AGENDA
PLANNING COMMISSION/SUBDIVISION COMMITTEE
REGULAR MEETING
Wednesday, March 28, 2018 – 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 Development Services Department or on the City’s website at www.cityofalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Development Services 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 Development Services 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 DeBolt
   Vice Chair Riley
   Commissioner Andrade
   Commissioner Cuilty
   Commissioner Grose
   Commissioner Loe
   Commissioner Sofelkanik

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

5. **APPROVAL OF MINUTES**
   A. Approve the Minutes for the Regular Meeting of February 28, 2018.

6. **DISCUSSION**
   None.

7. **CONSENT CALENDAR**
   None.

8. **PUBLIC HEARINGS**
   A. Conditional Use Permit (CUP) 15-05M and 16-03M
   **Hours of Operation for a Restaurant**
   This is a request to modify the start of business, or open for business time, from 11 a.m. to 8:30 a.m. for 11122 Los Alamitos Boulevard on the General Commercial (C-G) Zone (Applicant: Craig Hofman of Hof's Hut for future restaurant tenant).

   Recommendation:

   1. Open the Public Hearing; and,

   2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and, if appropriate,

   3. Adopt Resolution No. PC 18-08, a modification of Resolution No. 16-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING HOURS OF OPERATION MODIFICATIONS TO CONDITIONAL USE PERMITS (CUP) 15-05 AND 16-03 WHICH ALLOWED AN 877 SQUARE FOOT OUTSIDE SEATING AREA AND SHARED PARKING AT 11122 LOS ALAMITOS BOULEVARD (APN NOS. 222-092-11 & 222-092-24) IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: CRAIG HOFMAN, OF HOF’S HUT RESTAURANTS, INC.)."
B. Site Plan Review (SPR) 15-01M
10742, 10744, 10746, 10748 & 10750 Walnut Street, APN 242-192-01
Consideration of a Resolution approving in part and denying in part Requested modifications to previously approved Site Plan Review (15-01) to construct a five-unit, residential condominium project at 10742, 10744, 10746, 10748, and 10750 Walnut Street in the multiple family residential (R-3) zoning district, APN 242-192-01 (Applicant: Olympia Stapakis).

Recommendation:

Adopt Resolution No. 2018-07 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING IN PART AND DENYING IN PART MODIFICATIONS TO A PREVIOUSLY APPROVED SITE PLAN REVIEW TO CONSTRUCT A FIVE-UNIT, RESIDENTIAL CONDOMINIUM PROJECT AT 10742, 10744, 10746, 10748, AND 10750 WALNUT STREET (15-01M) IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01 (APPLICANT: OLYMPIA STAPIKAS)."

C. Site Plan Review (SPR) 16-09
Conditional Use permit (CUP) 16-18
Tentative Tract Map (TTM) 16-04
3751 Farquhar Avenue
Continued consideration of a five-unit, residential condominium project at 3751/3755 Farquhar Avenue (APN 222-062-28) on an 8,760 square foot parcel in the Multiple Family (R-3) Zoning District. The project requires a Site Plan Review, Conditional Use Permit, and a Tentative Tract Map for condominium subdivision purposes (Applicant: Alison Stapakis and Olympia Stapakis).

Recommendation:

1. Open the continued Public Hearing; and, if appropriate,
2. Continue the Public Hearing to the April 25, 2018 Planning Commission meeting.

D. Zoning Ordinance Amendment (ZOA) 17-05
Off-Street Parking & Loading Discussion
The Planning Commission has initiated discussion of a Zoning Code Amendment for Off-Street Parking. This discussion begins with multi-family residential parking requirements and may or may not move toward other parking requirements based on the interest of the Commission.

Recommendation:
1. Open the public hearing, take testimony, and discuss possible changes to the Off-street Parking and Loading Standards in the Los Alamitos Municipal Code; and, if appropriate,

2. Direct Staff and the Assistant City Attorney to draft an Ordinance and appropriate resolution memorializing the requested code changes.

9. STAFF REPORTS
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
None.

11. COMMISSIONER REPORTS

12. ADJOURNMENT

APPEAL PROCEDURES
Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services 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 (resident)/$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2017-13.

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 Avenue; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Boulevard; not less than 72 hours prior to the meeting.

Tom Oliver
Associate Planner

3/21/18 Date
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – February 28, 2018

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:15
p.m., Wednesday, February 28, 2018, in the Council Chamber, 3191 Katella
Avenue, Chair Andrade presiding.

2. ROLL CALL
Present: Commissioners: Chair DeBolt
Vice Chair Riley
Andrade, Culity, Grose and Loe

Absent: Sofelkanik (excused)

Staff: Steven A. Mendoza, Development Services Director
Kendra Carney, Assistant City Attorney
Michelle Müller, Department Secretary
Tom Oliver, Associate Planner

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Chair DeBolt.

4. ORAL COMMUNICATION
Commissioner Andrade opened the meeting for Oral Communication for items not
on the agenda. There being no speakers, Chair Andrade closed Oral
Communications.

5. Approval of Minutes
A. Approve the Minutes for the Regular Meeting of November 29, 2017.

Commissioner Andrade noted the following corrections:
- Page 5, last paragraph should read, “the Planning Commission appointed
  Commissioner Riley”.
- Commissioner Sofelkanik questioned the spelling of John Reekstin.

Motion/Second: Grose/DeBolt
Carried 5/0 (Sofelkanik absent and Riley abstained): The Planning Commission
approved the minutes of the Regular meeting of January 24, 2018.

6. DISCUSSION
None.
7. CONSENT CALENDAR
None.

8. PUBLIC HEARINGS
A. Site Plan Review (SPR) 18-01
Grating Pacific
3651 Sausalito Street
Consideration of Site Plan Review for the addition of a 5,863 square foot two-story office building on the existing 3.93 acre Grating Pacific site at 3651 Sausalito Street.

Development Services Director Mendoza summarized the Staff Report.

Chair DeBolt opened the public hearing.

Richard Jimenez, applicant for Grating Pacific thanked the Planning Commission for their time and consideration of this project.

Mr. Jimenez added that the building in question for expansion will be the one with the assigned address of 3641 Sausalito. Furthermore, Mr. Jimenez stated that there is ample parking on-site. Mr. Jimenez provided a brief overview of their proposed changes to the building.

There being no further speakers, Chair DeBolt closed the public hearing.

Motion/Second: Andrade/Culity

B. Conditional Use Permit (CUP) 18-01
I Love Kickboxing Franchise
4224 and 4226 Katella Avenue
Consideration of a Conditional Use Permit to allow Kickboxing fitness classes at 4224 and 4226 Katella Avenue in the Commercial Professional Office (C-O) Zone (Applicant: Jesse Barba for I Love Kickboxing Franchise).

Development Services Director Mendoza summarized the Staff Report.

Chair DeBolt opened the public hearing.
Applicant, Jessica Borello thanked the Planning Commission and Staff for their time and consideration of this project. Ms. Borello provided a brief presentation depicting the concept of her proposed business.

Voula Douglass, manager for the I Love Kickboxing Franchise in Yorba Linda brought forward a letter written by their neighboring businesses expressing positive feedback of their business.

Kim Walker, manager for this I Love Kickboxing location and resident of the City submitted the results of a Noise Study completed. Ms. Walker added that the results indicated that there would be no impact to the neighboring businesses.

Jesse Barba Junior Designer for Creative Heights provided a brief presentation to the Planning Commission of the proposed remedies to provide noise control; those changes include, extra soundproofing and sealing the electrical penetrations.

