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

AGENDA
PLANNING COMMISSION/SUBDIVISION COMMITTEE
REGULAR MEETING
Wednesday, May 23, 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.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the 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 Culity
   Commissioner Grose
   Commissioner Loe
   Commissioner Sofelkanik

3. PLEDGE OF ALLEGIANCE
4. INTRODUCTION OF ANDY PEREA, INTERIM DEVELOPMENT SERVICES DIRECTOR

5. 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.**

6. APPROVAL OF MINUTES
   A. Approve the Minutes for the Regular Meeting of March 28, 2018.

7. DISCUSSION
   None.

8. CONSENT CALENDAR
   None.

9. PUBLIC HEARINGS
   A. Conditional Use Permit (CUP) 18-02
      Consideration of on-site alcoholic beverage sales and consumption in the General Commercial (C-G) Zone
      Consideration of a Conditional Use Permit to allow alcoholic beverage sales (beer and wine) and consumption at 5008 Katella Avenue in the General Commercial (C-G) Zone, APN 222-181-01 (Applicant: Joseph Croce, of the Potholder Cafe).

      Recommendation:

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

      2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (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. 18-09, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 18-02) TO ALLOW ALCOHOLIC BEVERAGE SALES (BEER AND WINE), ON-SITE
CONSUMPTION, AT 5008 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 222-181-01 (APPLICANT: JOSEPH CROCE, OF THE POTHOLDER CAFE)."

B. Conditional Use Permit (CUP) 18-03
Massage Establishment
10775 Los Alamitos Boulevard
Consideration of a Conditional Use Permit (18-03) to allow a Massage Establishment use in an existing tenant space located at 10775 Los Alamitos Blvd., located in the General Commercial (C-G) Zoning District, APN 242-193-14 (Applicant: Carlita Johnson).

Recommendation:

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


C. Consideration of a Four-Unit, Residential Condominium Development Application for Tentative Parcel Map, Conditional Use Permit, and Site Plan Review at 3751/3755 Farquhar Avenue (APN 222-062-28) Applicant: Alison Stapakis and Olympia Stapakis
Consideration of a four-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 Parcel Map for condominium subdivision purposes (Applicant: Alison Stapakis and Olympia Stapakis).

Recommendation:
1. Open the Public Hearing; and,

2. Close the Public Hearing, and, if appropriate,

3. 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,

4. Adopt Resolution No. PC 18-11 entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 16-09) TO ALLOW CONSTRUCTION OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS)”; AND,

5. Adopt Resolution No. PC 18-12 entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 16-18) TO ALL CONSTRUCTION OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3 ZONING DISTRICT, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS)”; and,


D. ZOA 18-02
Various Off-Street Parking and Loading Amendments
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 various amendments to address excessive parking demands in the R-2 and R-3 Zoning Districts. The attached red-lined changes to the
existing parking requirements clarify requirements for enclosed parking spaces and development standards for residential and commercial parking stalls.

Recommendation:

1. Open the Public Hearing; and,

2. Close the Public Hearing; and,

3. Discussion proposed amendments to the off-street parking requirements and loading standards and direct the City Attorney to draft an ordinance and resolution to recommend amendments to the off-street parking requirements to the City Council.

E. 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.

10. STAFF REPORTS
None.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
None.

12. COMMISSIONER REPORTS

13. 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, 3181 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.

[Signature]

Tony Oliver
Associate Planner

5/16/18 Date
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – March 28, 2018

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:15 p.m., Wednesday, March 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
   Chair DeBolt 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 February 28, 2018
   Motion/Second: Grose/Culity
   Carried 6/0 (Sofelkanik absent): The Planning Commission approved the minutes of 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).

Development Services Director Mendoza summarized the Staff Report.

Chair DeBolt opened the public hearing.

Applicant, Craig Hofman stated that parking was never impacted nor will it impact the use of the parking area; in addition, Mr. Hofman added that they do have approval from the office owner to utilize the parking lot on the weekends.

Pete Truxaw, founder and owner of the Huntington beach location stated that having the capability to operate for breakfast is critical to their operation.

Chair DeBolt asked if 8:30 a.m. is early enough for operation. Mr. Truxaw stated that if the option is available, they would like the option to be able to open at 7 a.m. every day of the week.

Chair DeBolt stated for the record that correspondence was received from neighboring Property Manager Mary Herrera, concerning the parking challenges faced in the vicinity.

Commissioner Riley asked and received clarification from Development Services Director Mendoza stating that there is no issue with notifying the public with the modification to the change to hours of operation for the business.

Motion/Second: Grose/Loe Carried 6/0 (Sofelkanik absent): motion to 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.) with the stated corrections to include the changes to Condition 11 to include the option of opening at 7 a.m. daily.

B. Conditional Review (SPR) 15-01M d
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).

Chair DeBolt recused himself from the dais, due to an interest in real estate within 500 feet.

Development Services Director Mendoza summarized the Staff Report.

Vice Chair Riley opened the public hearing.

Applicant Nick Zamvakellis thanked the Planning Commission for allowing him to be speak; adding that progress has been made with this project including the recordation of the WQMP.

Commissioner Grose asked and received clarification from Development Services Director Mendoza stating that at this time, the plan check for the steps and the windows are pending.

Mr. Zamvakellis stated that he has a scheduled inspection from the Building & Safety set for April 10th.

Commissioner Grose addressed a concern over the plants on the corner, in the alley; requesting to have them replaced and changed to something else. Mr. Zamvakellis stated that he would.

There being no further speakers, Vice Chair Riley closed public hearing.

Motion/Second: Loe/Cuilty
Carried 5/0 (DeBolt recused himself, Sofelkanik absent): 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 STAPAKIS)."

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).

Development Services Director Mendoza summarized the staff report.

Chair DeBolt opened the public hearing.

Applicant, Nick Zamvakellis thanked the Planning Commission for allowing him to appear before the Commission. Mr. Zamvakellis stated that the plans are about nearly ready; adding that a preliminary submittal was submitted to Associate Planner Oliver for his reviewing.

Mr. Zamvakellis apologized to the Commission that this project has taken as much time as it has; furthermore, adding that their intent was never to submit project that was not approval.

Mr. Zamvakellis stated that he invites all Commissioners willing to get together to discuss any other concerns upon reviewing the plans that he is going to be submitting; Mr. Zamvakellis stated that his intent is to bring something back to the next meeting that is easy to approve.

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

Motion/Second: Grose/Andrade  
Carried 6/0 (Sofelkanik absent): motion to 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.

Development Services Director Mendoza summarized the staff report.

Chair DeBolt opened the public hearing.

Speaker, Mr. Zamvakellis came forward and stated that caution should be taken when analyzing the new parking regulations in terms of quantity of spaces. Furthermore, stating that with the new parking requirements, density has already been reduced significantly. Mr. Zamvakellis added that perhaps it would be of benefit if they made a recommendation to the City Council and code enforcement to look at the current issue where people have their garages filled with stuff and not their vehicles.
There being no further speakers, Chair DeBolt closed the public hearing.

The Planning Commission and Staff discussed the following:

- Making it a requirement to park in garages
- the potential of requiring automatic garage door openers for future construction to facilitate parking in the garage
- consideration of permitting a designated area for storage
- each unit should have a minimum of one fully enclosed garage space with an automatic garage door opener – leaving the rest up to the applicant
- If a carport is utilized, require a locked overhead storage at the end of the carport – without impeding vehicle parking
- CC&R’s for condominiums should have a provision to require a minimum of two enclosed parking spaces
- Adding specificity to the condominium code section about parking and not just in the CC&R section
- Back up distance of 24 feet behind all garage/covered 90 degree spaces should be unobstructed
- Open parking space dimension should be 9 feet by 19 feet for both commercial and residential zones
- Garage/carports interior dimension should be 10 feet by 20 feet
- Code section 17.26.080 should specify that it is only applicable to commercial
- Not allowing compact stalls in any zones
- Modifications and eliminations to the specific areas of code section 17.26.80

The Planning Commission unanimously decided to have Assistant City Attorney Carney to bring back a redlined version of the code to include the modifications discussed at tonight’s meeting.

9. STAFF REPORTS
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Services Mendoza thanked Commissioner Andrade for bringing in Wahoo’s into the City. Adding that the alterations will be primarily interior; with a potential of bringing to the Planning Commission an approval for a sign.

Commissioner Culity asked and received clarification from Development Services Director Mendoza that the floor plan for Mama’s Café is expected to remain as it exists.
Development Services Director Mendoza added that the striping on Farquhar Avenue, east of Los Alamitos Boulevard has been added. Commissioner Andrade asked and received clarification from Development Services Director about the bank building being demolished on Katella Avenue; stating that their lease was up and therefore were required according to their lease to demolish the building.

11. COMMISSIONER REPORTS
Commissioner Cuilty thanked the commission for their support and their ethics as the Precious Life expansion project went before them for review.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 08:52 p.m.

ATTEST: Art DeBolt, Chair

Michelle Müller, Department Secretary
City of Los Alamitos
Planning Commission

Agenda Report
Public Hearing

May 23, 2018
Item No: 9A

To: Chair DeBolt and Members of the Planning Commission
Via: Andy Perea, Interim Development Services Director
From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 18-02
Consideration of on-site alcoholic beverage sales and consumption in the General Commercial (C-G) Zone

Summary: Consideration of a Conditional Use Permit to allow alcoholic beverage sales (beer and wine) and consumption for a restaurant at 5008 Katella Avenue in the General Commercial (C-G) Zone, APN 222-181-01 (Applicant: Joseph Croce, of the Potholder Cafe).

Recommendation:

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

2. Determine that the proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (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. 18-09, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 18-02) TO ALLOW ALCOHOLIC BEVERAGE SALES (BEER AND WINE), ON-SITE CONSUMPTION, AT 5008 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 222-181-01 (APPLICANT: JOSEPH CROCE, OF THE POT HOLDER CAFE).”
Applicant: Joseph Croce – Potholder Café

Location: 5008 Katella Avenue, General Commercial (C-G) Zone, APN 222-181-01

Environmental: The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (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: Los Alamitos Municipal Code (LAMC), Section 17.10.020, Table 2-04 (Allowed Uses and Permit Requirements for the Commercial/Industrial Zoning Districts) requires Planning Commission approval of a Conditional Use Permit to allow Alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use in the C-G Zoning District.

Noticing: The Public Hearing Notice of this meeting was mailed out on May 9, 2018, to property owners and tenants within 500 feet. Additionally, the notice was published in the May 9, 2018 issue of the News Enterprise.

Past Approval/Denials

CUP 127-79 – Resolution No. 205-79 - Remodel- Approved

CUP 214-84 - No Resolution - Alcohol - Withdrawn

CUP 358-92 – Resolution No. 586-92 – Add outdoor dining of 1,000 sq. ft. - Repealed

CUP 358-92 - Resolution No. 616-93 – Add outdoor dining of 1,200 sq. ft. - Approved

CUP 368-93 – Resolution No. 617-93 – Expand restaurant by 574 square feet – Approved

CUP 03-07 – Resolution No. 03-21 – alcohol indoor – Approved, then Overturned by Council
Background

Joseph Croce of Potholder Café has recently purchased and rebranded a restaurant to become “Pot Holder”. Potholder is a well known restaurant located in the City of Long Beach. The Potholder Cafe is the undisputed "King" of Long Beach when it comes to breakfast, which they serve all day. Weekday mornings and early afternoons find plenty of starving artists and blue-collar diners consuming stacks of pancakes and bacon, and you will see the occasional folks munching down a Chinese Chicken Salad from the healthy side of the menu. Weekends are packed with hungry friends and families enjoying the atmosphere and history of this Belmont Heights landmark.

Mr. Croce has submitted an application for a Conditional Use Permit (CUP 18-02) seeking approval to allow alcoholic beverage sales and consumption at a new (fourth) location of his Potholder Restaurant chain. This site, formerly Classic Burger, is approximately 1,700 square feet, and has an outdoor dining patio, located in a 28,234-square foot shopping center. This is near the Starting Gate restaurant. The alcohol served would include beer and wine-based drinks served at breakfast and lunch, since the restaurant will close at 4:00 p.m.

Discussion

The restaurant, Potholder Cafe, seeks approval of Conditional Use Permit 18-02 for on-site sales and consumption of alcoholic beverage sales (Beer and Wine Type #41). The Applicant feels approval for alcohol service at the restaurant is feasible with his current business plan, as shown by the success of his existing restaurants.

Location
The adjacent properties are developed and zoned as follows:

**North:** Developed with a mini mall and the Los Alamitos Race Track in the city of Cypress.

**South:** Developed with residential homes in the Single Family Residential (R-1) Zoning District.

**East:** Developed with other businesses in the same shopping complex in the General Commercial (C-G) Zoning District.

**West:** Developed with residential homes in the Single Family Residential (R-1) Zoning District.

**Staff Discussion**

Staff does not have reason to believe there would be problems with allowing sales of alcoholic beverages inside, or within the outside seating area, of the restaurant. This restaurant would only serve alcohol at breakfast and lunch – and Condition #15 in the draft resolution establishes these restricted hours for alcohol service. However, the outside dining area is relatively close (13 feet) to the back yard of a neighboring residential property. If the Commissioners would like to see some separation or buffering due to proximity to this residence, screening or a taller fence could be required for the outside seating area.

