THE PLANNED LIGHT INDUSTRIAL RETAIL OVERLAY ZONE (P-M ROZ) TO THE GENERAL COMMERCIAL (C-G) ZONE FOR PROPERTY AT 4411 KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS)**

**WHEREAS**, on March 23, 2015 the City Council adopted the General Plan Update for the City of Los Alamitos; and,

**WHEREAS**, the draft General Plan recommended changing the land use designation for the 28-acre Arrowhead property located at 4411 Katella Avenue from Planned Industrial to Retail Business; and,

**WHEREAS**, during the public review process Arrowhead requested that the property not be changed to Retail Business so that its business would not be considered a nonconforming use; and,

**WHEREAS**, as a compromise the Planning Commission recommended and the City Council adopted a General Plan Update which designated the Arrowhead Property as Limited Industrial Retail Overlay Zone; and,

**WHEREAS**, zoning was subsequently adopted which matched this General Plan designation; and,

**WHEREAS**, prior to adopting the General Plan Update and the zone changes, the City Council adopted Resolution No. 14-31, certifying the Program EIR for the General Plan Update and making the findings and statement of overriding considerations that are required where there are significant impacts; and,

**WHEREAS**, the Program EIR examined the environmental impact of both changing the property to Retail Business and leaving it as industrial; and,

**WHEREAS**, due to recent events the effect of the Overlay designation became clear; and,

**WHEREAS**, on March 21, 2016, the Los Alamitos City Council adopted Resolution No. 2016-07 formally initiating the General Plan and Zoning Map Amendment in lieu of an application being filed; and,

**WHEREAS**, Resolution No. 2016-07 constitutes an application as required by Chapter 17.70.020 (Initiation, Applications Filing, Processing and Review) of the Los Alamitos Municipal Code; and,

**WHEREAS**, the adopted General Plan, is a policy document intended to facilitate decision making relative to the physical development of the City of Los Alamitos and to reflect the existing conditions, requirements, and constraints of the City; and,

**WHEREAS**, Government Code §65358 allows the City, when it deems it to be in the public interest, to amend all or part of the General Plan, provided that no single mandatory Element may be amended more than four times during any calendar year, except that each amendment may include more than one change to the General Plan; and,

**WHEREAS**, General Plan Amendment GPA 16-01 includes the following recommendations for the land use designations for the sites listed below that were determined to merit consideration for a new land use designation.

**Changing from Planned Industrial Retail Overlay Zone (P-M ROZ) TO Retail Business (R-B)**

Owner	Parcel Number	Address
Arrowhead/JCB	241-241-09	4411 Katella Avenue
Arrowhead/JCB	241-241-10	4411 Katella Avenue
Arrowhead/JCB	241-241-11	4411 Katella Avenue
Arrowhead/JCB	241-241-08	4411 Katella Avenue

**WHEREAS**, Zoning Ordinance Amendment (ZOA) 16-01 includes the following recommendations for the zoning designations for the sites listed below that were determined to merit consideration for new zoning to ensure consistency with this corresponding General Plan Amendment No. 2016-01.

**Changing from Planned Light Industrial Retail Overlay Zone (P-M ROZ) to General Commercial (C-G)**

Owner	Parcel Number	Address
Arrowhead/JCB	241-241-09	4411 Katella Avenue
Arrowhead/JCB	241-241-10	4411 Katella Avenue
Arrowhead/JCB	241-241-11	4411 Katella Avenue
Arrowhead/JCB	241-241-08	4411 Katella Avenue

**WHEREAS**, after consideration of all applicable staff reports and all information testimony, and evidence presented at the public hearing, the Planning Commission does hereby make the following findings of fact for the proposed General Plan Amendment as required by Los Alamitos Municipal Code Section 17.70.050:

A. The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code as described as follows:

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
<b>LAND USE ELEMENT</b>	
<i>Goal 2: Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenue for valuable services.
<i>Policy 2.2 Mix of land uses. Maintain a balanced mix of residential, retail, employment, industrial, open space, and public facility land uses</i>	<u>Consistent.</u> The proposed project will increase the acreage of retail from 51 acres by 28 acres bringing the total to 79 acres. Additionally, the industrial area will decrease from 146 acres to 118 acres bringing the industrial area and the retail area into closer alignment.
<i>Policy 2.3 Maximize retail along Katella. Maximize community- and regional-scale retail opportunities along Katella Avenue. For parcels 10 acres or larger along Katella Avenue, support the conversion to community- and regional-scale retail.</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would facilitate a commercial shopping center larger than any other in the City.
<b>Land Use Element</b>	
<i>Goal 3: Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would be more compatible with the retail lands uses across Katella and further compatible with the residential areas across Katella Avenue.
<i>Policy 3.2 Economic viability. Preserve the economic viability and continuity of existing commercial and industrial businesses.</i>	<u>Consistent.</u> The proposed project, which reduces the acreage of Industrial Land Uses while increasing the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.
<b>Economic Development Element</b>	
<i>Goal 3: Distinctive shopping and entertainment corridors and districts that attract consumer spending by residents, workers, and regional visitors.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail lands uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.

B. That the proposed General Plan Amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City of Los Alamitos as the project is consistent with the 2035 General Plan.

C. CEQA Guidelines § 15168 provides that if the City finds that there are no new effects that could occur and no new mitigation measures would be required, the City can approve a later activity as being within the scope of the project analyzed in the Program EIR. As this General Plan amendment was specifically analyzed in the Program EIR, there would not be any new effects or mitigation measures and there is no need for any additional environmental review.

**NOW, THEREFORE BE IT RESOLVED** the Planning Commission does hereby recommend to the City Council of the City of Los Alamitos as follows:

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

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends approval of General Plan Amendment 16-01 and Zoning Ordinance Amendment 16-01.

SECTION 3. The Planning Commission hereby recommends the City Council of the City of Los Alamitos, California, adopt Resolution No. 2016-??, approving General Plan Amendment 16-01, attached hereto as Exhibit "A" and Zoning Ordinance Amendment No. 2016-01 attached hereto and incorporated herein by reference as Exhibit "B".

SECTION 4. The Los Alamitos Planning Commission further recommends to the City Council that the General Plan Land Use Map be revised to reflect the change in land use designations in accordance with General Plan Amendment 16-01 and the Zoning Map be amended in accordance with Zoning Ordinance Amendment 16-01.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this resolution and shall enter a certified copy of this resolution in the book of resolutions of the City.

**PASSED, APPROVED, AND ADOPTED** this 22nd day of June, 2016, by the following vote:

\_\_\_\_\_  
Mary Anne Cuiilty, Chair

ATTEST:

\_\_\_\_\_  
Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Lisa Kranitz, Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 22nd day of June, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

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Steven A. Mendoza, Secretary

## RESOLUTION 2016-TBD

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA ADOPTING GENERAL PLAN AMENDMENT (GPA) 16-01 TO CHANGE THE LAND USE DESIGNATION FROM PLANNED INDUSTRIAL RETAIL OVERLAY TO RETAIL BUSINESS FOR THE PROPERTY LOCATED AT 4411 KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS)**

**WHEREAS**, on March 23, 2015 the City Council adopted the General Plan Update for the City of Los Alamitos; and,

**WHEREAS**, the draft General Plan recommended changing the land use designation for the 28-acre Arrowhead property located at 4411 Katella Avenue from Planned Industrial to Retail Business; and,

**WHEREAS**, during the public review process Arrowhead requested that the property not be changed to Retail Business so that its business would not be considered a nonconforming use; and,

**WHEREAS**, as a compromise the Planning Commission recommended and the City Council adopted a General Plan Update which designated the Arrowhead Property as Limited Industrial Retail Overlay Zone; and,

**WHEREAS**, zoning was subsequently adopted which matched this General Plan designation; and,

**WHEREAS**, prior to adopting the General Plan Update and the zone changes, the City Council adopted Resolution No. 14-31, certifying the Program EIR for the General Plan Update and making the findings and statement of overriding considerations that are required where there are significant impacts; and,

**WHEREAS**, the Program EIR examined the environmental impact of both changing the property to Retail Business and leaving it as industrial; and,

**WHEREAS**, due to recent events the effect of the Overlay designation became clear; and,

**WHEREAS**, the City desires to amend the General Plan Land Use Map to respond to changing conditions in the City; and,

**WHEREAS**, on March 21, 2016, the Los Alamitos City Council adopted Resolution No. 2016-07 formally initiating the General Plan and Zoning Map Amendment in lieu of an application being filed; and,