John Davies, owner of the Physical Therapy business at 4220 Katella Avenue expressed concern over the noise the proposed business would generate as a result of the holes in the ceiling even if it is blocked with the sound wall. An additional concern is the potential issues with parking. Mr. Davies is troubled by the concern his patients have and in addition to the code interpretation of this type of business going within this zone.

Robert Espinoza, resident of Rossmoor came forward to express support for this business.

Raquel Davis, wife of Mr. Davies expressed opposition to this business opening up at the proposed location due the noise impact it will have on the predominant aging population that their business serves.

Rene Lord, employee of the Physical Therapy business at 4220 Katella Avenue expressed concern over this potential business not being categorized under the right zoning.

Resident of Rossmoor, Elizabeth Hanning asked why it is that the business is not moved over one space to where it would leave a vacant space between I Love Kickboxing and the Physical Therapy Center.

Ms. Borello presented a letter for the record to state that she is in the midst of negotiation with the landlord to move one space over, closest to the Edible Arrangements with the same proposed changes to the units.

Gus Angelopodas owner of I Love Kickboxing in Yorba Linda expressed support for this business. Mr. Angelopodas added that he has the same set-up at his business and has never had any problems with his neighboring businesses.
Chair DeBolt closed the Public Hearing and brought the item back to the Planning Commission for discussion.

Commissioner Cuilty and Commissioner Andrade stated that the soundproofing being done is more than enough and do not believe that there will be an issue with the noise.

Commissioner Loe asked and received clarification from Development Services Director Mendoza that though that there will be an address change, because it is still within 500 feet from the initially proposed location, it does not have to be re-noticed.

Vice Chair Riley expressed concerned over the assigned zoning for the prospective business.

Commissioner Cuilty asked and received clarification from Ms. Walker that their mode of operation is strictly classes.

Chair DeBolt added that just because they are proposed as classes, does not mean that it is a school; therefore, it is not an approved use in this zone.

Staff and the Planning Commission discussed what zoning best suits this type of business.

Motion/Second: Loe/Cuilty
Carried 4/2 (DeBolt and Riley opposed, Sofelkanik absent): The Planning Commission voted to Adopt Resolution No. 18-01, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-03 TO ALLOW KICKBOXING FITNESS CLASSES IN TWO UNITS TOTALLY 2,743 SQUARE FEET AT 4224 AND 4226 KATELLA AVENUE IN THE COMMERCIAL PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, APN 222-111-41, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA with the stated corrections to include the address change and the required soundproofing.

C. Site Plan Review (SPR) 15-01M
10742, 10744, 10746, 10748 & 10750 Walnut Street, APN 242-192-01
Consideration of modifications to the Site Plan Review (15-01M) for a previously approved five-unit, residential condominium project at 10742, 10744 -10750 (even) Walnut Street (APN 242-192-01) on a 9,587 square foot vacant parcel in the Multiple Family (R-3) Zoning District. (Applicant: Olympia Stapakis).

Chair DeBolt recused himself from the dais due to an interest in real estate within 500 feet.
Associate Planner Oliver summarized the staff report.

Vice Chair Riley opened the public hearing.

Nickolas Zamvakellis came forward to speak on behalf of the applicant.

Mr. Zamvakellis provided a brief presentation to the Planning Commission to illustrate the differences in the quality of material used for this project.

Contractor John Durante came forward on behalf of the applicant and gave a brief presentation of the difference between the split-face and smooth-face block wall.

Contractor Michael Hearts came forward on behalf of the applicant and gave a brief presentation as to why the roof rafters were installed as they were.

Steve Stapakis, representative for the applicant came forward to discuss the changes made without proper approval. Mr. Stapakis brought forward the following revisions:

- Three windows added for lighting in the kitchen
- The step is not necessary at the entrance
- The curb in the open space is not necessary
- Window shutters will be added when the rest of the revisions are addressed
- Fascia added to support the gutters as required by the WQMP’s

Mr. Stapakis stated that these changes were made because they felt they were the best changes for the neighborhood.

Shelly Myers commented that she is happy with the developments completed by Mr. Zamvakellis, and supports the PVC type of fencing.

Commissioner Andrade asked and received a response from the applicant as to why these types of materials were not brought up prior to approval of the plans; Mr. Stapakis stated that details are missed.

Commissioner Grose asked and received clarification from the Assistant City Attorney about what liability the City has if a tenant is injured while occupying the units without an issued Certificate of Occupancy; City Attorney Carney stated that the City has exposure for that however, the City can take steps to legally force them to move out of the property until a Certificate of Occupancy is obtained.

Commissioner Andrade added that it is not about the material but rather the process in which all of these changes were made and the fact that the process was not followed.
Mr. Stapakis stated that they did not get approval in advance as they should have but this is why they are here now.

Mr. Stapakis stated that the applicant chose to move occupants in. Furthermore, he apologized for the occupancy and says that it was a mistake.

Commissioner Grose commented that she witnessed occupants as they moved into the units.

Vice Chair Riley asked and received the following clarification from Assistant City Attorney Carney stating that, tonight the Planning Commission should decide whether or not some of the changes are acceptable to the Planning Commission. The lack of having a Certificate of Occupancy should be handled by Staff.

Development Services Mendoza advised that citations have been issued to the property owner/applicant by the Code Enforcement Division for not having a Certificate of Occupancy.

The Planning Commission and Staff discussed the following items:
- Condition No. 43: the WQMP has not been recorded at the Orange County Clerk Recorder  
  *(action: required to complete)*
- Condition Nos. 7 & 43: the Final Tract Map has not been recorded  
  *(action: required to complete)*
- Site plans indicate “wood fence type” – PVC fencing installed  
  *(action: okay to remain as-is)*
- Plans indicate a “wood cap” on wrought iron railings – no wood installed  
  *(action: okay to remain as-is)*
- Plans indicate “exposed rafter tails” on elevations – fascia board installed  
  *(action: okay to remain as-is)*
- Landscaping should block mechanical equipment – AC in side setback not clearly screen from view from right-of-way  
  *(action: condition needs to be satisfied to the satisfaction of staff)*
- Window count on south side of the building does not match window count on elevations – three extra windows  
  *(action: obtain Building & Safety approval for installation)*
- Plans indicate a “curb” around private open spaces – no curb  
  *(action: okay to remain as-is)*
- The installed “garaged doors” do not match the elevations – the doors have a different panel arrangement/style  
  *(action: okay to remain as-is)*
- Conduit lines are for air conditioner condensers are exposed on the outside walls of the structure  
  *(action: paint the conduit to match the color of the wall)*
- Missing grids/mullions in rear facing windows, facing south

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(action: okay to remain as-is)
- Split face block was used for fencing rather than a stucco-covered masonry wall
  (action: okay to remain as-is)
- Some of the units do not have front door steps
  (action: have Building & Safety assess and determine if it is necessitated)
- Window shutters are missing on north elevation
  (action: will install once everything is completed)
- The last unit on the east end of the project has a large section of cement that has never been finished
  (action: required to correct)
- Several of the plants in the parkway will grow taller than the allowed height requirements for parkways and will obstruct vision
  (action: maintain vegetation on a regular basis as required by code)

Motion/Second: Grose/Andrade
Carried 5/0 (DeBolt recused himself, Sofelkanik absent): Partial approval and partial denial of modification proposed and direct the City Attorney to bring back a resolution with said changes.

RECESS
The Planning Commission took a brief recess at 9:20 p.m.

RECONVENE
The Planning Commission reconvened at 9:26 p.m.

D. Site Plan Review (SPR) 16-09
Conditional Use permit (CUP) 16-18
Tentative Tract Map (TTM) 16-04
3751 Farquhar Avenue
Continued consideration of a five-unit, residential condominium project at 3751/3755 Farquhar Avenue (APN 222-062-28) on an 8,760 square foot parcel in the Multiple Family (R-3) Zoning District. The project requires a Site Plan Review, Conditional Use Permit, and a Tentative Tract Map for condominium subdivision purposes (Applicant: Alison Stapakis and Olympia Stapakis)

Development Services Director Mendoza summarized the staff report.