Some Los Alamitos Restaurants, such as Hof’s Hut, currently have Conditional Use Permits for outside dining as well as beer and wine. Nearby businesses that sell alcohol are: Starting Gate, Bottle Shop & Spirits, as well as Aroma Italiano Café and Vessels Club at the Los Alamitos Race Track across the street in Cypress. Conditions are included in the Draft Resolution to ensure that alcohol consumption does not become problematic.
The restaurant is 4,864 feet in distance to Los Alamitos Elementary School and it is 618 feet from the nearest church in Cypress. Please note that in 2003 and 2007, requests to serve alcohol at this location were denied based upon neighborhood concerns. What makes this request different are the hours of alcohol sales. The current application is limited to breakfast and lunch service which ends at 4 p.m. and does not extend into the evening. Any extension of business hours with a modification to the permitted hours of alcohol sales shall require approval of the Planning Commission.

**Recommendation**

Staff recommends approval of CUP 18-02 and adoption of Resolution 18-09 which includes the findings and 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) Draft Planning Commission Resolution 18-09  
   Exhibit A - Site Plans  
2) Reso and Minutes for CUP 03-07 - Reso. 03-21 - alcohol indoor - Approved, then Overturned by Council  
3) Reso and Minutes for CUP 03-07 - Council Reso. 1940 - alcohol - Denied all alcohol  
4) Letter from Jim Croce
RESOLUTION 18-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 18-02) TO ALLOW ALCOHOLIC BEVERAGE SALES (BEER AND WINE), ON-SITE CONSUMPTION, AT 5008 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 222-181-01 (APPLICANT: JOSEPH CROCE, OF THE POTHOLDER CAFE).

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted by Joseph Croce on behalf of the Potholder Cafe to allow on-site sales and consumption of alcoholic beverage sales of beer and wine at a new restaurant to be located at 5008 Katella Avenue; and,

WHEREAS, alcohol sales for on-site consumption is a use allowed by a CUP in accordance with Section 17.10.020, Table 2-04 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on this matter on May 23, 2018, at which time it considered all evidence presented, whether written or oral.

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

SECTION 1. Conditional Use Permit 18-02 for the sale of alcoholic beverages, specifically beer and wine, is hereby approved based upon the following findings and subject to the conditions listed in SECTION 2 below:

1. The use will not endanger the public health, safety or general welfare if located where proposed and developed, and the use will not allow conditions which tend to generate nuisance conditions including, but not limited to, noise, glare, odor, or vibrations;

   The on-site sale of beer and wine will not endanger the public health or general welfare. Alcohol sales, in conjunction with a restaurant, are a common occurrence. In this case alcohol sales on the outside patio will not create any problems as the alcohol hours are limited to lunch and breakfast service only. Further, conditions have been added to help insure that the alcohol sales do not become problematic.

2. The use meets the required conditions and specifications set forth in the zoning district where it proposes to locate:
On-site alcohol sales are a conditionally permitted use in the General Commercial (C-G) zone.

3. The location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan:

The Los Alamitos General Plan designates this site for Retail Business which is consistent with the General Commercial Zone. The sale of alcohol in conjunction with a restaurant is harmonious with the other uses in the shopping center as well as in the general neighborhood. Although the site is located thirteen (13) feet away from the nearest residence to the West, the hours for alcohol sales will be limited to breakfast and lunch service. Outside consumption of alcohol will be contained by the existing fencing and directed by the conditions of approval. While not specifically mentioned in the General Plan, approving a CUP for alcohol sales allows innovation at a niche breakfast restaurant that is complimentary to the current General Plan. In particular, this approval maintains the goal for outdoor dining options under which recent code changes were enacted with the support of Land Use Element "Action 1.11 Outdoor dining. Amend the zoning ordinance to incentivize and encourage outdoor dining."

4. The decision to approve the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the commission.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 18-02 subject to the following conditions:

Planning

1. Approval of this application is to allow on-site sales and consumption of alcoholic beverages, specifically beer and wine at a new restaurant to be located at 5008 Katella Avenue with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 18-02 noted thereon, and on file in the Development Services 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

CUP 18-02
May 23, 2018
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changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.

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

3. The applicant and the applicant’s successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.

4. 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.

   a. 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:

   b. Fees: N/A
   c. Dedications: N/A
   d. Reservations: N/A
   e. Other Exactions: N/A

5. The applicant has ninety (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.

6. 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.
7. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Development Services 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 Development Services Department prior to issuance of any permits.

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

9. 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.

10. Approval of the Conditional Use Permit shall be valid for a period of eighteen (18) months from the date of determination. Each use approved by this action must be established within such time period or such approval shall be terminated and shall thereafter be null and void.

11. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of the approval of the alcohol sales.

12. Prior to permit issuance, the applicant, and applicant’s successors in interest, shall be responsible for payment of all applicable fees.

13. The applicant shall comply with applicable City, County, and/or State regulations.

**Alcohol Sales**

14. The Applicant is responsible to follow all Los Alamitos Municipal Codes ("LAMC") concerning alcoholic beverage sales, and in particular Chapter 5.08 Alcohol Beverage Sales.

15. Hours of alcohol sales operation shall not commence anytime before 6:00 a.m. and no later than 4:00 p.m. Any extension of business hours with a modification to the permitted hours of alcohol sales shall require approval of the Planning Commission.

16. Televisions and banners shall not be permitted in the outside seating area.

17. 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.
18. The display of alcoholic beverages shall be interior only (no outside display) at any time.

19. Consumption of permitted alcoholic beverages in the outside eating area shall take place only in the area delineated by the barrier or fence which must completely enclose the designated alcohol consumption area except for ingress and egress.

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

21. Serving of alcohol to obviously intoxicated individuals is prohibited.

22. Applicant shall provide a reasonable number of signs indicating that drinking alcoholic beverages is prohibited on city streets and public ways, and that City Ordinances prohibit carrying out open containers containing alcohol from designated areas.

23. Food establishments serving alcoholic beverages shall have a supervisor, at least 21 years of age, on-site at all times of operation.

24. 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.

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

26. Applicant shall comply with the Municipal Code and Alcoholic Beverage Control laws regarding outside alcohol sales. (Los Alamitos Police Department)

27. The applicant shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements. (Building Division)


29. Portable umbrellas may be permitted provided they do not obstruct foot traffic and do not contain advertising.

30. Establishments are required to maintain all areas in and around the outside seating area in a manner which is clean and free of litter and debris.
31. The outside seating area shall be operated in a manner that meets all requirements of the Health Department of Orange County and all other applicable regulations, laws, ordinances and standards.

32. Any runoff from washing and/or rinsing of restaurant equipment, including floor mats, food preparation utensils and other coverings in the outside seating area shall drain to the sewer system only; under no circumstances shall gray water from the site drain to the storm water system.

Orange County Fire Authority

33. Prior to issuance of a building permit:

- Architectural Plan (service code PR208) NOTE: Only required if an Assembly occupancy.

SECTION 3. The approval of the Conditional Use Permit for alcoholic beverage sales (beer and wine), on-site consumption is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (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.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 23rd day of May, 2018.

__________________________
Art DeBolt, Chair

ATTEST:

__________________________
Andy Perea, Secretary

APPROVED AS TO FORM:
Kendra L. Carney, Assistant City Attorney

STATE OF CALIFORNIA  
COUNTY OF ORANGE  
CITY OF LOS ALAMITOS

I, Andy Perea, 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 23rd day of May 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________________________
Andy Perea, Secretary
MINUTES OF THE PLANNING COMMISSION MEETING

CITY OF LOS ALAMITOS
3191 Katella Avenue
Los Alamitos, California

October 7, 2003

CALL TO ORDER

A regular meeting of the City of Los Alamitos Planning Commission was called to order at 7:00 p.m. by Chair Wahlstrom in the City Council Chambers, 3191 Katella Avenue, Los Alamitos.

ROLL CALL

PRESENT: COMMISSIONERS: Bernal, Carr, Legere, Sofelkanik, Sutherlin, Wahlstrom

ABSENT: COMMISSIONERS: Hult

PRESENT: STAFF: John Godlewski, Com. Dev. Director
Jamie Raymond, Assistant City Attorney
Chris Schaefer, Associate Planner
Denise Robinson, Department Secretary

ORAL COMMUNICATIONS

Chair Wahlstrom opened Oral Communications to the public.

Russ Burns, property owner, 5030 Katella, expressed his concerns for the block wall recently constructed on the south side of Katella in close proximity to his property. Mr. Burns' concerns included line of sight for traffic egress from the shopping center and business/office locations blocked from view by the wall.

Mr. Godlewski advised that a petition had been submitted to City Hall regarding this issue and City Council would be advised.

Chair Wahlstrom closed Oral Communications.

MINUTES

Chair Wahlstrom asked for approval of the minutes of September 2, 2003.

Motion by Commissioner Legere, second by Commissioner Bernal and carried to approve the minutes of September 2, 2003.
VI. **PRESENTATION**

Presentation by Orange County Water District - This was an informational item presented to the Planning Commission by Ron Wildermuth of the Orange County Water District regarding the Groundwater Replenishment System.

After hearing the presentation, it was received and filed.

VII. **PUBLIC HEARING**

1. **Conditional Use Permit C03-07** - This was a request to operate an on-sale beer and wine beverage license (Type 41) for on-site consumption of beer and wine in conjunction with a bona fide eating establishment (St. Paul’s Place restaurant) at 5008 Katella Avenue in the General Commercial (C-G) District. The hours of operation are 6 am to 10 pm, daily. (Applicant: Houston Park)

Mr. Schaefer summarized the staff report, referring to the information contained therein, and answered questions from the Planning Commission. He also advised the commission he had received one telephone call from the surrounding neighborhood regarding parking concerns relating to this request.

Chair Wahlstrom opened the public hearing.

Brad McClure, 11041 Bunker Hill; Joy Ortiz, 11092 Bunker Hill; and Randy Parker, 11062 Bunker Hill, spoke in opposition to the request. Their concerns included additional traffic and noise, undue concentration of alcohol sales and patrons under the influence in their neighborhood.

Russ Burns, 5030 Katella, subject property owner, spoke in support of the request. He added that the frontage wall on Katella had impacted the business and he viewed the request as an avenue for the business owner to supplement sales.

Jose Ortiz, General Manager of St. Paul’s Place, came forward to answer questions. He stated the owners would comply with all the requirements from the Department of Alcoholic Beverage Control and hours of operation conditions set by the Planning Commission.

Chair Wahlstrom asked Mr. Ortiz if patrons could exit through the patio.

Mr. Ortiz responded that patrons could exit through that area. He added that the patio comprised more than twice the area of the inside of the building and met all requirements but could be modified to meet additional conditions.

Chair Wahlstrom closed the public hearing.

Mr. Godlewski clarified that the Planning Commission sets the hours of operation relating to the service of alcohol and additional conditions, as they deem appropriate, for the ABC.
The commissioners discussed consumption of beer and wine on restaurant patio areas. Commissioner Sofelkanik was concerned that beer and wine could be taken to the parking lot. Commissioner Legere noted signs reading “No alcohol beyond this point” were prevalent at some outdoor dining locations. Commissioner Sutherlin felt restricting beer and wine consumption to the inside of the building was too limiting to the business owner and patrons.

The commissioners discussed hours of operation. Some were concerned that 6 am was too early to serve beer or wine.

Motion by Chair Wahlstrom, second by Commissioner Carr to amend Condition 11 of the resolution restricting the sale of wine and beer between the hours of 11 am and 10 pm.

AYES: Bernal, Carr, Legere, Sofelkanik, Wahlstrom

NOES: None

ABSENT: Hult

ABSTAIN: Sutherlin

Motion by Commissioner Sofelkanik, second by Chair Wahlstrom to amend Condition 12 of the resolution restricting wine and beer consumption to the inside of the restaurant building only.

AYES: Bernal, Legere, Sofelkanik, Wahlstrom

NOES: Carr, Sutherlin

ABSENT: Hult

ABSTAIN: None

Motion by Chair Wahlstrom, second by Commissioner Sofelkanik to approve Resolution 03-21, Conditional Use Permit C03-07, as amended, a request to operate an on-sale beer and wine beverage license (Type 41) for on-site consumption of beer and wine in conjunction with a bona fide eating establishment (St Paul’s Place restaurant) at 5008 Katella Avenue in the General Commercial (C-G) District.

AYES: Bernal, Legere, Sofelkanik, Wahlstrom

NOES: Carr

ABSENT: Hult

ABSTAIN: Sutherlin

Chair Wahlstrom reminded the audience of the 20-day appeal period.