**WHEREAS**, Resolution No. 2016-07 constitutes an application as required by Chapter 17.70.020 (Initiation, Applications Filing, Processing and Review) of the Los Alamitos Municipal Code; and,

**WHEREAS**, the adopted General Plan, is a policy document intended to facilitate decision making relative to the physical development of the City and to reflect the existing conditions, requirements, and constraints of the City; and,

**WHEREAS**, Government Code § 65358 allows the City, when it deems it to be in the public interest, to amend all or part of the General Plan, provided that no single mandatory Element may be amended more than four times during any calendar year, except that each amendment may include more than one change to the General Plan; and,

**WHEREAS WHEREAS**, the Planning Commission held a duly noticed public hearing on May 25, 2016 at which time it considered all evidence presented, both written and oral, then continued the meeting to June 22, 2016; and,

**WHEREAS**, the Planning Commission held a continued public hearing on June 22, 2016 at which time it considered all evidence presented, both written and oral; and,

**WHEREAS**, at the conclusion of the public hearing the Planning Commission adopted Resolution No. 16-13 recommending to the City Council adoption of General Plan Amendment (GPA 16-01) to change the Land Use Designation to Retail Business; and,

**WHEREAS**, on July xx, 2016, the City Council held a duly noticed public hearing on the this General Plan Amendment at which time it considered all evidence presented, both written and oral.

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

**SECTION 1.** Findings.

A. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

B. The City Council determines that the General Plan Amendment changing the land use designation of the Arrowhead Property from Planned Industrial Retail Overlay to Retail Business is in the public interest the City Council has come to the realization that allowing the property to remain with its current land use designation will foreclose the property from being developed with retail uses for decades and it is the desire of the City Council to encourage retail uses in that location.

C. The change of land use for the Arrowhead Property will ensure and maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, described as follows:

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
<b>LAND USE ELEMENT</b>	
<i>Goal 2: Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenue for valuable services.
<i>Policy 2.2 Mix of land uses. Maintain a balanced mix of residential, retail, employment, industrial, open space, and public facility land uses</i>	<u>Consistent.</u> The proposed project will increase the acreage of retail from 51 acres by 28 acres bringing the total to 79 acres. Additionally, the industrial area will decrease from 146 acres to 118 acres bringing the industrial area and the retail area into closer alignment.
<i>Policy 2.3 Maximize retail along Katella. Maximize community- and regional-scale retail opportunities along Katella Avenue. For parcels 10 acres or larger along Katella Avenue, support the conversion to community- and regional-scale retail.</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would facilitate a commercial shopping center larger than any other in the City.
<b>Land Use Element</b>	
<i>Goal 3: Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would be more compatible with the retail lands uses across Katella and further compatible with the residential areas across Katella Avenue.
<i>Policy 3.2 Economic viability. Preserve the economic viability and continuity of existing commercial and industrial businesses.</i>	<u>Consistent.</u> The proposed project, which reduces the acreage of Industrial Land Uses while increasing the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.
<b>Economic Development Element</b>	
<i>Goal 3: Distinctive shopping and entertainment corridors and districts that attract consumer spending by residents, workers, and regional visitors.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail lands uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.

D. CEQA Guidelines § 15168 provides that if the City finds that there are no new effects that could occur and no new mitigation measures would be required, the City can approve a later activity as being within the scope of the project analyzed in the Program EIR. As this General Plan amendment was specifically analyzed in the Program EIR, there would not be any new effects or mitigation measures and there is no need for any additional environmental review.

**SECTION 2.** Based on the 2035 General Plan Update, public comments and the entire record before the City Council, the City Council hereby approves the General Plan Amendment changing the land use designation on the following properties from Planned Industrial Retail Overlay to Retail Business.

**Arrowhead Products Changing from Planned Industrial Retail Overlay to Retail Business**

<b>Owner</b>	<b>Parcel Number</b>	<b>Address</b>
Arrowhead/JCB	241-241-09	4411 Katella Avenue
Arrowhead/JCB	241-241-10	4411 Katella Avenue
Arrowhead/JCB	241-241-11	4411 Katella Avenue
Arrowhead/JCB	241-241-08	4411 Katella Avenue

**SECTION 3.** The City Council finds that all available documentation is available within the Development Services Department at the City of Los Alamitos, 3191 Katella Avenue, Los Alamitos, CA 90720. The custodian of records is the Development Services Director.