Chair DeBolt opened the public hearing.

Steve Stapakis, representative for the applicant stated that they do not have a project ready to present yet. Mr. Stapakis stated that it will be two-stories in reference to note 11 – it will be two stories on grade.
Mr. Zamvakellis stated that it would have been impossible to have the plans resubmitted in time for tonight’s meeting. Furthermore, Mr. Zamvakellis stated that it is two-stories in the front, three-stories in the back. Mr. Zamvakellis stated that their intent is to bring in a project that could be approved easily.

Chair DeBolt closed the public hearing and brought the item back to the Commission for discussion.

Commissioner Andrade stated that his interpretation was not that it would all come back as two-stories; the two issues of concern were the five units and three-stories in the front.

Chair DeBolt stated that his interpretation per the minutes and testimony from Bryce Ricks, neighboring property owner at 3741 Farquhar Avenue was that the development would be brought back as a two-story, four-unit project.

Commissioner Culty stated that perhaps it would be best if there was only one representative for the applicant rather than having multiple.

Commissioner Loe stated that his interpretation was that it would be brought back as a two-story in the front and the rest would be three-stories.

Vice Chair Riley commented that though it is possible that the Commission granted the continuance based on the assumption that the entire project would be brought back as a two-story project, he asked and received clarification from Assistant City Attorney Carney that if it is continued the applicants are able to re-submit the plans as they desire despite the recommendations made by the Commission.

Commissioner Grose stated that her interpretation would be that the project would be built in good faith; where the front would be presented as two-stories and the back would be three-stories.

Motion/Second: Andrade/Grose
Carried 5/1 (DeBolt opposed, Sofelkanik absent): Approved a motion to continue the project to the next Planning Commission meeting of March 28, 2018 noting that it is expected for the project to be brought back as two-stories in the front, three-stories in the back, no variances and in full compliance of code.

E. Consideration of a Resolution recommending the City Council approve a Zoning Ordinance to amend sections 17.26.040 and 17.76.020 of the Los Alamitos Municipal Code to modify off-street parking and guest parking requirements for new or expanded multiple-family residential uses in the R-2 (limited multiple-family) and R-3 (multiple-family) residential zoning districts and define “bedroom.”
Following the Planning Commission’s unanimous vote to initiate a Zoning Code amendment to address off-street parking, the Planning Commission surveyed the off-street parking requirements of surrounding cities and directed the City Attorney to prepare a Resolution recommending various amendments to the City Council to address excessive parking demands in the R-2 and R-3 Zoning Districts. The proposed Zoning Ordinance Amendment would require guest parking for new and expanded R-2 and R-3 projects and establish required parking based on a new definition of “bedroom” in the R-3 Zoning District.

Development Services Director Mendoza summarized the staff report.

Chair DeBolt opened the public hearing. There being no speakers, Chair DeBolt closed the public hearing and brought the item back to the Commission for discussion.

Chair DeBolt asked and received clarification from Development Services Director Mendoza that there is no distinction the proposed changes apply to both the R-2 and R-3 zones.

Motion/Second: Cuilty/Grose

F. Zoning Ordinance Amendment (ZOA 17-05)
Off-Street Parking
The Planning Commission has initiated discussion of a Zoning Code Amendment for Off-Street Parking. This discussion begins with multi-family residential parking requirements and may or may not move toward other parking requirements based on the interest of the Commission.

Development Services Director Mendoza summarized the staff report.

Traffic Engineer Irantalab provided a brief presentation of what the turning radius for vehicles that are exiting garages.

Chair DeBolt asked for discussion at the next meeting of the current parking differences between multi-family and condominiums in the Municipal Code.
Motion/Second: Grose/Riley
Carried 6/0 (Sofelkanik absent): motion to continue the item for discussion at the next scheduled Planning Commission of March 28, 2018.

9. STAFF REPORTS
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Services Director Mendoza provided lights are lit on the Los Alamitos Boulevard median. The lane configuration is under review; paving will follow once a decision is made on the configuration.

Development Services Director Mendoza advised that the projected start date for the construction of the hotel remains as April 1st.

11. COMMISSIONER REPORTS
Commissioner Loe briefly discussed the practices by other Cities in decision making and the process of their Planning Commission and City Council meetings.

Chair DeBolt commented on the memorandum sent to the Planning Commission from Assistant City Attorney Carney discussing the process as to how meetings are to be held. Assistant City Attorney Carney clarified that when a resolution is brought back to the Commission following an approval or denial, the applicant is not able to come back and re-argue their entire project unless the Commission is okay with that occurring.

Development Services Director Mendoza informed the Commission that generally, Staff has pre-meetings with the applicants that are presenting to the Planning Commission so that they may familiarize themselves with the process to get a feel of the setting in the Council Chamber.

Commissioner Grose extended an invitation to the Planning Commission to attend an Honored Citizens event at the Los Alamitos Museum March 11, 2018 at 2 p.m.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 10:26 p.m.

______________________________
ATTEST: Art DeBolt, Chair

______________________________
Steven A. Mendoza, Secretary
City of Los Alamitos  
Planning Commission  

Agenda Report  
Public Hearing  

March 28, 2018  
Item No: 8A  

To: Chair DeBolt and Members of the Planning Commission  

From: Steven A. Mendoza, Development Services Director  

Subject: Conditional Use Permit (CUP) 15-05M and 16-03M  
Hours of Operation for a Restaurant  

Summary: This is a request to modify the start of business, or open for business time, from 11 a.m. to 8:30 a.m. for 11122 Los Alamitos Boulevard on the General Commercial (C-G) Zone (Applicant: Craig Hofman of Hof’s Hut for future restaurant tenant).  

Recommendation:  

1. Open the Public Hearing; and,  

2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and, if appropriate,  

3. Adopt Resolution No. PC 18-08, a modification of Resolution No. 16-06, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING HOURS OF OPERATION MODIFICATIONS TO CONDITIONAL USE PERMITS (CUP) 15-05 AND 16-03 WHICH ALLOWED AN 877 SQUARE FOOT OUTSIDE SEATING AREA AND SHARED PARKING AT 11122 LOS ALAMITOS BOULEVARD (APN NOS. 222-092-11 & 222-092-24) IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: CRAIG HOFMAN, OF HOF’S HUT RESTAURANTS, INC.).”  

Applicant: Craig Hofman of Hof’s Hut  

Location: 11122 Los Alamitos Boulevard, Los Alamitos CA 90720
Environmental: Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b) (3). The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Approval Criteria: Per Resolution 16-06, condition 11, “The restaurant’s hours of operation shall be limited to 11 AM to Midnight unless Applicant obtains 6 additional parking spaces during all times that the restaurant is in operation.”

Noticing: Notices announcing the Public Hearing were mailed to all property owners within 500 feet of the proposed location on March 14, 2018. A Public Hearing notice regarding this meeting was also published in the News Enterprise on March 14, 2018.

Prior Approvals: CUP 15-05 Resolution No. 16-06 Outdoor Seating. CUP 16-03 Resolution No. 16-06 Shared Parking. PSP 16-01 Signage CUP 11-02 Resolution No. 11-06 Alcohol Permit CUP 340-90 Resolution No. 533-92.B (Extension) and 534-90 Remodel and 160sqft addition (Recorded in 1998).