VII. **PUBLIC HEARING**

2. **Conditional Use Permit C03-08** - This was a request to operate a custom wheel and rim shop with office at 5300 Katella Avenue in the Commercial Professional Office (C-O) District. The hours of operation are 9 am to 7 pm (weekdays) and 8 am to 5 pm (weekends). Installation of custom rims/wheels will occur in the two
rear bays and may be up to 6 cars/day during the week and up to 12 cars/day during the weekend. (Applicant: Direct Wheel and Tire, Inc.)

Mr. Schaefer summarized the staff report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Wahlstrom opened the public hearing.

Applicant Tracy Robison, 16010 Bloomfield, Cerritos, came forward to answer questions.

Chair Wahlstrom inquired if any portion of the business was wholesale.

Mr. Robison replied that the wholesale portion of the business would be conducted via the internet in the office and not affect this location.

Dean Grose, 10862 Walnut, stated that sales tax was vital to the city and questioned any wholesale portion being allotted to this location.

Mr. Robison clarified that 100% of the business at this location was retail. Limited online sales conducted via the internet from the office were considered as wholesale. He further added that products were priced as low as $1000 but typical individual sales were in the $8000 to $10,000 range.

Chair Wahlstrom closed the public hearing.

Motion by Commissioner Legere, second by Commissioner Sutherlin to approve Resolution 03-22, Conditional Use Permit C03-08, a request to operate a custom wheel and rim shop with office at 5300 Katella Avenue in the Commercial Professional office (C-O) District.

AYES: Bernal, Carr, Legere, Sofelkanik, Sutherlin, Wahlstrom

NOES: None

ABSENT: Hult

ABSTAIN: None

VII. PUBLIC HEARING:

3. Conditional Use Permit C03-09 - This was a request to conduct and operate a recreation use/facility (Kidnastics) at 10712 Reagan Street in the Planned-Light Industrial (P-M) District. The applicants proposed to relocate their existing gymnastics school to a 23,000 square foot warehouse/industrial building. The site is served by a common 48-space parking lot. (Applicant: Kidnastics, Ltd/Dale and Sharon Williamson)

Mr. Schaefer summarized the staff report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Wahlstrom opened the public hearing.
Cheryl Young, General Manager for the applicant, stepped forward to answer questions from the Planning Commissioners.

Commissioner Carr inquired about the drop-off and pick-up procedures for students.

Ms. Young answered that Kidnastics' policy required children to remain inside until released to an adult.

Chair Wahlstrom closed the public hearing.

Motion by Commissioner Legere, second by Commissioner Sofelkanik to approve Resolution 03-23, a Mitigated Negative Declaration for Conditional Use Permit 03-09, a request to operate a gymnastics school at 10712 Reagan in the Planned Light Industrial (P-M) District.

AYES: Bernal, Carr, Legere, Sofelkanik, Sutherlin, Wahlstrom

NOES: None

ABSENT: Hult

ABSTAIN: None

Motion by Commissioner Legere, second by Commissioner Sofelkanik to approve Resolution 03-24, Conditional Use Permit 003-09, a request to operate a gymnastics school at 10712 Reagan in the Planned Light Industrial (P-M) District.

AYES: Bernal, Carr, Legere, Sofelkanik, Sutherlin, Wahlstrom

NOES: None

ABSENT: Hult

ABSTAIN: None

VIII. DISCUSSION

The Planning Commission had no topic for discussion.

IX. ITEMS FROM THE COMMUNITY DEVELOPMENT DEPARTMENT

Mr. Godlewski advised that commission appointments for Commissioners Carr, Hult and Wahlstrom would expire December 2003.

Mr. Godlewski asked if the commissioners would like to continue receiving agendas for the Traffic and Parks & Recreation Commission meetings and minutes from every City Council meeting. The commissioners responded in the affirmative.

Mr. Godlewski stated the annual Planning Officials Forum would be held November 13, 2003.
COMMISSIONER REPORTS

Commissioner Carr informed the meeting she would be resigning her commission appointment after the November meeting as her family was moving from the city to the unincorporated area of Rossmoor.

ADJOURNMENT

At 8:56 p.m., the meeting was adjourned to Monday, November 3, 2003.

ATTEST:

[Signature]
John Godlewski, Secretary
LOS ALAMITOS PLANNING COMMISSION
G:\Planning Commission\Minutes10-07-03
RESOLUTION NO 03-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT C03-07 FOR AN ON-SALE BEER AND WINE LICENSE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AT 5008 KATELLA AVE. IN THE GENERAL COMMERCIAL (C-G) DISTRICT. (APPLICANT: HOUSTON PARK/ST PAUL'S PLACE)

SECTION 1. The Planning Commission does hereby find, determine and declare as follows:

A. That an application for a Conditional Use Permit was submitted on behalf of the owner of the property at 5008 Katella Ave. to permit an on-sale beer and wine permit in conjunction with a bona fide eating establishment; and,

B. That said verified application constitutes a request as required by Section 17.54.050 of the Los Alamitos Municipal Code; and

C. That a duly noticed public hearing as prescribed by law was held on said application by the Planning Commission on October 7, 2003, and based upon the evidence presented, it was determined that the findings required by Section 17.54.050 of the Los Alamitos Municipal Code are:

1. The requested sales and on-site consumption of beer and wine, as proposed and conditioned, is consistent with the General Plan Land Use designation of Retail Business. Additionally, the General Commercial (C-G) District allows for the sale of alcoholic beverages with the approval of a Conditional Use Permit.

2. The requested use, as conditioned, will not endanger the public health or general welfare if the project is located where proposed and the use will not foster circumstances that tend to generate nuisance conditions based upon the following:

   a. There are no schools, parks, churches, temples or other places primarily used for religious worship within a five hundred (500) foot radius of the subject property.

   b. The subject business is located in the C-G (General Commercial) District and is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect the areas.
c. The requested use at the proposed location will result in an undue concentration of similar premises. A similar on-sale establishment exists within five hundred (500) feet of the subject building, however due to the nature of the subject business as a restaurant, any impacts are expected to be minimal. A review by the Los Alamitos Police Department revealed no reason for protesting said application.

d. The requested use at the proposed location will not adversely affect the economic welfare of the community.

e. The exterior appearance of the structure will not be inconsistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration or substantially diminish or impair property values within the neighborhood.

3. The location and character of the proposed use, if developed and operated according to the submitted plans and as conditioned below, will be consistent to adjoining uses, and compatible in character with the facilities in the adjacent area.

4. The decision to approve Conditional Use Permit C03-07 is based on review by the Planning Commission of the plans and specifications submitted for the proposed project and on testimony given at the public hearing before the Planning Commission.

5. A Categorical Exemption, Section 15301, Class 1, was prepared in accordance with the California Environmental Quality Act (CEQA) and the City's Local Guidelines for Implementing the California Environmental Quality Act.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves C03-07, subject to the following conditions:

Planning

1. Approval of this application is for on-site beer and wine sales and consumption in conjunction with a bona fide eating establishment. Subsequent submittals for this project shall be consistent with such plans, subject to such additions, revisions, changes, or modifications as required by the Planning Commission, and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code.
2. Approval of Conditional Use Permit C03-07 shall be valid for a period of eighteen (18) months from the date of determination. If the use approved by this action is not established within such time period, such approval shall be terminated and shall thereafter be null and void.

3. Conditional Use Permit C03-07 is approved and subject to such additions, revisions, changes or modifications as may be required by the Planning Commission hereunder. Any relocation, alteration, addition to, or use of any building or property contrary to the conditions hereunder nullifies this approving action. If any changes are proposed regarding the location or alteration of a use or structure, an amendment to this permit 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 and intent of this approval action, and that action would have been the same for 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.

4. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation 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. 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.

6. 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 Attorney. 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.

7. The applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.

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.

9. Applicant shall comply with applicable City, County, and/or State regulations in the conduct and operation of a business with a license for on-sale alcoholic beverages.

10. The site shall be kept reasonably clean and maintained in a safe, nuisance and hazard free condition.

11. The hours of operation for the restaurant shall remain from 6 am to 10 pm, daily. Wine and beer sales shall be restricted between the hours of 11 am and 10 pm.

12. No beer or wine shall be taken from the premises nor consumed outside the restaurant building.

13. One-inch deadbolt locks shall be provided on all exterior doors, except where prohibited by the Uniform Building Code.
14. The applicant shall submit complete plans for alterations and obtain all necessary permits for building, electrical, plumbing and mechanical work. The store shall comply with all applicable Title 24 requirements for accessibility.

15. The cost for all alcohol-related calls for service to the Police Department shall be billed to the business owner if determined to be related to said business.

SECTION 3. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant, and any person requesting the same.

PASSED AND APPROVED this 7th day of October, 2003 by the following vote:

AYES: Bernal, Legere, Sofelkanik, Wahlstrom

NOES: Carr

ABSENT: Hult

ABSTAIN: Sutherland

ATTEST:

John Godlewski, Secretary
LOS ALAMITOS PLANNING COMMISSION

G:\Planning Commission\Resolutions\Res 03-21
MINUTES OF THE CITY COUNCIL
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – NOVEMBER 24, 2003

CALL TO ORDER
The City Council met in Regular Session at 7:00 p.m., November 24, 2003, in the Council Chambers, 3191 Katella Avenue, Mayor Poe presiding.

ROLL CALL
Present: Councillors: Freeman, Parker, Bates, Jempsa and Poe
Absent: Councillors: None
Present: Staff: Robert Dominguez, City Manager
Dean Derleth, City Attorney
Gerard Goedhart, Assistant City Manager
Mark Wagner, Recreation & Community Services Director
Tim D’Zmura, City Engineer
John Godlewski, Community Development Director
Mike McCrory, Police Chief
Bruce Barrette, Assistant to the City Manager
Susan C. Vanderpool, City Clerk

3. CLOSED SESSION

PLEDGE OF ALLEGIANCE AND INVOCATION
Mayor Poe led the Pledge of Allegiance, and Councillor Bates gave the Invocation.

6. ORAL COMMUNICATIONS
Mayor Poe opened Oral Communications to the public.

Judge David McBachen, Assistant Presiding Judge of Orange County Superior Court, announced that applications to serve on the Grand Jury for 2004-2005, were being accepted until January 16, 2004. He briefly outlined the duties, and urged residents to apply.

Susan Daniels, 3941 Green Avenue, thanked the City Council and Assistant City Manager Goedhart for addressing the concerns she raised at the October 27th City Council meeting regarding early morning trash pickup in her neighborhood.

Judith Frazier, owner of Los Alamitos Flowers, 3699 Katella Avenue, thanked the City Council for addressing the parking problems in her area. She asked that staff check into the dangerous situation occurring when vehicles make a U-turn at Cherry. She also asked staff to check into the late fees Consolidated Disposal was charging, as she didn’t think it was legal to do so.

Councilmember Parker spoke about taking Cub Scout Troop 658, the Cheetahs, on a tour of City Hall and the Police Department.
Mayor Poe closed Oral Communications.

7. LIST OF DEMANDS

A. The City Council questioned staff as the List of Demands for November 24, 2003, were reviewed on a page-by-page basis.

Motion/Second: Jempsa/Freeman
Unanimously: carried: City Council approved the List of Demands for November 24, 2003, in the amount of $242,060.44.

Roll Call Vote:
Councilmember Parker Aye
Councilmember Freeman Aye
Councilmember Bates Aye
Mayor Pro Tem Jempsa Aye
Mayor Poe Aye

8. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Councilmember requests separate action on a specific item.

Motion/Second: Freeman/Bates
Unanimously approved the following Consent Calendar items:

**************************CONSENT CALENDAR**************************

A. Approval of Minutes
Approved the minutes of Joint Meeting – October 27, 2003.
Approved the minutes of Regular Meeting – October 27, 2003.
Approved the minutes of Regular Meeting – November 10, 2003.

B. Los Alamitos Flexible Compensation Plan Amendment
This was the consideration of approval of an Amendment to the Los Alamitos Flexible Compensation Plan. The Amendment would change the amount of elective employee contributions under the Medical Reimbursement section of the Plan from $3,600 to $5,000.

City Council: Approved the Amendment increasing the amount of elective employee contributions under the Medical Reimbursement section of the Flexible Compensation Plan from $3,600 to $5,000.

C. A Resolution of the City Council Opposing Recent Legislation to Provide Driver's Licenses to Illegal Aliens
Resolution No. 1937 opposes the provision of driver’s licenses to illegal aliens, and requests the repeal of recent State Legislation, Senate Bill 60.

November 24, 2003
Regular Meeting Minutes
Page No. 2
D. Resolution No. 1938 – Entry into the Orange Line Development Authority Joint
Exercise of Powers Agreement
The Orange Line Development Authority was established to facilitate and coordinate the
development of a high-speed magnetic levitation (maglev) transit system along the
former Pacific Electric right-of-way between Orange County and downtown Los
Angeles. Proposed Resolution No. 1938 authorizes and supports the City’s entry into
the Authority.