**SECTION 4.** This Resolution shall take effect on the thirty-first day after passage.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of July, 2016.

\_\_\_\_\_  
Richard D. Murphy, Mayor

ATTEST:

\_\_\_\_\_  
Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Cary S. Reisman, City Attorney

STATE OF CALIFORNIA )

COUNTY OF ORANGE ) ss

CITY OF LOS ALAMITOS )

I, Windmera Quintanar, CMC, City Clerk, of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the TBD, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

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Windmera Quintanar, CMC, City Clerk

**ORDINANCE 16-TBD**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS ADOPTING ZONING ORDINANCE AMENDMENT 16-01 CHANGING THE ZONING DESIGNATIONS FROM PLANNED LIGHT INDUSTRIAL RETAIL OVERLAY (P-M ROZ), TO GENERAL COMMERCIAL (C-G) FOR PROPERTY LOCATED AT 4411-KATELLA AVENUE, ASSESSOR PARCEL NOS. 241-241-08, 241-241-09, 241-241-10 AND 241-241-11 (APPLICANT: CITY OF LOS ALAMITOS).**

**WHEREAS**, on March 23, 2015 the City Council adopted the General Plan Update for the City of Los Alamitos; and,

**WHEREAS**, the draft General Plan recommended changing the land use designation for the 28-acre Arrowhead property located at 4411 Katella Avenue from Planned Industrial to Retail Business; and,

**WHEREAS**, during the public review process Arrowhead requested that the property not be changed to Retail Business so that its business would not be considered a nonconforming use; and,

**WHEREAS**, as a compromise the Planning Commission recommended and the City Council adopted a General Plan Update which designated the Arrowhead Property as Limited Industrial Retail Overlay Zone; and,

**WHEREAS**, on November 16, 2015, the City Council adopted Ordinance No. 2015-09 which zoned the property Planned Industrial Retail Overlay Zone to match the General Plan designation; and,

**WHEREAS**, prior to adopting the General Plan Update and the zone changes, the City Council adopted Resolution No. 14-31, certifying the Program EIR for the General Plan Update and making the findings and statement of overriding considerations that are required where there are significant impacts; and,

**WHEREAS**, the Program EIR examined the environmental impact of both changing the property to Retail Business and leaving it as industrial and by virtue of the fact that the zoning in Los Alamitos has a one to one correspondence with the General Plan land use designation, it was determined that the Program EIR covered the zoning and no further environmental review was required; and

**WHEREAS**, due to recent events the effect of the Overlay Zone became clear; and,

**WHEREAS**, the City desires to change the zoning of the Arrowhead property to respond to changing conditions in the City; and,

**WHEREAS**, on March 21, 2016, the Los Alamitos City Council adopted Resolution No 2016-07 formally initiating the General Plan and Zoning Map Amendment in lieu of an application being filed; and,

**WHEREAS**, Resolution No. 2016-07 constitutes an application as required by Chapter 17.70.020 (Initiation, Applications Filing, Processing and Review) of the Los Alamitos Municipal Code; and,

**WHEREAS**, The City of Los Alamitos Adopted the 2035 General Plan on March 23, 2015 through Resolution No. 2015-06; and,

**WHEREAS**, prior to adopting this Ordinance the City Council adopted Resolution No. \_\_\_\_\_, changing the land use designation of the Arrowhead property from Planned Industrial Retail Overlay to Retail Business; and,

**WHEREAS**, zoning is required to be consistent with the General Plan; and,

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 25, 2016 at which time it considered all evidence presented, both written and oral, then continued the meeting to June 22, 2016; and,

**WHEREAS**, the Planning Commission held a continued public hearing on June 22, 2016 at which time it considered all evidence presented, both written and oral; and,

**WHEREAS**, at the conclusion of the public hearing the Planning Commission adopted Resolution No. 16-13 recommending to the City Council adoption of Zone Change 16-01 to change the zoning of the Arrowhead property from Planned Light Industrial Retail Overlay (PM ROZ) to General Commercial (GC); and,

**WHEREAS**, on July xx, 2016, the City Council held a duly noticed public hearing on the 2014 General Plan at which time it considered all evidence presented, both written and oral.