Background

The City is excited to announce that the vacant Mighty Kitchen Restaurant has a new tenant. That tenant, “Mama’s Kitchen”, is in need of expanding the hours in order to serve breakfast. Therefore, leaseholder Craig Hofman, has submitted an application for a modification [(CUP) 15-05M and (CUP) 16-03M] asking that the City allow modifications to CUPs 15-05 and 16-03 regarding outdoor dining and shared parking. He is applying on behalf of a future tenant “Mama’s Kitchen” so that they may assume the lease on the property. Presently, the hours of operation required in the existing resolution are 11:00 a.m. to midnight, and with the use of shared parking spaces from a nearby parcel rented during evening and weekend hours. The Applicant is requesting for opening hours of 11 a.m. to be changed to 8:30 a.m. Staff feels that the existing conditions, as set in place previously for the outside dining and shared parking, adequately address their parking requirement with earlier hours of business.

Discussion

Currently in place for this restaurant is a month to month shared parking agreement between John R. Benfanti Jr. (“Lessor”) and Hof’s Hut Restaurants, Inc. (“Lessee”). The Agreement is for the use of eight (8) reserved vehicle parking spaces that are
located in the nearby alley for the use of the tenant's customers after the hours of 5:00 p.m., Monday to Friday, and on Saturday and Sunday during the hours the Applicant is open for business. Mr. Benfanti's tenants generally do not use the parking during such times. A new monthly agreement with Mama's Kitchen will commence if approved by the Planning Commission.

Areas outlined in yellow are shared parking. Area outlined in red is reserved for the use of tenant's customers after the hours of 5:00 p.m., Monday to Friday, and on Saturday and Sunday during the hours in which the tenant is open for business. **Note:** The crossed out tandem space in red is not to be counted.
Location
The properties on all sides of the property are commercial retail and offices within the General Commercial (C-G) zone.

Parking Requirements
Under current parking standards a 5,232 square foot restaurant would require 52 spaces as set forth below. The restaurant has 47 parking spaces located adjacent to the restaurant and on a detached parking area. Two of the spaces cannot be striped because they are in the way of a driveway for the building next door. With the past addition of the outdoor dining, the parking falls 11 spaces short of current code requirements with the added outdoor dining.

The Applicant obtained the use of 8 parking spaces located at 3561 Howard Avenue for use on weekends and evenings after 5:00 p.m. The parking area for this building is in an area filled with adjoining lots for other commercial uses where traffic ebbs and flows throughout the day. Without demolishing part of this existing building, it would be impossible to add more parking. Even with this parking shortage, the City has never received complaints about parking in the area, only about speeding in the alley.

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<thead>
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<th>Required</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Space Requirements</td>
<td>Proposed Patio 877 sq. ft.</td>
</tr>
<tr>
<td>Required Spaces</td>
<td>5,000 (1/100) = 50 spaces</td>
</tr>
</tbody>
</table>

March 28, 2018
CUP 15-05M & CUP 16-03M – Mama’s Kitchen
Page 4 of 6
### Required Space Requirements

<table>
<thead>
<tr>
<th>Required Space Requirements</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 space per 150 s.f. in excess of 5,000</td>
<td>232 (1/150) = 2 spaces</td>
</tr>
<tr>
<td>1 space per 150 s.f. of outside seating area.</td>
<td>877 (1/150) = 6 spaces</td>
</tr>
<tr>
<td>Total</td>
<td>=58 spaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Provided Spaces</th>
<th>47 spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>47 spaces = 11 spaces short of 58</td>
<td></td>
</tr>
</tbody>
</table>

Staff added the following conditions (numbers 11-19) to the original resolution of approval to manage the parking situation:

- The restaurant’s hours of operation shall be limited to 11 AM to Midnight unless Applicant obtains 6 additional parking spaces during all times that the restaurant is in operation.

- Outdoor dining may only take place during such time as the agreement with the property owner at 3561 Howard Avenue for 8 additional parking spaces is in full force and effect. The agreement shall provide that the City must be provided with notice of the termination of the agreement.

- Should the City, in its sole discretion, determine that the parking arrangement is inadequate; the Applicant shall immediately utilize the services of a valet parking company who shall park only on parking belonging to the restaurant at 11122 Los Alamitos Boulevard. The valet parking service shall not utilize Los Alamitos Boulevard or the property at 3651 Howard Avenue and shall not charge the patrons for parking.

- The Applicant shall install a minimum of eight bicycle parking spaces, but shall endeavor to install more. (It is noted that the City of Los Angeles allows one parking space to be replaced by four bicycle parking spaces for up to 20% of the required parking spaces.)

- If parking continues to be inadequate, the Applicant shall remove the outdoor seating area and return the space to a landscape area if no other parking arrangements can be made.

- This conditional use permit shall be subject to review, modification or revocation in accordance with the provisions of Los Alamitos Municipal Code § 17.26.050C.

- The conditional use permit and conditions of approval shall be recorded against 11122 Los Alamitos Boulevard.

- The Applicant shall provide signage on the eight spots used on 3651 Howard Avenue concerning parking after hours parking and usage.
• The Applicant shall provide some kind of signage, painted or otherwise, to denote which spaces are assigned to this restaurant.

Recommendation

Staff feels that the best course of action would be to allow the extended operational hours as shown in condition 11 of the attached resolution. During the extended morning hours of business, use of the shared parking is not expected to exceed capacity. As well, Mighty Kitchen, the former restaurant, never needed to utilize the services of a valet service while it existed. The shared parking situation can be returned to the Planning Commission if at any time there are numerous complaints.

Staff recommends approval of CUPs 15-05M and 16-03M through adoption of Resolution 18-08 with conditions, unless additional or contrary information is received during the meeting and based upon the evidence submitted to the Commission, including the evidence presented in this Staff report, and any oral and written evidence presented at the Public Hearing.

Attachments: 
1) Resolution No. 18-08
2) Assignment and assumption of lease
3) Site Plan and Floor Plan
RESOLUTION NO. 18-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING HOURS OF OPERATION MODIFICATIONS TO CONDITIONAL USE PERMITS (CUP) 15-05 AND 16-03 WHICH ALLOWED AN 877 SQUARE FOOT OUTSIDE SEATING AREA AND SHARED PARKING AT 11122 LOS ALAMITOS BOULEVARD (APN NOS. 222-092-11 & 222-092-24) IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: CRAIG HOFMAN, OF HOF'S HUT RESTAURANTS, INC.).

WHEREAS, an application has been filed by Craig Hofman of Hof’s Hut Restaurants, Inc. to allow 8:00 a.m. opening hours for an existing restaurant building at 11122 Los Alamitos Boulevard in the General Commercial (C-G) Zoning District; and,

WHEREAS, Conditional Use Permits 15-05 and 16-03 gave approval for outside seating and shared parking, respectively, for the restaurant in March 23, 2016; and,

WHEREAS, the Applicant, the future tenant, and the parcel owner of signed an assumption of lease for the 8 parking spaces from the property owner at 3561 Howard Avenue, which spaces will be available Monday through Friday after 5:30 p.m. and on weekends beginning at 8:30 a.m. to close of business; and,

WHEREAS, the business uses located at 3561 Howard Avenue generally do not use the parking spaces during the time that the 8 parking spaces will be available for the restaurant; and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on April 25, 2018; and,

WHEREAS, at these Public Hearings, the Applicant, Applicant’s representatives, and members of the public were provided the opportunity to present written and oral testimony; and,

WHEREAS, the Planning Commission considered all evidence presented, both written and oral, including the Staff reports.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The approvals set forth herein are not meant to set a precedent for any other restaurant outside seating.
SECTION 3. Conditional Use Permits (CUPs) 15-05M and 16-03M are hereby approved for a modification to the hours of operation for an existing restaurant building at 11122 Los Alamitos Boulevard in the General Commercial (C-G) Zoning District is still based upon the following findings and subject to the conditions as originally set forth in resolution 16-06 for CUP 15-05M:

1. The outside seating for a restaurant located at 11122 Los Alamitos Boulevard in the General Commercial (C-G) Zoning District will not endanger the public health or general welfare. Outdoor dining is encouraged in the General Plan and this will encourage the business friendly, walkable environment that the City is expecting in its future vision along Los Alamitos Boulevard and the Applicant has agreed to solutions in the form of additional parking spaces and valet spaces if required to solve the parking issues. The attached conditions will insure that the public is protected from both outside dining/drinking and parking problems.