City Council:

THE CITY OF LOS ALAMITOS, CALIFORNIA, AUTHORIZING ENTRY INTO
THE ORANGE LINE DEVELOPMENT AUTHORITY JOINT EXERCISE OF
POWERS AGREEMENT,” and,

2. Authorized payment of member contribution based on population ($383).

This was the transmittal of the Comprehensive Annual Financial Report for the Fiscal
Year Ending June 30, 2003 to the City Council.


F. Amendment No. 1 - CIPA Workers’ Compensation Pool Agreement
This was the consideration of approval of Amendment No. 1 to the Agreement with the
California Insurance Pool Authority (CIPA), which establishes a Workers’
Compensation Pool Program.

City Council: Approved Amendment No. 1 to the Agreement with CIPA establishing a
Workers’ Compensation Pool Program, and authorized the Mayor to sign the
Agreement.

G. Surplus Vehicles & Equipment
This report identified vehicles and equipment that were no longer needed or serviceable.

City Council: Declared two vehicles, and one 1-ton flatbed truck, as surplus and
directed disposal in accordance with City policy.

H. Resolution No. 1940 - Denial of Conditional Use Permit C03-07
At its regular meeting of November 10, 2003, the City Council denied a request for beer
and wine service in conjunction with a bona fide eating establishment at 5008 Katella
Avenue. Resolution No. 1940 was provided for City Council approval.
City Council: Adopted Resolution No. 1940, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, OVERRULING A DECISION OF THE PLANNING COMMISSION AND DENYING CONDITIONAL USE PERMIT C03-07 IN ITS ENTIRETY FOR BEER AND WINE SERVICE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AT 5008 KATELLA AVENUE, LOCATED IN THE GENERAL COMMERCIAL (C-G) DISTRICT."

I. Resolution No. 1939 – Modification of Street Curb Address Painting Policy
At its meeting of November 10, 2003, the City Council recommended modifications to the Street Curb Address Painting Policy allowing non-profit organizations, located outside the City, to apply for consideration as program managers.

City Council: Adopted Resolution No. 1939, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ADOPTING A CURB ADDRESS PAINTING POLICY WHEREBY NON-PROFIT ORGANIZATIONS ARE ALLOWED POTENTIAL BENEFITS BY MANAGING THE PAINTING OF STREET ADDRESSES ON CURBS WITHIN THE CITY."

J. Agreement to Transfer Funds for FY 2002 State Domestic Preparedness Grant Purposes
The Fiscal Year 2002 State Domestic Preparedness Grant Program offers federal grant funds to Operational Areas and local jurisdictions to purchase equipment for first responders to incidents of terrorism. This Agreement authorizes the County of Orange to transfer grant funding through a sub-grant to the City of Los Alamitos.

City Council: Approved the Agreement authorizing the sub-granting of funds from the County of Orange to the City of Los Alamitos.

K. Cancellation of December 22nd Meeting
This report provided information related to the regular meeting of December 22nd and recommended its cancellation.


****************END OF CONSENT CALENDAR******************

9. SPECIAL PRESENTATIONS AND AWARDS
A presentation was given by Coach Guy Baker and the following members of the United States Women’s World Champion Water Polo Team: Robin Beauregard, Jackie Frank, Heather Petri and Ericka Lorenz.
Coach Baker presented a World Championship Water Polo ball, signed by the team, to the City of Los Alamitos. He briefed the Council on the recent, and upcoming, activities of the United States Women’s Water Polo Team.
10. PUBLIC HEARINGS

Mayor Poe asked for, and received, concurrence from the City Council to hear Item 14A at this time.

14A. Southern California Association of Governments' (SCAG) Draft 2004 Regional Transportation Plan: Destination 2030
SCAG released, for public review and comment, a draft of its updated Regional Transportation Plan entitled Destination 2030. The Plan represents SCAG’s vision for a better transportation system, integrated with the best possible growth pattern to the year 2030 for Los Angeles, Orange, San Bernardino, Riverside, Ventura and Imperial counties.

Councilmember Bates introduced Charlotte Eckebecker, a senior in the Government Relations Department, and attorney, for the Southern California Association of Governments (SCAG). He then gave a PowerPoint presentation on “Destination 2030”, SCAG’s long-range Transportation Plan. He answered questions from the Council, and advised of the projected adoption of the Plan in April 2004.

Motion/Second: Bates/Freeman
Unanimously carried: City Council received and filed the report.

11. ORDINANCES

A. First Reading of Ordinance No. 677 - Amending the Composition of the Fine Arts and Cultural Affairs Commission
Ordinance No. 677 amends the composition of the Fine Arts and Cultural Affairs Commission to allow up to two student members to serve on the Commission simultaneously.

Motion/Second: Bates/Jempsa
Unanimously carried: City Council:

1. Waived reading in full and authorized reading by title only of Ordinance No. 677, and set for second reading; and,


12. STAFF REPORTS

A. Cypress Commercial Project – Katella Avenue and Siboney Street
At the regular meeting of on November 10, 2003, the City Council received a report on the proposed development within the City of Cypress Business and Professional Center Specific Plan, (Area 6), located at the northwest corner of Katella Avenue and Siboney

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Street. At the direction of the City Council, the City Attorney and staff have prepared the attached letter to the City of Cypress.

Councilmember Bates suggested “toning down” the wording in the last two sentences of the second paragraph of page 2 of the letter to Cypress, as he felt it was too confrontational. He emphasized the importance of helping to expedite the extension of Lexington through assistance with the preliminary engineering and environmental impact work.

Councilmember Freeman felt more dialogue with the City of Cypress was needed, and suggested having two members from each City Council meet to discuss pertinent issues surrounding the extension of Lexington. Councilmember Parker concurred with that suggestion, adding he would like to be one of the representatives meeting with Cypress Councilmembers.

Mayor Poe stated she and Mayor Pro Tem Jempsa already sat on such a committee; however, it hadn’t met in some time owing to the lack of a development plan being brought forth. Councilmember Freeman reiterated the importance of establishing an open dialogue between Cypress & Los Alamitos.

Motion/Second: Bates/Freeman
Council directed staff to revise the letter to Cypress and bring back to the Council for approval, and either re-establish the current committee to meet with Cypress elected officials or appoint a new committee to do so.

Mayor Poe asked staff to ascertain whether or not Cypress would be amenable to meeting with a committee from the City of Los Alamitos. Councilmember Freeman suggested discussing the revision of the letter now, and then sending it out as soon as possible. He felt staff could bring back Cypress’ response to the letter at a future City Council meeting.

Councilmember Bates reiterated the importance of rewording the two sentences in the second paragraph of page 2 of the letter to reflect a more diplomatic stance. City Attorney Derleth suggested the following: “We would appreciate your suggestions as to how we might assist you with your intended completion of the full extension of Lexington.”

Amended Motion/Second: Bates/Freeman
Unanimously carried: City Council:

1. Authorized staff to send the letter to Cypress with revised wording from the City Attorney; and,

2. Directed the City Manager to look into the possibility of a committee comprised of members from the City Councils of Los Alamitos and Cypress to discuss development issues affecting both cities.
B. Legislative Platform
This platform will assist the City, and provide general guidance regarding supporting or opposing legislation at any level of government, but more specifically at the State level.

Assistant to the City Manager Barrette summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Councilmember Bates submitted his changes to Mr. Barrette for incorporation.

Mayor Pro Tem Jempsa stated she represented Los Alamitos on the Library Board and felt some reference to libraries should be included in the Legislative Platform. Assistant to the City Manager Barrette stated such a reference would be included.

Motion/Second: Bates/Parker
Unanimously carried: City Council directed staff to incorporate the changes into the Legislative Platform and return for approval and adoption.

13. WRITTEN COMMUNICATIONS

None

14. MAYOR AND COUNCIL INITIATED BUSINESS
Council Announcements
At this time Councilmembers may also report on items not specifically described on the agenda which are of interest to the community provided no action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

B. Orange County Firefighter Memorial
This report provided information concerning the establishment of a Memorial for the Orange County Fire Authority firefighters.

City Manager Dominguez summarized the staff report, referring to the information contained therein, and answered questions from the City Council.

Mayor Poe advised that any donation could be spread out over a period of time.

Mayor Pro Tem Jempsa noted that $5,000 set aside in a reward fund for the rapist operating in the Long Beach/Los Alamitos/Seal Beach area was never used. She suggested utilizing half those funds for the Firefighter Memorial, with a $1,000 contribution each year for the next five years.

Mayor Pro Tem Jempsa expressed the hope that contributions from organizations/individuals within the community would be forthcoming, the total of which would be calculated as part of the $7,500 contribution from the City.

Motion/Second: Jempsa/Bates
Council pledged $7,500 to the Firefighters' Memorial Fund, utilizing $2,500 from the Rapist Reward Fund, with an allocation of $1,000 each year for five years dependent upon whether or not community funds were contributed.
Councilmember Freeman suggested allocating the full $5,000, with $1,000 each year, if needed to reach the $7,500 pledge. He wanted to make sure the pledge was made on behalf of the City so Los Alamitos would be recognized as a “founding member” of the Memorial. Councilmember Parker concurred with this suggestion.

Amended Motion/Second: Jempsa/Bates
Unanimously carried: City Council:

1. Pledged $7,500 to the Firefighters’ Memorial Fund, as a founding member; and,

2. Directed the $5,000 from the Rapist Reward Fund be allocated to the Firefighters’ Memorial Fund; and,

3. Directed a $1,000 allocation be made each year until the $7,500 pledge was met, dependent upon whether or not community funds were contributed.

Mayor Pro Tem Jempsa spoke about an event she attended at the Museum, celebrating the 100 year birthday of Crayola Crayons. She went on to ask City Engineer D’Zmura what was happening on Los Alamitos Boulevard at Cerritos, as she was getting many resident complaints.

City Engineer D’Zmura advised that work was being done by Qwest Communications for the installation of conduit for a fiber optic network. He stated work was being done from the east City limit on Cerritos to Los Alamitos Boulevard, and south on Los Alamitos Boulevard to Seal Beach. He stated the work would be completed within two weeks.

Councilmember Bates pointed out the pavement on Cerritos was only a year old, and stressed the importance of requiring the contractor’s completion of a new overlay to the centerline. He stated the project had created traffic problems, and wanted staff to monitor the job closely.

Councilmember Freeman agreed, stating he had contacted staff over the weekend due to all the problems created by Qwest’s construction. He thought City staff should be on site at any major intersection where work was being done, as monitoring was of the utmost importance.

City Engineer D’Zmura stated he would personally go out to the site in the morning.

Councilmember Freeman spoke about his attendance at the Swearing In Ceremony in Sacramento for the new Governor, Arnold Schwarzenegger. He went on to advise that the Aquatics Audit would be coming before the City Council at the December 8th meeting. He also advised that Mr. Webb had agreed to better maintain his property, and install new fencing.

Councilmember Bates advised the Orange County Transportation Authority had started the review of selecting a locally preferred alternative and Environmental Impact Report on the Centerline Light Rail project.

Councilmember Parker pointed out the section of Katella, off the freeway, was in disrepair, and asked what was being done to correct this situation. City Manager Dominguez stated Cal Trans was still constructing an HOV lane but once completed, the City would rehabilitate that area of road. He pointed out that part of the project was currently out to bid.
Councilmember Parker suggested the City send a Resolution to the new Governor expressing gratitude for his repealing the recently implemented law tripling the Vehicle License Fees. Councilmember Bates agreed, adding the Resolution should include a reminder of the promise made to fund the backfill to cities.

Mayor Poe advised she had heard, via the radio, the author of the Bill granting drivers’ licenses to illegal aliens was now receptive to its repeal. She went on to advise of the death of an elderly, prominent resident, Lloyd Tucker, who was on the volunteer Fire Department. She asked that the meeting be adjourned in memory of this special Los Alamitos resident.

Councilmember Freeman asked staff the status of the remodeling of the bathrooms at the Community Center. Recreation & Community Services Director Wagner advised the job was not yet out to bid. City Manager Dominguez stated he would get a timeframe regarding the project to Councilmember Freeman.

15. ITEMS FROM CITY MANAGER
City Manager Dominguez stated there had been resident requests from the Apartment Row area to change the name. To address this request, he advised he would be bringing a report before the City Council for discussion of this issue.

Councilmember Bates suggested that neighborhood signs be constructed for each of the neighborhoods.

16. CLOSED SESSION
None

17. ADJOURNMENT
The meeting was adjourned in memory of Lloyd Tucker, a long time, and much loved, resident of Los Alamitos, at 8:50 p.m., to December 8, 2003.