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

**SECTION 1.** Findings.

A. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and are incorporated by reference herein.

B The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code as described, follows:

Applicable General Plan Implementing Goals and Policies	Consistency of Proposed Project
<b>LAND USE ELEMENT</b>	
<b>Goal 2:</b> <i>Fiscally sustainable growth and economic development through a balanced mix of land uses and development types.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenue for valuable services.
<b>Policy 2.2</b> <i>Mix of land uses. Maintain a balanced mix of residential, retail, employment, industrial, open space, and public facility land uses</i>	<u>Consistent.</u> The proposed project will increase the acreage of retail from 51 acres by 28 acres bringing the total to 79 acres. Additionally, the industrial area will decrease from 146 acres to 118 acres bringing the industrial area and the retail area into closer alignment.
<b>Policy 2.3</b> <i>Maximize retail along Katella. Maximize community- and regional-scale retail opportunities along Katella Avenue. For parcels 10 acres or larger along Katella Avenue, support the conversion to community- and regional-scale retail.</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would facilitate a commercial shopping center larger than any other in the City.
<b>Land Use Element</b>	
<b>Goal 3:</b> <i>Commercial, office, and industrial opportunities that maintain compatibility with surrounding neighborhoods, businesses, and public facilities</i>	<u>Consistent.</u> The proposed project would increase the City's Retail opportunity by 28 additional acres which would be more compatible with the retail lands uses across Katella and further compatible with the residential areas across Katella Avenue.
<b>Policy 3.2</b> <i>Economic viability. Preserve the economic viability and continuity of existing commercial and industrial businesses.</i>	<u>Consistent.</u> The proposed project, which reduces the acreage of Industrial Land Uses while increasing the acreage of retail land uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.
<b>Economic Development Element</b>	
<b>Goal 3:</b> <i>Distinctive shopping and entertainment corridors and districts that attract consumer spending by residents, workers, and regional visitors.</i>	<u>Consistent.</u> The proposed project, which reduced the acreage of Industrial Land Uses while increase the acreage of retail lands uses has the potential of creating sales tax producing shopping centers to support the fiscal sustainability of Los Alamitos which in turn provides revenues for valuable services.

C. That the proposed Ordinance is in the public interest and represents good land use practice because Los Alamitos City Council has come to the realization that allowing the property to remain with its current land use designation will foreclose the property from being developed with retail uses for decades and it is the desire of the City Council to encourage retail uses in that location.

D. The 28 acres of property are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation and anticipated land use development. The proposed development would be located within an established site in an urbanized area, consistent with the existing on-site and surrounding established land use patterns. No expansion beyond the existing property boundaries would occur with

the proposed project. The development review process would ensure that the proposed project would be consistent with the applicable zoning standards and other standards set forth by Zoning Code.

E. CEQA Guidelines § 15168 provides that if the City finds that there are no new effects that could occur and no new mitigation measures would be required, the City can approve a later activity as being within the scope of the project analyzed in the Program EIR. As this zoning ordinance directly parallels the General Plan amendment which was specifically analyzed in the Program EIR, there would not be any new effects or mitigation measures and there is no need for any additional environmental review.

**SECTION 2.** The City Council hereby adopts Ordinance No. 16-TBD approving Zoning Ordinance Amendment 16-01 which changes the zoning designation for parcels 241-241-08, 09, 10 & 11 from Planned Light Industrial Retail Overlay Zone (P-M ROZ) to General Commercial (C-G) and making the changes on the Zoning Map of the City.

**SECTION 3.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of the Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted the Chapter, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 4.** 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 36933.

**SECTION 5.** This Ordinance shall become effective on the 31<sup>st</sup> day after passage.

**PASSED, APPROVED AND ADOPTED** this \_\_\_th day of \_\_\_\_\_, 2016.

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Richard D. Murphy, Mayor

ATTEST:

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Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

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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. 2016-04 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote, to wit:

AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:         COUNCIL MEMBERS:

ABSTAIN:        COUNCIL MEMBERS:

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Windmera Quintanar, City Clerk, CMC