2. The outside seating for the restaurant will be located in a commercial area and is a conditionally permitted use within the zoning district where it proposes to locate. This is a commercial building surrounded by commercial and office uses on all sides. Restaurants with outside seating uses are specifically allowed in this zone if approved with a Conditional Use Permit (CUP). Shared parking is also allowed by the Los Alamitos Municipal Code.

3. The outside seating for a restaurant will be compatible with other uses located in the General Commercial (C-G) Zoning District and with the Los Alamitos General Plan. The Economic Element of the General Plan states as Goal number three, “Distinctive shopping and entertainment corridors and districts that attract consumer spending by residents, workers, and regional visitors.” The outdoor dining use will be compatible with surrounding uses which are retail and commercial in nature. Obtaining 8 additional parking spaces and agreeing to institute valet parking if there are problems will insure that the shared parking will not be incompatible with the other uses.

4. The decision to approve the Conditional Use Permit is based on review by the Planning Commission of all evidence presented, both written and oral. The project has been conditioned to insure the compatibility with the surrounding uses.

The following additional findings are still based upon the following findings and subject to the conditions as originally set forth in resolution 16-06 for Conditional Use Permit 16-03 for shared parking.
5. Adequate parking will be available at all times for employees and customers of the uses affected by the joint use parking plan. The shared parking is only available on weekday nights and weekends, when the restaurant will experience its peak hours of service and when the businesses at 3561 Howard Avenue will not be using the spaces.

6. Surrounding property owners, residents, and businesses shall not be adversely affected by the joint use parking plan. The shared parking of 8 spaces more than satisfies the additional parking requirements for 6 spaces caused by the outdoor dining space. The restaurant will not be able to use the shared parking spaces during the workday hours when the spaces are being utilized by the businesses at 3561 Howard Avenue. The conditions added by the City ensure that there is adequate parking available at all times for employees and customers of the uses affected by the shared parking and that surrounding property owners and businesses will not be impacted by the parking situation.

SECTION 4. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines Section 15303(e), Class 1. Existing Facilities. The proposed use is in an existing building with no proposed alterations or expansion of more than 2,500 square feet. There are no unusual circumstances or other exceptions to the exemptions which would prevent the use of this Categorical Exemption.

SECTION 5. The following conditions from resolution 16-06 shall apply to this project as reiterated here with modification to the hours of operation shown in condition 11:

**Planning Department**

1. Approval of CUP 15-05 is to allow an 877 square foot restaurant outside seating area at 11122 Los Alamitos Boulevard in the General Commercial (C-G) zoning district with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 15-05 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. Approval of CUP 16-03 is to allow shared parking for a restaurant with outside seating at 11122 Los Alamitos Boulevard in the General Commercial (C-G) zoning district with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 16-03 noted thereon, and on file in the Community Development Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.

3. Any signs shall comply with the provisions under Chapter 17.28 of the Los Alamitos Municipal Code or the Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Development Services Director.

4. Failure to satisfy and/or comply with the conditions herein may result in revocation by the Planning Commission and/or City Council of this approval.

5. The Applicant and the Applicant’s successors, in interest, shall be fully responsible for knowing and complying with all conditions of approval.

6. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.

Pursuant to Government Code Section 66020(d)(1), the Applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees: N/A
Dedications: N/A
Reservations: N/A
Other Exactions: N/A

The Applicant has 90 days from the date of adoption of this Resolution to protest the impositions described above. The Applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.

7. 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.

8. The Property Owner/Applicant shall file an Acknowledgment of Conditions of Approval with the Community Development Department. The Property Owner/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 prior to issuance of any permits.

9. Applicant shall comply with applicable City, County, and/or State regulations.

10. The Applicant shall be required to provide a signed agreement between himself and the Property Owner at 3561 Howard Avenue in a form acceptable to the City Attorney prior to the issuance of any permits.

Parking Related Conditions

11. In a change to the hours of approval listed in Resolution Nos. 11-06 and 16-06, the restaurant’s hours of operation shall be limited to 8:30 a.m. to Midnight unless Applicant obtains 6 additional parking spaces in addition to the 8 being provided during expected peak hours for the restaurant.

12. Outdoor dining may only take place during such time as the agreement with the property owner at 3561 Howard Avenue for 8 additional parking
spaces is in full force and effect. The agreement shall provide that the City must be provided with notice of the termination of the agreement.

13. Should the City, in its sole discretion, determine that the parking arrangement is inadequate, the Applicant shall immediately utilize the services of a valet parking company who shall park only on parking belonging to the restaurant at 11122 Los Alamitos Blvd. The valet parking service shall not utilize Los Alamitos Boulevard nor the property at 3651 Howard Avenue nor shall they charge for valet parking.

14. The Applicant shall install a minimum of eight bicycle parking spaces, but shall endeavor to install more. (It is noted that the City of Los Angeles allows one parking space to be replaced by four bicycle parking spaces for up to 20% of the required parking spaces.)

15. If parking continues to be inadequate, the Applicant shall remove the outdoor seating area and return the space to a landscape area if no other parking arrangements can be made.

16. This conditional use permit shall be subject to review, modification or revocation in accordance with the provisions of Los Alamitos Municipal Code § 17.26.050C.

17. The conditional use permit and conditions of approval shall be recorded against 11122 Los Alamitos Blvd.

18. The Applicant shall provide signage on the eight spots used on 3651 Howard Avenue concerning parking after hours parking and usage.

19. The Applicant shall provide some kind of signage, painted or otherwise, to denote which spaces are assigned to this restaurant.

**Alcohol Conditions**

20. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.

21. The display of alcoholic beverages shall be interior only (no outside display) at any time.

22. Restaurant employees shall prevent alcohol from being carried out of or passed out of the outside dining area.

23. Serving of alcohol to obviously intoxicated individuals is prohibited.
24. No alcohol shall be served in the outside dining area unless a supervisor, at least 21 years of age, is on-site.

25. Any alcohol-induced behavior that disturbs customers or passersby shall constitute grounds for revocation of any permit(s) for the on-premise sale of alcohol.

26. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.

27. Except as expressly modified herein, all conditions of approval set forth in Resolution No. 11-06 shall continue to apply and a copy of these conditions shall be kept on the premises in addition to the conditions set forth in Resolution No. 11-06 shall be maintained on the premises and made available upon the demand of any peace officer at all times.

Building Department

28. The Applicant shall obtain City permits for all tenant improvements.

Orange County Fire Authority

29. 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 any permits or approvals: architectural (service codes PR200-PR285), when required by the OCFA “Plan Submittal Criteria Form.”

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

Code Enforcement Department

30. All outside areas shall be kept clean daily and tenant shall provide necessary trash receptacles for operation.

31. No prohibited or unpermitted signage may be used.

Rossmoor/Los Alamitos Sewer District

32. A FOG permit is required for the new owner.
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 a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 28th day of March, 2018.