Marilynn M. Poe
Marilynn M. Poe, Mayor

ATTEST:

Susan C. Vanderpool
Susan C. Vanderpool, City Clerk

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RESOLUTION NO. 1940

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, OVERRULING A DECISION OF THE PLANNING COMMISSION AND DENYING CONDITIONAL USE PERMIT C03-07 IN ITS ENTIRETY FOR BEER AND WINE SERVICE IN CONJUNCTION WITH A BONA FIDE EATING ESTABLISHMENT AT 5008 KATELLA AVENUE, LOCATED IN THE GENERAL COMMERCIAL (C-G) DISTRICT

WHEREAS, on October 7, 2003, the Los Alamitos Planning Commission approved Resolution 03-21 for Conditional Use Permit C03-07 to permit beer and wine service in conjunction with a bona fide eating establishment ("Project") at 5008 Katella Avenue ("Site") in the General Commercial (C-G) District; and,

WHEREAS, the Planning Commission added a condition to Conditional Use Permit C03-07 to prohibit the service of beer or wine in the enclosed outside patio area on the Site; and,

WHEREAS, on October 15, 2003, the applicant, Houston Park, timely filed an Appeal of the October 7, 2003 decision of the Planning Commission pursuant to Los Alamitos Municipal Code section 17.54.090; and,

WHEREAS, on November 10, 2003 the City Council held a hearing to consider the applicant’s appeal of the Planning Commission action as provided under Los Alamitos Municipal Code section 17.50.030.B ("Hearing"); and,

WHEREAS, at the Hearing, written statements and oral testimony were presented by the applicant, the applicant’s representatives, and surrounding neighbors in favor and in opposition to the Project; and,

WHEREAS, after the close of the Hearing, the City Council found that the conditions necessary to grant CUP C03-07, as set forth in Los Alamitos Municipal Code Sections 17.24.220 and 17.54.050, were not satisfied for CUP C03-07, based on all written statements and oral testimony presented to the City Council at the Hearing.

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

SECTION 1. The application for CUP C03-07 is hereby denied based on all written and oral evidence presented to the City Council at the Hearing (including staff reports, public testimony, and Council deliberations) and based on the following findings, which are
ATTEST:

Susan C. Vanderpool, City Clerk

APPROVED AS TO FORM:

Dean Berleth, City Attorney

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

I, Susan C. Vanderpool, 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 24th day of November 2003, by the following vote to wit:

AYES: COUNCILMEMBERS: Freeman, Bates, Parker, Jempsa & Poe

NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

Susan C. Vanderpool, City Clerk

1940-3
To Whom It may Concern:

Myself, Joseph Croce and longtime friend Kevin Pittsey are the owners of The Potholder Cafe P4 in Los Alamitos located at 5008 Katella Avenue. We are both Los Alamitos High School graduates and have been in the area for most of our lives. I was born, raised and live in the community with my family and both of my children are students in the district. I am active in the community with local sports teams and support school fundraising activities. Mr Pittsey has been in the area for over 35 years. We are excited to bring The Potholder Cafe P4 and its unique breakfast and lunch entrees to a place we have watched grow through the years and consider our home. We feel the Potholder Cafe will have a positive impact on the city by giving its residence a unique spin on breakfast and lunch that the city will enjoy.

The Potholder Cafe is a well known and established restaurant in Long Beach with three locations. The Los Alamitos location runs the exact same business model that serves breakfast and lunch to our patrons. The purpose of the conditional use permit is to request to serve breakfast type drinks like mimosas, bloody marys and micheladas. We are not a bar or club and will not be open evenings. We close at 4pm daily. We will not have "happy hour" or feature any live entertainment.

We feel it will help make us competitive with other restaurants in the area. Like the other Potholder locations we do not expect alcohol to exceed 3% of gross sales.

We appreciate your consideration for a conditional use permit and look forward to serving the City of Los Alamitos for many years to come.

Sincerely,

Joseph Croce & Kevin Pittsey
City of Los Alamitos
Planning Commission

Agenda Report
Public Hearing

May 23, 2018
Item No: 9B

To: Chair DeBolt and Members of the Planning Commission

Via: Andy Perea, Interim Development Services Director

From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 18-03
Massage Establishment
10775 Los Alamitos Boulevard

Summary: Consideration of a Conditional Use Permit (18-03) to allow a Massage Establishment use in an existing tenant space located at 10775 Los Alamitos Blvd., located in the General Commercial (C-G) Zoning District, APN 242-193-14 (Applicant: Carlita Johnson).

Recommendation:

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


Applicant: Carlita Johnson

Location: 10775 Los Alamitos Boulevard, APN 242-193-14
Environmental:

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

Approval Criteria:

Section 17.10.020 (Land Uses and Permit Requirements), Table 2-04 (Allowed Uses and Permit Requirements) of the Los Alamitos Municipal Code (LAMC) allows massage establishments in the General Commercial (C-G) Zoning District with the approval of a conditional use permit.

Noticing:

The Public Hearing Notice of this meeting was mailed out on May 9, 2018, to property owners and tenants within 500 feet. Additionally, the notice was published in the May 9, 2018 issue of the News Enterprise.

Past Approval/Denials

None

Background

Carlita Johnson, the applicant, filed an application on March 27, 2018, for a Conditional Use Permit (CUP) 18-03 to operate a Massage Establishment use, in a 480-square foot unit on the second story of an existing two-story retail and office building, located in the east-facing tenant space at 10775 Los Alamitos Boulevard. Please see the attached Site Plan and Floor Plan.

This application was to be presented originally in the April 25, 2018 Planning Commission Meeting, but due to a lack of quorum, the meeting was cancelled.

Discussion

The subject site, located at Los Alamitos Boulevard on the West side of the junction at Los Alamitos Blvd. and Catalina St., is currently developed as a professional and medical building. The applicant proposes to occupy a 430-square foot space on the second floor of a 6,625-square foot two story building. The adjacent properties are developed and zoned as follows:

North: Developed with commercial office uses in the General Commercial (C-G) Zoning District (Farmers Insurance).

East: Developed with commercial retail in the General Commercial (C-G) Zoning District (7-Eleven & Ganahl Lumber).
South: Developed with commercial retail and office uses in the General Commercial (C-G) Zoning District (Flooring Store, Pinky Swear Nail Salon, and Real Estate Brokers).

West: Developed with residential uses in the Multi-family (R-3) Zoning District (Multi-Family/Residential Apts.)
The applicant tells us the following concerning her proposed business:

"Seeking approval to operate a premium spa. Spa will be staffed by professional and licensed Estheticians, Massage Therapists, and other licensed professionals. Massage therapists: California Massage Therapy Council; Estheticians: California Board of Barbering and Cosmetology. All Spa Services will be performed by certified, trained and insured staff. In addition to skincare and massage therapy, stretch therapy, yoga, reflexology, and other spa services will be offered. The massage modalities provided will be therapeutic in nature with an emphasis on musculature skeletal pain management. Facials will be for beauty enhancement of clients. Clients to the Spa practice will come from medical referrals and the general population. The spa will carry liability and the other insurances as required and needed. Luxury retail spa products will be sold. Clients will be booked by appointment. Professional notes will be prepared and maintained for each visit. The spa will be furnished in a professional first-class décor. A strict professional code of conduct shall be given to every employee and required to be strictly adhered to. Hours will be within the codes of the City of Los Alamitos."

To open a massage business, the applicant must submit an application for a Conditional Use Permit that proposes a location in the General Commercial (C-G) Zoning District, and then use must be approved by the Planning Commission. Should the Commission approve Ms. Johnson’s application for message therapy, she will then be required to submit an application for a massage establishment operator permit to Staff, to be processed. In the beginning of operation, she will be the sole employee of the establishment. However, she tells Staff that an esthetician, massage therapist, and yoga instructor will be added as business increases.

The application being considered tonight is for the massage establishment use and whether it is appropriate, compatible and harmonious with this proposed site at 10775 Los Alamitos Boulevard. In the Municipal code (LAMC 5.32.070), it describes the requirement for any future ownership changes:

"E. It is the duty of each operator to notify the community development department whenever there is a change in information which was required to be submitted in the application for the certificate of operation in the first instance. Any sale or transfer of any reportable interest of an owner in a massage establishment, which interest would be required to be reported under subsection A of this section in the first instance, shall render the certificate of operation temporarily suspended and subject to revocation in accordance with the provisions of this chapter unless prior to the effective date of such sale or transfer, the new owner applies for and obtains an operator permit."

Here are the requirements for a Massage Establishment from the Los Alamitos Municipal Code that can be demonstrated from the application at this point:
## SELECT MUNICIPAL CODE REQUIREMENTS

<table>
<thead>
<tr>
<th>CODE</th>
<th>REQUIRED</th>
<th>PROPOSED PROJECT</th>
<th>REQUIREMENT MET</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Certificate Required</td>
<td>CAMTC Certificate</td>
<td>Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Operator Permit</td>
<td>Application</td>
<td>To be Submitted to City by Applicant</td>
<td>Application to be Completed by Applicant</td>
</tr>
<tr>
<td>Certificate of Operation</td>
<td>Application &amp; Certificate</td>
<td>Required</td>
<td>Issued upon completion of all other requirements</td>
</tr>
<tr>
<td>Business License</td>
<td>Required for all businesses</td>
<td>Required</td>
<td>Upon Certificate of Operation</td>
</tr>
<tr>
<td>Hours of Operation</td>
<td>Not between hours of 10 p.m. and 6 a.m.</td>
<td>M-F 9am to 8pm Saturday 10am to 4pm</td>
<td>Yes, and Condition #11</td>
</tr>
<tr>
<td>Manager/Operator on Site</td>
<td>During all hours of operation</td>
<td>On Plan</td>
<td>Yes, Condition #12</td>
</tr>
<tr>
<td>Massage Beds and tables</td>
<td>To be shown on plans</td>
<td>On Plan</td>
<td>Yes</td>
</tr>
<tr>
<td>Locker Facilities</td>
<td>To be installed during tenant improvement per code</td>
<td>Required</td>
<td>Yes, upon Certificate of Operation</td>
</tr>
<tr>
<td>Kitchen Facilities</td>
<td>Full kitchen not allowed</td>
<td>Microwave only</td>
<td>Yes</td>
</tr>
<tr>
<td>Escort Service</td>
<td>Not permitted</td>
<td>None</td>
<td>Condition #13</td>
</tr>
<tr>
<td>Instruments, Equipment, and Personnel</td>
<td>Inspection prior to opening business</td>
<td>In Massage Code</td>
<td>Upon Tenant Improvement Inspection</td>
</tr>
<tr>
<td>Doors that open inward</td>
<td>On Plans</td>
<td>On Plan</td>
<td>Yes</td>
</tr>
<tr>
<td>Shower Facilities</td>
<td>Not Required, but covered by code</td>
<td>None</td>
<td>Yes</td>
</tr>
<tr>
<td>Main Entry Door</td>
<td>Only one entry permitted</td>
<td>On Plan</td>
<td>Yes</td>
</tr>
<tr>
<td>Exterior Windows</td>
<td>Visibility to lobby not blocked</td>
<td>In Massage Code</td>
<td>Condition #14</td>
</tr>
</tbody>
</table>

### What is the CAMTC?

The California Massage Therapy Council ("CAMTC") was created by the California Legislature through the enactment of Senate Bill 731; re-authorized by Assembly Bill 1147 and again in 2016 by assembly bill 2194. CAMTC is a private nonprofit public benefit corporation. Its' volunteer Board of Directors is appointed by California cities, counties, law enforcement, massage schools, the Department of Consumer Affairs, professional massage associations and other stakeholders as authorized by law in California Business and Professions Code sections 4600 et. seq.

CAMTC is required by California Business and Professions Code section 4600 et. seq. to:

1. Create and implement a voluntary certification program for the massage therapy profession that will enable consumers to easily identify credible Certified Massage Therapists (CMTs);
2. Ensure that certified massage professionals have completed sufficient training at approved schools; and
3) Approve massage schools. As of July 1, 2016, CAMTC only accepts education from massage school programs that have been CAMTC approved.

California Massage Therapy Council's mission is to protect the public by certifying massage professionals in California that meet the requirements in the law, and approving massage programs that meet the minimum standards for training and curriculum.

Parking

The massage use requires one parking space to 250-square feet, which is less than the one space for every 200-square feet for optometrist office located at the premises. Therefore, no additional parking demand will be created by the uses being approved.

Recommendation

Staff recommends approving the CUP with the understanding that the operator permit, tenant improvements, and Certificate of Operation must be accomplished by the applicant, and approved by staff, prior to start of business.

Attachments:  
1) Resolution No.18-10, with Site Plans as Exhibit A  
2) Letters of Support
RESOLUTION 18-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP) 18-03, ALLOWING A MASSAGE ESTABLISHMENT USE IN A 480-SQUARE FOOT TENANT SPACE AT 10775 LOS ALAMITOS BOULEVARD, IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-193-14. (APPLICANT: CARLITA JOHNSON)

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted by Carlita Johnson to allow a massage establishment to be located at 10775 Los Alamitos Blvd.; and,

WHEREAS, a massage establishment is a use allowed by a Conditional Use Permit (CUP) in accordance with Section 17.10.020, Table 2-04 of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on this matter on May 23, 2018, at which time it considered all evidence presented, whether written or oral.

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

SECTION 1. Conditional Use Permit 18-03 for the operation of a 480-square foot massage establishment at 10775 Los Alamitos Blvd., is hereby approved based upon the following findings and subject to the conditions listed in the section 3 below:

1. The use will not endanger the public health, safety or general welfare if located where proposed and developed, and the use will not allow conditions which tend to generate nuisance conditions including, but not limited to, noise, glare, odor, or vibrations;

   The massage establishment, if operated according to municipal code, will not endanger the public health or general welfare. The Los Alamitos Municipal Code Chapter 5.32 Massage was drafted to foresee any negative issues that can arise in a massage establishment.

2. The use meets the required conditions and specifications set forth in the zoning district where it proposes to locate:
Massage Establishments are a conditionally permitted use in the General Commercial (C-G) zone.

3. The location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan:

The Los Alamitos General Plan designates this site for Retail Business which is consistent with the General Commercial Zone. The massage establishment is harmonious with the other uses in the building (Optometrist/Optometry) as well as in the general neighborhood. The massage establishment will be required to comply with the Los Alamitos Municipal Code as well as by conditions of approval in this resolution which are designed to foresee effects to the neighborhood surrounding it. Additionally, approving a massage establishment is consistent with the current General Plan, and while not specifically mentioned as a desired Land Use, it does not conflict with its policies.

4. The decision to approve the application for a conditional use permit is based on substantial evidence in view of the record as a whole before the commission.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 18-03 subject to the following conditions:

Planning

1. Approval of this application is to allow a massage establishment at 10775 Los Alamitos Boulevard with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 18-03 noted thereon, and on file in the Development Services 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. Failure to satisfy and/or comply with the conditions herein may result in revocation of this approval by the Planning Commission and/or City Council.

3. The applicant and the applicant’s successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.

4. 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:

<table>
<thead>
<tr>
<th>Fees:</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedications:</td>
<td>N/A</td>
</tr>
<tr>
<td>Reservations:</td>
<td>N/A</td>
</tr>
<tr>
<td>Other Exactions:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

5. The applicant has ninety (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.

6. 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.
7. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Development Services 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 Development Services Department prior to issuance of any permits.

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

9. 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.

Additional Conditions

10. The Applicant shall be required to comply with all portions of the Los Alamitos Municipal Code ("LAMC") and in particular those specific code requirements of Chapter 5.32 Massage.

11. Hours of operation shall be limited to the hours outside of 10 p.m. to 6 a.m.

12. The Manager/Operator of this business shall be on site during all hours of operation.

13. This Massage Establishment shall at no time permit Escort Services.

14. Visibility through lobby windows from the exterior of the building shall not be blocked in accordance with LAMC 5.32.120.L.

15. No alcohol shall be permitted.

16. If three or more substantiated complaints within any one-year period are received by the Los Alamitos Police Department regarding disturbances caused by patrons of the business, whether inside or within close proximity, revocation proceedings will be initiated by the City.

Building Department

17. Applicant shall provide full tenant improvement plans that comply with the 2016 California Building Code to the Building and Safety Department before beginning any construction.
Orange County Fire Authority

18. None.

SECTION 3. The approval of the Conditional Use Permit for the massage establishment is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities. The proposed use is an existing building with no proposed alterations or expansion of no more than 2,500 square feet and there are no unusual circumstances present.

SECTION 4. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same and shall certify as to the adoption of this Resolution, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 23rd day of May 2018.

________________________________________
Art DeBolt, Chair

ATTEST:

________________________________________
Andy Perea, Secretary

APPROVED AS TO FORM:

________________________________________
Kendra L. Carney, Assistant City Attorney

STATE OF CALIFORNIA  )
COUNTY OF ORANGE  ) ss
CITY OF LOS ALAMITOS  )
I, Andy Perea, 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 23rd day of May 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________
Andy Perea, Secretary
5 April 2018

Greetings to the Los Alamitos City Council:

I’d like to take this occasion to recommend Ms. Carlita Johnson for the opportunity to open her day spa business in the City of Los Alamitos. Ms. Johnson has been my massage therapist for over 4 years. In that time of regular appointments (2-4 appointments/month), I came to know her well and think very highly of her, as well as having gained relief from chronic shoulder pain.

In my time with Carlita, it has been her dream and long-term goal to open her own day spa business. However, she has been willing to invest the time and hard work to make the dream a solid, realistic plan. She spent a half decade at Massage Envy in Cypress establishing a loyal, regular client-base from the surrounding communities. Despite working full time, she took classes at local colleges to invest further in her future by gaining a solid business background to bolster her chance of success. Additionally, she has spent many hours carefully researching locations for her business, choosing Los Alamitos because it has a lot to offer not only her, but her clients as well, given the convenience of proximity.

In return, Los Alamitos (and surrounding communities) will gain a highly capable professional with integrity, compassion for helping clients with their therapeutic massage needs, and a genuine desire to be a successful asset to her community.

I can confidently recommend Ms. Johnson to be a business owner in Los Alamitos. As a dedicated and approachable person with a solid work-ethic, I know that she will be a beneficial addition to our area!

Please feel free to contact me at 714-813-4065 should you like to discuss Ms. Johnson’s qualifications and experience further. I’d gladly expand on my recommendation.

Best wishes,

Jacquelyn Winter
Cypress, CA
April 6, 2018

Dear Los Alamitos City Council,

I am taking some time to write this letter of support for Ms. Carlita Johnson in regards to the potential opportunity for her to open a day spa business. Carlita has been my licensed massage therapist for greater than four years. For at least 2.5 of those years I held weekly appointments and referred at least 4 of my close friends to her as well. I am a pediatric occupational therapist, and as part of my own job I am on and off mats all day and hanging suspended equipment for my own clients. My weekly visits allowed me to maintain healthy shoulders and back needed to perform my own job duties; not to mention some much needed relaxation.

In getting to know Carlita over the four plus years, I have first-hand knowledge regarding how she has been striving to have the means and appropriate location to open her own day spa. Not only open a day spa, but keeping in mind a location that would be central to her many clients and also serve a need in the community. I do know she has taken business courses, met with business consultants to ensure a solid, fiscally responsible business plan is in place, has an understanding of a fair rate for the consumer, and a variety of services to best serve her clients. All of this she did while maintaining full time employment at Massage Envy.

The city of Los Alamitos and surrounding communities (I am a resident of Long Beach) would benefit from a trusted, personable, highly skilled licensed massage therapist. She takes the time to understand the needs of her clients and treats her clients as individuals, focusing on their individual needs to be managed through therapeutic massage. She and her business would be an asset to the Los Alamitos community.

I can, with conviction and confidence, recommend Ms. Johnson to be a business owner in Los Alamitos. She and her business would be an asset to the community, as well as the surrounding areas. I look forward to supporting her business and referring new clients.

Should you have any questions, or need further clarification in regards to this letter of support, her qualifications, or experience, please feel free to contact me at 310-489-0741.

Best regards,

Joan Surfus,

Long Beach, CA
To whom it may concern,

I have been a customer of Carlita Johnson for the last 3 years, while she was an employed massage therapist at one of the local chain membership franchise massage centers. In the time Carlita has been my therapist, she has helped me stay in peak condition as a cyclist, runner, tri-athlete, golfer and human being. She has always been professional and has proven to be extremely knowledgeable in her craft and excellent at what she does. Since she has left her last employer, I have been unable to find a replacement (in their pool of therapists), that is as proficient in sports massage therapy as she is. My wife, who was also one of Carlita’s patients, has also been unable to find a therapist (at our membership massage center) that is as effective as Carlita.

As a business owner myself and a past president of the chamber of commerce (3 terms), in the city that I do business in, I understand the value of having business owners that bring quality, integrity and professionalism to the city. Los Alamitos would benefit by adding Carlita to its small business roster. Her knowledge and skill as a massage therapist, as well as a genuinely good person, can benefit your citizens and patrons physically and mentally.

I hope you will grant her the business license and permits that she is applying for.

Warm regards,

Michael A. Chai
CALIFORNIA AQUATICS  
5411 Ocean Blvd., Long Beach  
Mail: 1077 Pacific Coast Highway Suite 190, Seal Beach, CA 90740  

April 10, 2018  
Letter of reference for Carlita Johnson  

To whom it may concern:  

It is without hesitation that I highly recommend Ms Johnson.  

I have known Ms. Johnson for 6 years professionally and personally. The reason I can state “personally” says everything about Ms. Johnson who is takes such genuine approach in her clients; which has included myself and staff.  

Our staff teaches recreational aquatics sports to the general public and in 44 high schools throughout Southern California. On of our sports, Stand Up Paddling, is physically demanding on staff. These men and women teach students to paddle strong against wind and currents which places demand on various muscles. WE have had several quality massage therapists over the years and Carlita is the best!  

It is unusual to find someone in any industry that takes it upon themselves to spend their extra time in further study and practice for continuing education. And of course, we all go to the person “in-the-know”, and with that her customer base will always support her. We need a few more Carlita’s!  

I can be contacted by email or phone regarding this recommendation.

Ken Williams  
562 387-0999  
Ken@standuprentals.net
April 8, 2018

Katie Pederson
435 S. Anaheim Blvd. #3
Anaheim, CA 92805
562.714.3198

To Whom It May Concern:

I am writing to recommend Carlita Johnson for her own private practice business to focus on wellness and massage therapy.

I personally have been lucky enough to have Carlita work on my back and neck problem areas for about 2 years now. I actually was always very hesitant to get massaged as I've never had a good experience. When I met Carlita, she was able to fix my ailments within the first few treatments. I cannot express how grateful and honored I have been to work with her. She has healed my back and neck pain allowing me to stay more active than ever.

Carlita's character is trustworthy and reliable. Even when I've had a last minute injury or need for services, she is there for me. She now works on all of my friends and has truly become a part of our family!

Carlita is business minded and will be a wonderful business owner. Please feel free to contact me at the above phone number if you have any questions.

Best,

Katie Pederson
April 5, 2018

Dear whom it may Concern,

I am writing this to recommend Carlita (CJ) Johnson for a Personal Business.

I have been a client of Ms. Johnson for the past 6 years, and I have nothing but positive things to say about her. During that time, she has been my massage therapist and has provided great service and treatment to me by always being attentive to my needs and concerns. In addition to the massage therapy, she frequently recommends many different approaches to prevent further injuries. She also has an extensive knowledge of Massage Therapy and Kinesiology, and there is no doubt in my mind that she would make an excellent addition to Los Alamitos.

Ms. Johnson has continued to maintain the utmost professionalism in her practice. Her communication with her clients has been more than satisfactory and she has always been dedicated to complying with all the requirements of maintaining that professional standard as a massage therapist. I believe that in pursuing her small business she will not only continue to provide great service to the community, but also will be a shining example of the “American Dream.”

Please do not hesitate on contacting me at 714-293-2367 or kbrown@varsity.com if you have any further questions or requests.

Regards,

[Signature]

Kevin Brown
April 1, 2018

Sirs:

Carlita Johnson has been my massage therapist for several years. I first met her at Massage Envy.

Carlita has always been the consumate professional. Her approach to her profession is consistent, efficient and effective. She worked in difficult management situations and still maintained her demeanor and effectiveness.

My experience with Carlita has been very satisfactory. She not only gives an excellent massage, but is conscientious about meeting the needs of the client. She has been able to deal with several of my orthopedic issues effectively.

Carlita has my wholehearted support in any business endeavor she pursues.

Sincerely,

[Signature]

Anne Belle Rice

4314 E, Colorado St

Long Beach CA 90814.
Patty Reynolds  
3921 Myra Avenue  
Los Alamitos, CA 90720

April 8, 2018

To Whom It May Concern:

I am writing to recommend Carlita Johnson.

I was introduced to Carlita because of my daughter. Carlita is the most exceptional and knowledgeable massage therapist. I suffered from many aches and pains over the years and once Carlita started massage therapy on my ailments, I knew she was truly an expert!

If Carlita is granted business ownership in our town of Los Alamitos, I ensure you that all of my neighbors and friends will absolutely be keeping her in business! I know she will be successful and extremely professional.

Best,

[Signature]

Patty Reynolds
To Whom It May Concern:

My wife and I have been clients of Ms. Carlita Johnson for the past 2 years. I am a manager of a local business in Long Beach. My wife is a Behavioral Therapist for children with autism. As one would imagine, we both work long, stressful days. I spend the entire day on my feet, and my wife spends many hours per day in traffic driving to her clients. Carlita has helped us with our stress management through use of individualized massage therapy, tailored to the main areas we carry our stress.

Having Carlita's office in the city of Los Alamitos would be an advantage to us, as it is a convenient location for our daily commute. While my wife and I would benefit from this location, it is my belief that the real benefit would be to the city and residents of Los Alamitos, as her services are the best we have encountered, and Los Alamitos deserves her.

Should there be any questions pertaining to her or her amazing customer service and expertise, I can be reached at 805-868-2219.