________________________
Chair Art DeBolt

ATTEST:

________________________
Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

________________________
Kendra L. Carney, Assistant City Attorney

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

I, Steven A. 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 28th day of March, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

March 28, 2018
CUP 15-05M & CUP 16-03M
Page 8 of 9
Steven A. Mendoza, Secretary
ASSIGNMENT AND ASSUMPTION OF LEASE
AND
LEASE ASSIGNMENT

This ASSIGNMENT AND ASSUMPTION OF LEASE AND AMENDMENT OF LEASE ("Agreement") is entered into as of March 12, 2018 ("Effective Date") by and between John R. Benfanti, Jr. ("Lessor"); Hof’s Hut Restaurants, Inc., a California corporation ("Assignor") and Mama’s Kitchen YL, LP ("Assignee") with reference to the following facts:

RECITALS

A. On or about April 4th, 2016, Lessor and Assignor entered into that certain lease agreement titled Month to Month Parking Agreement ("Lease").

B. Assignor desires to assign its leasehold interest in the Lease to Assignee and Assignee desires to accept the Assignment and assume the Lessee’s rights and obligations under the Lease pursuant to the terms of this Agreement.

NOW THEREFORE, in consideration of the covenants and conditions contained herein, the parties agree as follows:

1. Rent Commencement. Assignee shall commence payment of the $750.00 Base rent in the month the restaurant opens for business in 2018.

2. Notices. Any notice, demand or request which may be permitted, required or desired to be given in connection therewith shall be given in writing and directed to Assignee as follows:

   ASSIGNEE: Mama’s Kitchen YL, LP
   Attn: Peter Truxaw and Robert Corrigan
   3185 Airway Avenue, C-2
   Costa Mesa, CA 92626

3. The parking hours shall be amended to allow customer parking starting at 8:30am on Saturday and Sunday.

IN WITNESS WHEREOF, the parties have executed this ASSIGNMENT AND ASSUMPTION OF LEASE AND LEASE AMENDMENT as of the date first above written.
LESSOR:

By: John R. Bentanti, Jr.

ASSIGNOR:

Hof’s Hut Restaurants, Inc., a California Corporation

By: Craig H. Hofman, Chairman of the Board

ASSIGNEE:

Mama’s Kitchen YL, LP
A Delaware Limited Partnership

By: Mama’s Boys, LLC
As General Partner

By: 
As Manager

Name: Peter Truxaw
Title: Manager
To: Chair DeBolt and Members of the Planning Commission/Subdivision Committee

Via: Steven A. Mendoza, Development Services Director

From: Kendra L. Carney, Assistant City Attorney

Subject: SPR 15-01M
Modifications to previously approved Site Plan to construct a five-unit, residential condominium project at 10742, 10744, 10746, 10748, and 10750 Walnut Street (SPR 15-01M) in the multiple family residential (R-3) zoning district, APN 242-192-01 (Applicant: Olympia Stapakis).

Summary: Consideration of a Resolution approving in part and denying in part Requested modifications to previously approved Site Plan Review (15-01) to construct a five-unit, residential condominium project at 10742, 10744, 10746, 10748, and 10750 Walnut Street in the multiple family residential (R-3) zoning district, APN 242-192-01 (Applicant: Olympia Stapakis).


Applicant: Olympia Stapakis

Location: 10742, 44, 46, 48, & 50 Walnut Street (APN 242-192-01)

Notice: On February 14, 2018, Notice of Public Hearing was posted at the City Hall, the Community Center, and the Los Alamitos Museum and at the Site. It was also published in the News Enterprise and public notices were mailed out to all property owners and tenants within 500 feet of the property on this date. The February 28, 2018 meeting was continued to tonight’s meeting.
Environmental: The proposed use was and still remains exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 - In-Fill Development Projects.

Background

The Los Alamitos Planning Commission previously approved this five-unit condominium development project on May 27, 2015, based on the plans submitted at that time. During development, the applicant admittedly made field changes that deviated from the approved plans without obtaining approval from City Staff or the Planning Commission.

At the Planning Commission meeting on February 28, 2018, the Applicant requested the Planning Commission approve modifications to the approved plans to allow the applicant to obtain a certificate of occupancy and maintain the existing deviations from the approved plans.

Discussion

During a public hearing on the Applicant’s request for modifications, the Planning Commission received a staff report and comments from the Applicant regarding the current state of the project. Staff reported that, following a request from the Applicant for a certificate of occupancy, Staff conducted an inspection of the property. During that inspection, Staff documented several instances in which the property as-built deviated from the plans previously approved by the Planning Commission. Since the applicant has already permitted tenants to inhabit the project, in accordance with Los Alamitos Municipal Code section 17.72.020, and in the interest of public safety, the Planning Commission considered the requested modifications.

Following the public hearing, the Planning Commission in part approved and in part denied the modifications. The proposed modifications and the Planning Commission’s determinations are as follows:
<table>
<thead>
<tr>
<th>Required Modifications Reviewed by Planning Commission</th>
<th>Planning Commission Approval or Denial of Requested Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition No. 43: The Water Quality Management Plan (&quot;WQMP&quot;) is required to be recorded with the Orange County Clerk Recorder. The WQMP has not been recorded.</td>
<td>To be completed.</td>
</tr>
<tr>
<td>Condition Nos. 7 and 43: The Final Tract Map is required to be recorded with the Orange County Clerk Recorder. The Final Tract Map has not been recorded.</td>
<td>To be completed.</td>
</tr>
<tr>
<td>Approved Plans show a “wood fence type” installed at the Project. The Project as-built does not use wood fencing but has PVC fencing installed. The modification would allow PVC fencing.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans show a “wood cap” on wrought iron railings. The Project as-built does not incorporate wood caps. The modification would remove the requirement to install wood caps.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans show “exposed rafter tails” on elevations. The Project as-built has fascia board installed on elevations and does not have exposed rafter tails. The modification would allow the existing fascia board to remain and remove the requirement for exposed rafter tails.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans require landscaping to block mechanical equipment. The Project as-built has air conditioning condensers in the side setbacks that are not clearly screened from view from the right-of-way. The modification would allow the mechanical equipment to remain visible from the right-of-way without requiring landscape to block this view.</td>
<td>Denied.</td>
</tr>
<tr>
<td>Approved Plans show a “window count” on the south side elevations of the Project that does not match the window count on the Project as-built. The modification would allow three extra windows on the south side elevations of the Project.</td>
<td>Approved, pending approval by Building Inspector.</td>
</tr>
<tr>
<td>Approved Plans show a curb around private open spaces. The Project as-built does not include these curbs. The modification would remove the requirement for curbs around private open spaces and allow the Project as-built to remain.</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Project as-built incorporates a garage door style that is a different panel arrangement and style than the depiction of the garage doors on the Approved Plans. The modification would allow the garage doors utilized in the Project as-built to remain in place.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans required the air conditioner conduit lines to be covered. The Project as-built has air conditioner conduit lines exposed on the outside walls of the structure. The modification would require the air conditioner conduit lines to be painted to match the exterior of the Project but not require any additional covering.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans show grids and/or mullions in rear, south-facing windows. The Project as-built does not utilize grids or mullions in these windows. The modification would remove the requirement to include grids and/or mullions in these rear, south-facing windows.</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Approved Plans required a stucco-covered masonry</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Approved Plans required front door steps on all units. The Project as-built has front door steps for some units but not all units. The modification would remove the requirement for front door steps at all units.</td>
<td></td>
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<tr>
<td>---</td>
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<tr>
<td><strong>Approved.</strong></td>
<td></td>
</tr>
<tr>
<td>The Approved Plans indicate window shutters on the north-facing elevation. The Project as-built does not have window shutters on the north-facing elevation.</td>
<td></td>
</tr>
<tr>
<td><strong>To be installed.</strong></td>
<td></td>
</tr>
<tr>
<td>The Approved Plans require landscaping near the right-of-way. The Project as-built incorporates landscaping that may quickly grow beyond acceptable safety standards for view of the right-of-way. The modification would allow the Project to keep the current landscaping but require the landscaping be kept at an appropriate height in compliance with the Los Alamitos Municipal Code requirements.</td>
<td></td>
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<tr>
<td><strong>Approved.</strong></td>
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</tbody>
</table>

**Conclusion**

The attached Resolution approves and denies the requested modifications in accordance with the table above. The applicant may still choose to appeal the Planning Commission's denials to the City Council.