Best Regards,

Justin Wiles
To Whom It May Concern:

I have been getting massage therapy from Carlita Johnson for the past four years. I have a very physical and sometimes stressful job. As a personal trainer, exercise and fitness are my life AND my profession. I have tried many different approaches to dealing with the stress I place on my body and mind, and Ms. Johnson’s approach has prevented me from using over the counter and prescribed medications. I highly recommend her services to anyone who is looking for a holistic approach to stress management and pain relief.

She is always professional, and I feel her business would be an asset to the Los Alamitos community.

Matt Bui
Monday April 2\textsuperscript{nd} 2018

To Whom It May Concern:

My name is Shane Elder and I work in Los Alamitos Bay as a Paddleboard Instructor. Being out on the water all day is physically demanding on my body, especially my lower back. Carlita Johnson has been helping me with my back issues for years now. Her expertise in massage and pain management has helped me stay out on the water.

Shane Elder

Paddleboard Instructor
California Aquatics
5411 E. Ocean Blvd.
Long Beach CA 90803
(562) 434-0999
March 9, 2018

To Whom It May Concern:

Carlita Johnson has been my massage therapist for 4 years. She is very professional and courteous. She is extremely knowledgeable about muscles and pressure points to relieve your aches and pains.

She would be an asset as a business in your community.

Sincerely,

Linda Zeller
City of Los Alamitos
Planning Commission and Subdivision Committee

Agenda Report
Public Hearing
May 23, 2018
Item No: 9C

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

From: Andy Perea, Interim Development Services Director

Subject: Consideration of a Four-Unit, Residential Condominium Development Application for Tentative Parcel Map, Conditional Use Permit, and Site Plan Review at 3751/3755 Farquhar Avenue (APN 222-062-28) Applicant: Alison Stapakis and Olympia Stapakis

Summary: Consideration of a four-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 Parcel Map for condominium subdivision purposes (Applicant: Alison Stapakis and Olympia Stapakis).

Recommendation:

1. Open the Public Hearing;

2. Close the Public Hearing, and, if appropriate,

3. 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,

4. Adopt Resolution No. PC 18-11 entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 16-09) TO ALLOW CONSTRUCTION OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS);” and,

CONDITIONAL USE PERMIT (CUP 16-18) TO ALLOW CONSTRUCTION OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS); and,


Applicant: Alison Stapakis and Olympia Stapakis

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

Notice: On May 9, 2018, 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 this date.

Environmental: CEQA has been 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 appropriate for the density identified.

Background

The Applicant’s representative, Nick Zamvakellis, has submitted an application for a project to be located at 3751/3755 Farquhar Avenue. The project was originally proposed to demolish two existing homes and construct five (5) residential condominium units. The Applicant has submitted new plans presenting the proposed project as a four-unit residential condominium project to accommodate the height requirements in note 11, of Table 2-03 of Los Alamitos Municipal Code (LAMC) Section
17.08.030. This meeting is a continued public hearing from previous meetings. The following table provides 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 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 heard the Variance application. Commission directed the drafting of a resolution of denial. Commission could not make findings of fact necessary to approve a Variance and directed the Applicant’s Representative to revise the project plans.</td>
</tr>
<tr>
<td>October 25, 2017</td>
<td>Commission denied Variance application. Public hearing continued to November 29th meeting so that Applicant could submit new plans for the project.</td>
</tr>
<tr>
<td>November 29, 2017</td>
<td>Applicant presented new plans that included a 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 continuance.</td>
</tr>
<tr>
<td>February 28, 2018</td>
<td>The Applicant needed more time to draw up new plans and was granted a continuance to the March 28, 2018 meeting.</td>
</tr>
<tr>
<td>March 28, 2018</td>
<td>The Applicant needed more time to draw up the new plans and was granted a continuance to the April 25, 2018 meeting.</td>
</tr>
<tr>
<td>April 25, 2018</td>
<td>The Applicant submitted new plans to Staff on April 2nd, 2018 and revised on May 12, 2018 for a four-unit project. The April meeting was cancelled so the public hearing to review the current plans was continued to the May 2018 meeting.</td>
</tr>
</tbody>
</table>

On February 14, 2018, the Applicant applied for, and the Commissioners, approved a Continuance so that they could have time to re-design the project to maintain a height of two stories, within 100 feet of a residentially-zoned parcel. That new plan is presented tonight.

**Discussion**

The four (4) units will be located within three (3) buildings as illustrated below. The units range in size from 1,712 to 1,982 square feet. All four (4) units would be three-bedroom and 2 ½ baths. Building A will be two (2) stories in height and buildings B and C will be three (3) stories in height. All units will have parking attached and outdoor space consisting of a ground-floor private yard area.
The project parcel is shown below. The property currently exists as an 8,760 square foot parcel in the Apartment Row neighborhood with two 850 square foot single family residences built around 1960.
Site Plan Review (SPR 16-09) – As Redesigned

- **Development Standards**

The R-3 zoning district is consistent with the "Multiple-Family Residential" land use designation of the General Plan which requires a density of 20 – 30 dwelling units per acre. Table 2 identifies the development features that are required under Section 17.08.030 Table 2-03 (Residential Zoning Districts General Development Standards).

The property owner will dedicate 2½ feet of the northern part of the parcel to the alley, which is required by the City in this neighborhood for enabling safer access by trash collection services due to the large trucks used in the industry.

### R-3 Residential Development Standards

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed Project</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Area</td>
<td>7,200 sq. ft.</td>
<td>8,760 sq. ft. (8,640 after 2.5 foot dedication)</td>
<td>Yes</td>
</tr>
<tr>
<td>Parcel Width (Interior Parcel)</td>
<td>60 ft.</td>
<td>48 ft.</td>
<td>No – Legal Nonconforming Parcel</td>
</tr>
<tr>
<td>Parcel Depth</td>
<td>100 ft.</td>
<td>182.5 before dedication (180 ft. after dedication)</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Density</td>
<td>30 du/ac, plus 20 to 30 du/ac for the General Plan</td>
<td>19.90 du/ac (before dedication, 20 after)</td>
<td>Yes, after dedication</td>
</tr>
<tr>
<td>Dwelling Unit Density (Gross Land Area per Dwelling Unit)</td>
<td>1,750 sq. ft. per unit</td>
<td>2,190 sq. ft. per unit (before dedication, 2160 after)</td>
<td>Yes</td>
</tr>
</tbody>
</table>
| Minimum dwelling area (gross floor area) (Not including garage) | 2 + bedrooms - 800 sq. ft. | Plan 1: 1,982 sq. ft.  
Plan 2 & 2R: 1,712 sq. ft.  
Plan 3: 1,735.7 sq. ft. | Yes                            |
| Maximum Height Limit – Main Structures | 3 Stories or 35 ft. (see note 11 below) | Building A - 2 stories (26'3")  
Building B - 3 stories (35' set back 5' at 30 feet) | Yes                            |
<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed Project</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building C - 3 Stories (35' set back 5' at 30 feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Setbacks:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>20 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Side</td>
<td>5 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Site Coverage</td>
<td>50%</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Outdoor Living Space</strong></td>
<td>200 sq. ft. per dwelling (1,000 sq. ft. total)</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Private space. No dimension less than 10 ft.</td>
<td></td>
</tr>
<tr>
<td><strong>Distance between structures (ft.) on one parcel</strong></td>
<td>10 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>15 ft. between structure A and B. 25.5 ft. between structure B and C.</td>
<td></td>
</tr>
<tr>
<td><strong>Storage Space</strong></td>
<td>200 cubic feet per unit</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Over 200 cu. ft. plan 1, 214 in plans 2 and 2R, 236 in plan 3</td>
<td></td>
</tr>
</tbody>
</table>

(11) Portions of structures:

a. In excess of 30 feet shall be set back an additional five feet.
b. Located within 100 ft. of R-1 zoned property, shall not exceed two stories and 30 feet in height.

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

- **Parking**

This project will have 10 spaces total; two spaces per each two-car garage (8 total in two-car garages), and two open spaces.

**R-3 Parking Requirements (at the time of the submission date)**

At the time the application was originally submitted for the project, the parking requirements in the Residential Zoning District (R-3), required two spaces for the first two bedrooms of each dwelling unit. For rooms that can readily be utilized as bedrooms (i.e., bedrooms, dens, and offices) an additional ½ space is required for each room in excess of the first two bedrooms. One of the required parking spaces for each dwelling
unit shall be located in an enclosed garage. The following table identifies the required parking spaces for the proposed project.

<table>
<thead>
<tr>
<th></th>
<th>Required §17.26.040 Parking Space Requirements</th>
<th>Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Spaces</td>
<td>Two spaces for the first two bedrooms of each dwelling unit; plus one-half space for each bedroom or other room that can readily be used as in excess of the first two bedrooms</td>
<td>4 - 3 bed units @ 2 ½ spaces each = 10 spaces</td>
</tr>
<tr>
<td>Provided Spaces</td>
<td>10 spaces</td>
<td>10 spaces</td>
</tr>
<tr>
<td>Garage Spaces</td>
<td>4+ in garages</td>
<td>8 in garages</td>
</tr>
</tbody>
</table>

- **Circulation**

Vehicular access will be provided along the alley, through one private driveway, with ingress and egress from the alley. The width of the driveway at its narrowest place is 13 feet wide. All of the garages have enough room to accommodate a 28-foot back up space. All 4 units will have an attached two-car garage, and there will be two additional open/external parking spaces near the alley.

- **Architecture**

The proposed architectural style has been scaled back from the last version of this project. It displays a modern traditional architecture with some planes that step in-and-out, as well as stuccoed window trim. All proposed buildings will include some shutters on various sides of the building, hardboard siding, and the front door to building A will have stone veneer surrounding it.

The drawing below shows the proposed view of the project from Farquhar Avenue, on the south side of the project:
This is the project from the north side toward the alley:
• **Landscaping**

LAMC Section 17.20.030 (Landscape Area Requirements) speaks to landscaping requirements that multi-family uses shall provide. The Applicant must maintain a minimum 15 percent of the site in landscaped areas. According to the site plan the front setback area, common area, and the yard areas of each home will include landscape areas that total approximately 16 percent of the total site area, therefore meeting this requirement. The Applicant previously proposed a preliminary landscape plan for the project when it was five units, which has been altered to consider the four unit project. Staff will require that a plan be submitted to our City’s Landscape Consultant that will meet all Municipal Code sections that pertain to residential landscaping (Conditions 9-13). This project will also be required to comply with Chapter 13.05 “Water Efficient Landscaping,” and Chapter 13.04 “Water Conservation”, of the Los Alamitos Municipal Code. This has been noted by Staff in the Conditions as #10.

• **Fencing and Walls**

The applicant plans to add vinyl fencing around the private outdoor spaces however in the front setback Staff has conditioned this fencing to be no taller than three feet in height (Condition #34). The Applicant plans to retain the existing block walls on the side property lines.

• **Lighting**

The building will include exterior light fixtures located on all four sides of the structures. These lights have been conditioned by Staff to direct light only on the subject property (Condition #15).

**Required Findings**

In order to approve a Site Plan Review, certain findings must be made in accordance with Section 17.50.040 of the LAMC. These findings are listed in attached Resolution 18-11.

**Staff Conclusion**

Staff has reviewed the proposed project and application materials and finds that the proposed project design and layout meet the minimum standards of the R-3 zoning district, including Section 17.08.030 (Property Development Standards), Section 17.16.040 (Architectural Design), and Chapter 17.20 (Landscaping) and that all of the findings can be made as set forth in attached Resolution PC 18-11.

**Conditional Use Permit (CUP 16-18)**

Condominiums require a conditional use permit under the City’s Municipal Code. (LAMC §§ 17.08.020; 17.34.020.)
**Required Findings**

Staff reviewed the proposed project and researched the surrounding area and has made the Conditional Use Permit findings set forth in LAMC Section 17.42.050. They are shown in attached Resolution 18-12.

**Covenant Conditions & Restrictions**

Prior to the sale of the first condominium, the Conditions will require the Applicant to prepare a document called Covenants, Conditions, and Restrictions (CC&Rs) and submit them to the City for review and approval. This will provide the operating regulations for the proposed condominium project and ensure that the project’s landscaping, irrigation, residential building exteriors, interior and exterior fences and walls, common areas and amenities, front yard areas, and back yard areas are maintained appropriately. The CC&Rs identify that the homeowners’ association will have the duty to maintain the property in a clean, safe, attractive, and healthy condition at all times, free of weeds, visible deterioration, graffiti, debris and/or other conditions that violate the Los Alamitos Municipal Code. Staff has included some conditions to ensure that the Association will act as primary enforcer of parking regulations in the community. Additionally, all of the requirements set forth in LAMC 17.34.060 will be required to be included in the CC&Rs.