Attachment: 1. PC Resolution No. 18-07
RESOLUTION NO. PC 18-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING IN PART AND DENYING IN PART MODIFICATIONS TO A PREVIOUSLY APPROVED SITE PLAN REVIEW TO CONSTRUCT A FIVE-UNIT, RESIDENTIAL CONDOMINIUM PROJECT AT 10742, 10744, 10746, 10748, AND 10750 WALNUT STREET (15-01M) IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 242-192-01 (APPLICANT: OLYMPIA STAPAKIS)

WHEREAS, on May 27, 2015, the Los Alamitos Planning Commission previously approved a site plan review (15-01M), for a five-unit, residential condominium project at 10742, 10744, 10746, 10748, and 10750 Walnut Street APN 242-192-01 (the “Project”); and

WHEREAS, on November 29, 2017, the Planning Commission requested that City staff inspect the exterior of the Project to confirm whether the Project deviated from the approved plans; and

WHEREAS, throughout December 2017, staff received comments regarding various changes in the appearance of the Project from the approved plans; and

WHEREAS, on December 26, 2017, the Applicant’s Representative submitted an application for a Certificate of Occupancy and staff inspected the Project in accordance with application for a Certificate of Occupancy, and during the inspection, staff noted several discrepancies between the plans and the Project as-built; and

WHEREAS, in response to staff’s concerns regarding the Project, the Applicant’s Representative sought administrative approval of the building and design changes from the approved plans which staff denied, and after which the City Manager declined to overturn the decision by staff; and

WHEREAS, on January 23, 2018, the Applicant submitted a new application to the City requesting the Planning Commission review the changes and approve modifications to the previously approved plans and conditions to reflect the as-built condition of the Project; and

WHEREAS, pursuant to Los Alamitos Municipal Code (“LAMC”) section 17.72.020(B) the Planning Commission may review and approve modifications to an entitlement; and

WHEREAS, the Planning Commission considered the application at a duly noticed public hearing on February 28, 2018, at which hearing it considered all of the evidence presented, both written and oral.
NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

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

SECTION 2. The Planning Commission hereby makes the following findings made in accordance with Section 17.72.020(B) of the LAMC, which is based on all of the evidence presented, both written and oral; the Staff report is incorporated by reference:

1. One or more of the conditions of the permit have not been substantially fulfilled or have been violated. Several of the original approval conditions and plan details have been violated or modified without approval from the City.

2. There is a compelling public necessity. The deviations from the approved plans and conditions, without the requested modifications, prevent the City from completing final inspections and issuing a certificate of occupancy. The Applicant has already permitted tenants to inhabit the Project without these final inspections and a certificate of occupancy. To ensure the tenant’s safety, the City must review the modifications.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves in part and denies in part the Requested Modifications to the approved Site Plan and related conditions to construct a five-unit, residential condominium project at 10742, 10744, 10746, 10748, and 10750 Walnut Street as shown in the following table:

<table>
<thead>
<tr>
<th>Required ModificationsReviewed by Planning Commission</th>
<th>Planning Commission Approval or Denial of Requested Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Condition No. 43: The Water Quality Management Plan (&quot;WQMP&quot;) is required to be recorded with the Orange County Clerk Recorder. The WQMP has not been recorded.</td>
<td>To be completed.</td>
</tr>
<tr>
<td>Condition Nos. 7 and 43: The Final Tract Map is required to be recorded with the Orange County Clerk Recorder. The Final Tract Map has not been recorded.</td>
<td>To be completed.</td>
</tr>
<tr>
<td>Approved Plans show a &quot;wood fence type&quot; installed at the Project. The Project as-built does not use wood fencing but has PVC fencing installed. The modification would allow PVC fencing.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans show a &quot;wood cap&quot; on wrought iron railings. The Project as-built does not incorporate wood caps. The modification would remove the requirement to install wood caps.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans show &quot;exposed rafter tails&quot; on elevations. The Project as-built has fascia board installed on elevations and does not have exposed rafter tails.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Modification</td>
<td>Decision</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>Modification would allow the existing fascia board to remain and remove the requirement for exposed rafter tails.</td>
<td></td>
</tr>
<tr>
<td>Approved Plans require landscaping to block mechanical equipment. The Project as-built has air conditioning condensers in the side setbacks that are not clearly screened from view from the right-of-way. The modification would allow the mechanical equipment to remain visible from the right-of-way without requiring landscape to block this view.</td>
<td>Denied.</td>
</tr>
<tr>
<td>Approved Plans show a “window count” on the south side elevations of the Project that does not match the window count on the Project as-built. The modification would allow three extra windows on the south side elevations of the Project.</td>
<td>Approved, pending approval by Building Inspector.</td>
</tr>
<tr>
<td>Approved Plans show a curb around private open spaces. The Project as-built does not include these curbs. The modification would remove the requirement for curbs around private open spaces and allow the Project as-built to remain.</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Project as-built incorporates a garage door style that is a different panel arrangement and style than the depiction of the garage doors on the Approved Plans. The modification would allow the garage doors utilized in the Project as-built to remain in place.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans required the air conditioner conduit lines to be covered. The Project as-built has air conditioner conduit lines exposed on the outside walls of the structure. The modification would require the air conditioner conduit lines to be painted to match the exterior of the Project but not require any additional covering.</td>
<td>Approved.</td>
</tr>
<tr>
<td>Approved Plans show grids and/or mullions in rear, south-facing windows. The Project as-built does not utilize grids or mullions in these windows. The modification would remove the requirement to include grids and/or mullions in these rear, south-facing windows.</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Approved Plans required a stucco-covered masonry wall for fencing. The Project as-built has a split face block wall. The modification would allow the split face block wall.</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Approved Plans required front door steps on all units. The Project as-built has front door steps for some units but not all units. The modification would remove the requirement for front door steps at all units.</td>
<td>Approved.</td>
</tr>
<tr>
<td>The Approved Plans indicate window shutters on the north-facing elevation. The Project as-built does not have window shutters on the north-facing elevation.</td>
<td>To be installed.</td>
</tr>
<tr>
<td>The Approved Plans require landscaping near the right-of-way. The Project as-built incorporates landscaping that may quickly grow beyond acceptable safety standards for view of the right-of-way. The modification would allow the Project to keep the current landscaping but require the landscaping be kept at an appropriate height in compliance with the Los Alamitos Municipal Code requirements.</td>
<td>Approved.</td>
</tr>
</tbody>
</table>

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same.
PASSED, APPROVED, AND ADOPTED this 28th day of March, 2018.

________________________
Art DeBolt, Chair

ATTEST:

________________________
Steven A. Mendoza, Secretary

APPROVED AS TO FORM:

________________________
Kendra L. Carney, Assistant City Attorney

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

I, Steven A. 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 28th day of March, 2018, by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________
Steven A. Mendoza, Secretary
City of Los Alamitos
Planning Commission and Subdivision Committee

Agenda Report
Public Hearing

March 28, 2018
Item No: 8C

To: Chair DeBolt and Members of the Planning Commission/Subdivision Committee

Via: Steven A. Mendoza, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Site Plan Review (SPR) 16-09
       Conditional Use permit (CUP) 16-18
       Tentative Tract Map (TTM) 16-04
       3751 Farquhar Avenue

Summary: Continued consideration of a five-unit, residential condominium project at 3751/3755 Farquhar Avenue (APN 222-062-28) on an 8,760 square foot parcel in the Multiple Family (R-3) Zoning District. The project requires a Site Plan Review, Conditional Use Permit, and a Tentative Tract Map for condominium subdivision purposes (Applicant: Alison Stapakis and Olympia Stapakis).

Recommendation:

1. Open the continued Public Hearing; and, if appropriate,

2. Continue the Public Hearing to the April 25, 2018 Planning Commission meeting.

Applicant: Alison Stapakis and Olympia Stapakis

Project Location: 3751/3755 Farquhar Avenue (APN 222-062-28)

Notice: On November 15, 2017, Notice of Public Hearing was posted at City Hall, the Community Center, and the Los Alamitos Museum and at the Site for the November 29, 2017 Planning Commission meeting. 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 November 15, 2017. The November 29, 2017 meeting was continued to the January 24, 2018 Planning
Commission Meeting. During the January meeting, the Applicant was granted a request for continuance to the February 28, 2018 meeting and was again granted a request for continuance to the March 25, 2018 meeting.

Environmental:

If the project were approved, CEQA would be satisfied as a determination has been made 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. There are no unusual circumstances which would trigger an exception to the exemption, and no cumulative impacts because this is a previously-developed lot that is intended to have this amount of density and greater.

Background

The Applicant’s representative, Nick Zamvakellis, has submitted an application for a project to be located at 3751/3755 Farquhar Avenue. The project would involve demolishing two existing homes and the construction of five (5) residential condominium units. This meeting is a continued public hearing from previous meetings that were continued to tonight’s meeting. Here is a recap of those meetings:

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 26, 2017</td>
<td>Commission hearing continued so that the Applicants could respond to the code note in Los Alamitos Municipal Code (LAMC) 17.08.030, limiting the project to two (2) stories within 100 feet of a Single Family Residential-zoned property. The R-1 property that is within 100 feet is the Orange County Flood Control District parcel, known as the Rossmoor Storm Channel.</td>
</tr>
<tr>
<td>May 24, 2017</td>
<td>Commission hearing continued after the Applicant’s representative could not convince the Commission to allow three stories for that part of the project that is within 100 feet of the Single Family Residential Zone.</td>
</tr>
<tr>
<td>June 28, 2017</td>
<td>Commission hearing cancelled due to a potential lack of quorum.</td>
</tr>
<tr>
<td>July 26, 2017</td>
<td>Commission hearing continued so that the Applicant could complete a Variance application.</td>
</tr>
<tr>
<td>June 28, 2017</td>
<td>Variance application was filed and was considered complete on August 14, 2017.</td>
</tr>
<tr>
<td>August 23, 2017</td>
<td>Commission hearing continued because Variance application was not complete and Variance portion of hearing had not been noticed.</td>
</tr>
<tr>
<td>September 27, 2017</td>
<td>Commission hearing where Variance was discussed. Commission directed the drafting of a resolution of denial. Commission did not feel that findings of fact could be made to approve a Variance and directed the Applicant’s Representative to revise the project plans.</td>
</tr>
<tr>
<td>October 25, 2017</td>
<td>Variance denial approved, hearing continued to November 29th meeting so that Applicant would have time to submit new plans for the project.</td>
</tr>
<tr>
<td>November 29, 2017</td>
<td>Applicant presented new plans with subterranean floor. Commission directed Staff to draft resolutions of denial.</td>
</tr>
<tr>
<td>January 24, 2018</td>
<td>The Applicant asked the Planning Commission to continue the Public Hearing rather than deny the proposed project, and Commissioners agreed to the</td>
</tr>
</tbody>
</table>

Continued Five Residential Condominium Project
March 28, 2018
Page 2 of 3
Conclusion

The Applicant paid the Continuance fee of $1,174 on February 14, 2018. As of this writing, the Applicant needs more time to draft plans for a 2 story, four-unit development in time for Packet distribution, therefore Staff recommends that Commissioners continue the hearing to the April 25, 2018 meeting.
City of Los Alamitos
Planning Commission

Agenda Report
Staff Report

To: Chair DeBolt and Members of the Planning Commission
Via: Steven A. Mendoza, Development Services Director
From: Tom Oliver, Associate Planner

Subject: Zoning Ordinance Amendment (ZOA) 17-05
Off-Street Parking & Loading Discussion

Summary: The Planning Commission has initiated discussion of a Zoning Code Amendment for Off-Street Parking. This discussion began with multi-family residential parking requirements and now may or may not move toward other parking requirements based on the interest of the Commission.

Recommendation:

1. Open the public hearing, take testimony, and discuss possible changes to the Off-street Parking and Loading Standards in the Los Alamitos Municipal Code; and, if appropriate,

2. Direct Staff and the Assistant City Attorney to draft an Ordinance and appropriate resolution memorializing the requested code changes.

Applicant: City Initiated

Location: Citywide

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

Background

The Planning Commission initiated a Zoning Code Amendment to update off-street parking and loading requirements during its September 27, 2017 meeting by approving a Resolution of Intention for Zoning Ordinance Amendment (ZOA) 17-05. The Commission opened the Public Hearing during its October 25, 2017 meeting but continued the hearing to the November 29, 2017 meeting. At its November meeting,
the Planning Commission began the review process by looking at multiple-family residential parking standards, and then continued the hearing to the January 24, 2018 meeting.

After the November meeting, the City Council approved an urgency ordinance (ZOA 18-01) for new or expanded multiple-family residential projects requiring that they meet a provisional guest parking requirement of .33 guest spaces per unit.

In the January 24, 2018 meeting, the Planning Commission discussed changes to recommend to the City Council that would address the urgency ordinance that was adopted as ZOA 18-01. The concepts that were discussed and drafted for changes to guest parking have been sent by a resolution of recommendation to the City Council.

In January, the Commission returned to the discussion that began as ZOA 17-05, and continued the discussion to tonight's meeting. As a reminder, the Planning Commission may also want to review the following:

1. Quantity of parking spaces which should be covered or enclosed
   a. How many should be in garages?
   b. How many should be in carports?
2. Parking space size, garage size, carport size
3. Maneuverable aisle dimensions should be adequate for today's automobiles
4. Back up distances, turning radius
5. Driveway width
6. Aisle width
7. Tandem parking
8. Condominium requirements – Is ownership different?
9. R-3 vs. R-2 – Should they be different or the same

As a reminder, during the February meeting, the Commissioners mentioned a desire to discuss the differing parking requirements between the Condominium section of the Municipal Code (LAMC 17.34) and the Off-Street Parking and Loading section of the code (LAMC 17.26).

**Recommendation**

Staff recommends that the Planning Commission open the public hearing, take testimony, and continue to consider possible changes to the Off-street Parking and Loading Standards in the Los Alamitos Municipal Code; and, if appropriate, direct Staff to draft a resolution of recommendation to the City Council for an ordinance making changes to Chapter 17.26 and possibly other sections of the Los Alamitos Municipal code, concerning Off-street Parking and Loading.

**Attachments:**

1) Los Alamitos Parking Code
   Chapter 17.26 Off Street Parking and Loading

**Previously distributed in November:**

ZOA 17-05
March 28, 2018
Page 2 of 3
Chapter 17.16.030 Access
Chapter 17.34.060 Condominiums
Chapter 16.19.030
2) Fountain Valley Parking Code
3) Huntington Beach Parking Code
4) Orange Parking Code
5) Stanton Parking Code
6) Tustin Parking Code