- **Section 17.34.060 – Residential Condominiums**

Code Section 17.34.060 has other development standards for residential condominiums. Here are those standards with Staff Comments:

<table>
<thead>
<tr>
<th>Required</th>
<th>Staff Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with Codes.</td>
<td>Condition 56</td>
</tr>
<tr>
<td>Sound and Energy Insulation.</td>
<td>Condition 56</td>
</tr>
<tr>
<td>Smoke Detectors.</td>
<td>Condition 61</td>
</tr>
<tr>
<td>Maintenance of Fire Protection Systems</td>
<td>Condition 61</td>
</tr>
<tr>
<td>Utility Metering</td>
<td>Condition 19</td>
</tr>
<tr>
<td>Hot Water Facilities</td>
<td>Condition 17</td>
</tr>
<tr>
<td>Undergrounding of Utilities</td>
<td>Condition 18</td>
</tr>
<tr>
<td>Dedication and Improvements</td>
<td>Conditions 35-47</td>
</tr>
<tr>
<td>Parking, Off-Street</td>
<td>Plans comply with LAMC 17.26</td>
</tr>
<tr>
<td>Storage Space</td>
<td>Condition 28</td>
</tr>
<tr>
<td>Laundry Facilities</td>
<td>Each unit has a laundry room</td>
</tr>
<tr>
<td>Parcel Size, Setback, Coverage, Height, and Density</td>
<td>See R-3 Development Standards above</td>
</tr>
<tr>
<td>Requirements</td>
<td>Plans show the proper private</td>
</tr>
</tbody>
</table>

Four Residential Condominium Project
May 23, 2018
Page 10 of 12
<table>
<thead>
<tr>
<th>Covenants, Conditions, and Restrictions</th>
<th>open spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>sharing the maintenance and upkeep of structures and open areas within the project that are in common ownership</td>
<td>Condition 32</td>
</tr>
<tr>
<td>maintenance of common areas</td>
<td>Condition 32</td>
</tr>
<tr>
<td>use of each condominium unit to use as a single-family residence</td>
<td>Condition 33e</td>
</tr>
<tr>
<td>each individual unit owner is entitled to two specific covered parking spaces</td>
<td>Condition 33b</td>
</tr>
</tbody>
</table>

**Staff Conclusion**

The proposed Conditional Use Permit meets the requirements established within Section 17.42.050 (Findings and Decision) as more fully set forth in Resolution PC 18-12, attached hereto.

**Tentative Tract Map now Tentative Parcel Map (TPM 18-01 and Tentative Parcel Map No. 2018-1)**

As the Commission may recall, one of the discretionary actions for this project was for a Tentative "Tract" Map when the condominium count was 5 units. According to Government Code Section 66426 (a portion of the Subdivision Map Act) and the City’s subdivision ordinance, a tentative tract map is required when a project proposes five or more condominiums. A Tentative "Parcel" Map is used whenever a parcel is proposed to be subdivided for the purpose of creating less than five condominium units (Los Alamitos Municipal Code 16.06.020). This project now requires a Tentative Parcel Map.

**Analysis**

The Subdivision Map Act, along with Title 16 of the LAMC, regulates subdivisions. The proposed tentative parcel map (Tentative Parcel Map Number 2018-1) establishes one lot for the purpose of developing a condominium project for four condominiums. The tentative parcel map has the same dimensions and parameters of the existing lot and identifies the private driveway access and utility easements. No additional lots will be created or removed. Once approved by the Planning Commission, sitting as the Subdivision Committee, the Tentative Parcel Map expires 24 months from the date of approval unless the applicant requests a time extension prior to the expiration.

The LAMC requires residential subdivisions for new units to pay parkland dedication (Quimby) fees. The current rate for multiple-family residential units is $13,412.00 per unit, as set by resolution of the City Council. The project will be conditioned on paying a fee of $26,824.00 for the two new net units.

Four Residential Condominium Project
May 23, 2018
Page 11 of 12
**Required Findings**

The findings required to approve Tentative Parcel Map 18-01 are set forth in the Subdivision Map Act as well as Sections 16.10.100 and 16.10.110 of the LAMC. The findings are listed in attached Resolution 18-13.

**Staff Conclusion**

Proposed Tentative Parcel Map 18-01 meets the requirements and regulations established within Chapter 16.12 (Standards of Design) and the Subdivision Map Act established in Government Code Sections 66410 et seq. and all required findings can be made, as more fully set forth in Resolution No. PC 18-13, attached hereto.

**Staff Recommendation**

Staff supports approval of CUP (Conditional Use Permit) 16-18, SPR (Site Plan Review) 16-09, and TPM (Tentative Parcel Map) 18-01 (2018-1) due to what appears to be an improved layout of the project that is in harmony with the design standards of the Los Alamitos Zoning Code.

**Attachments:**
1. Site Plan & Tentative Parcel Map dated May 12, 2018
2. Site Plan Review Resolution No. PC 18-11
3. Conditional Use Permit Resolution No. PC 18-12
4. Tentative Parcel Map Resolution No. PC 18-13
5. Conditions of Approval for all of the Resolutions
RESOLUTION NO. PC 18-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR 16-09) TO ALLOW CONSTRUCTION OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS)

WHEREAS, a completed application for a Site Plan Review was submitted by Alison Stapakis and Olympia Stapakis on December 1, 2016, requesting approval to demolish two existing units, and construct five (5), now four (4), residential condominium units at 3751/3755 Farquhar Avenue, APN 222-062-28; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) and Section 17.10.020 Table 2-01 (Allowed Uses and Permit Requirements for Residential Zoning Districts) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission heard the application for Site Plan Review at a duly noticed public hearing on May 23, 2018, at which time it considered all of the evidence presented, both written and oral.

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

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

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

1. The design and layout of the proposed development are consistent with the development and design standards/guidelines of the applicable zoning district: The design and layout of the four residential condominiums on one lot at 3751 Farquhar Avenue, as conditioned, is consistent with the development and design standards/guidelines of the Multiple Family (R-3) Residential Zoning District as well as with the requirements for residential condominiums set forth in Section 17.34.060. The development meets, or will be conditioned to meet, all requirements except for the width of the property, which is excused from the requirement as a nonconforming lot.
2. The design and layout of the proposed development are consistent with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards: The design and layout of the four residential condominiums at 3751 Farquhar Avenue would not interfere with the use and enjoyment of neighboring residential developments, as the immediately surrounding uses are multi-family residential with a city park and vacant base land 2 blocks east. The approved location is appropriate for a four unit residential condominium development. The location of the private driveway ingress/egress access to the alley would not create traffic or pedestrian hazards and would create a safer environment along Farquhar Avenue by having less curb cuts. The property is zoned for this type of development.

3. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this chapter: The design of the four residential condominiums would maintain and enhance the attractive, harmonious, and orderly development of the property. The design is in harmony with surrounding development and improves upon the City’s architecture with an updated residential building design, extensive landscaping, and maintenance requirements under a condominium ownership.

4. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance: The design of the four residential condominiums 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 a homeowners’ association and the use of covenants, conditions, and restrictions.

5. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity: The four residential condominiums provide for public health, safety, and welfare of the residential and business communities by increasing the density on the site rather than causing sprawl elsewhere. Additionally, this project replaces structures which are approximately 60 years old. The building will meet all building code requirements.

6. The proposed development would not substantially depreciate property values in the vicinity: The four residential condominium units would not depreciate property values in the vicinity, as the area is zoned for this type of use and it will improve the aesthetics.
7. CEQA has been 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.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review SPR18-09, as shown on the plans and elevations dated April 2, 2018 and subject to the conditions in “Exhibit A.”

SECTION 4. 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.

SECTION 5. This resolution shall be effective immediately, but only if resolutions 18-12 and 18-13 are also approved

PASSED, APPROVED, AND ADOPTED this 23rd day of May, 2018, by the following vote:

ATTEST: ________________________________
              Art DeBolt, Chair

______________________________
Andy Perea, Secretary

APPROVED AS TO FORM:

______________________________
Kendra Carney, Assistant City Attorney
STATE OF CALIFORNIA  
COUNTY OF ORANGE  
CITY OF LOS ALAMITOS 

I, Andy Perea, 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 23rd day of May, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Andy Perea, Secretary
RESOLUTION NO. PC 18-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT (CUP 16-18) TO ALLOW CONSTRUCTION OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, IN THE MULTIPLE FAMILY RESIDENTIAL (R-3) ZONING DISTRICT, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS)

WHEREAS, an application for a Conditional Use Permit was submitted for the construction of five (5), now four (4), residential condominiums on one lot at 3751/3755 Farquhar Avenue, APN 222-062-28, on December 1, 2016; and,

WHEREAS, the verified application constitutes a request under Section 17.08.020 (Land Uses and Permit Requirements), Section 17.08.020 Table 2-02 (Allowed Uses and Permit Requirements for Residential Zoning Districts) and Section 17.42.040 (Conditional Use Permits Application Filing, Processing, and Review) of the Los Alamitos Municipal Code, which requires Planning Commission approval of a Conditional Use Permit for condominium projects in the R-3 Zoning District; and,

WHEREAS, prior to adopting this Resolution the Planning Commission adopted Resolution No.18-12 approving the Site Plan, dated May 12, 2018; and

WHEREAS, the Planning Commission heard said application at a duly noticed public hearing on May 23, 2018 at which time it considered all of the evidence presented, both written and oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES 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 Permit 16-18 is hereby approved to allow the construction of four residential condominiums in three buildings at 3751 Farquhar Avenue based upon the following findings. These findings are based on all of the evidence presented and the Staff report is incorporated herein by reference:

1. The use will not endanger the public health, safety or general welfare if located where proposed and developed, and that the use will not allow conditions which tend to generate nuisance conditions including but not limited to noise, glare, odor, or vibration: The project, as proposed and conditioned, will not endanger the public health, or general welfare. The property is zoned for this type of four-unit condominium development
project and the project will comply with all applicable building and development codes. The condominium project will not foster circumstances that tend to generate nuisance conditions such as noise, glare, odor, or vibrations because it is a residential development that is consistent with the surrounding multiple-family residential uses.

2. The use meets the required conditions and specifications set forth in the zoning district where it proposes to locate: The proposed four-unit residential condominium project meets all of the required conditions and specifications set forth in the zoning district where it is proposed to locate as this residential development project complies with all of the development standards for the Multiple Family Residential (R-3) Zoning and additional requirements set forth in Section 17.34.060 relating to residential condominiums, except with regard to the width of the property which is excused as this is a legal non-conforming lot.

3. The location and character of the use, if developed according to the plan as submitted for approval, will be in harmony with the area in which it is to be located and in general conformity with the Los Alamitos General Plan: The location and character of the use, if developed in accordance with the approved site plan, will be in harmony with the area in which it is to be located because the residential condominiums are 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.

<table>
<thead>
<tr>
<th>Land Use Element</th>
<th>Consistency of Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal 4:</strong> Neighborhoods and buildings that are well maintained and demonstrate a sense of pride and identity.</td>
<td>These will be new, well designed buildings in the neighborhood which will encourage neighbors to further improve their own homes.</td>
</tr>
<tr>
<td><strong>Policy 4.1 Pride and Identity.</strong> Enhance the sense of identity and increase the feeling of pride among Los Alamitos residents, business owners, employees, and visitors through excellent physical design and continual property maintenance and improvements.</td>
<td>These will be new, well designed buildings in the neighborhood which will encourage neighbors to improve their own homes.</td>
</tr>
<tr>
<td><strong>Policy 4.4 Scale and Character.</strong> Ensure that all new development in residential neighborhoods is compatible with the scale and character of the surrounding neighborhood.</td>
<td>This project will be in the multi-family residential neighborhood and will add to the character of the neighborhood.</td>
</tr>
<tr>
<td><strong>Action 4.5 Development standards.</strong> Review development standards in residential zoning districts to provide specific guidance on maximum development intensity, minimum open space, and minimum setback standards to ensure that all new development in residential neighborhoods is compatible with the surrounding scale and character.</td>
<td>This project has been compared to the development standards of the multi-family General Plan designation and has been found to be compliant.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Open Space, Recreation, and Conservation Element</strong></th>
<th>Consistency of Proposed Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goal 1:</strong> A diverse range of parks, facilities, and programs that meet the recreational needs and interests of the community.</td>
<td>This project will be required to pay park fees which will provide funds for future recreational fees.</td>
</tr>
<tr>
<td><strong>Goal 4:</strong> Air, water, and energy resources that are protected from pollution and overuse.</td>
<td>This is a residential infill project that will take the place of sprawl that</td>
</tr>
<tr>
<td>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.</td>
<td>would be built on the fringes of this metropolitan area.</td>
</tr>
<tr>
<td>Mobility and Circulation Element</td>
<td>BMP's are required for the construction of this project in the conditions of approval.</td>
</tr>
<tr>
<td>Policy 1.6 Access management. Minimize access points and curb cuts along arterials and within 200 feet of an intersection to improve traffic flow and safety. Eliminate and/or consolidate driveways when new development occurs or when traffic operation or safety warrants.</td>
<td>This will not add driveways to the passing streets, but will access the site from an existing alleyway.</td>
</tr>
<tr>
<td>Public Facilities and Safety Element</td>
<td>These are BMP requirements that are a part of the conditions of approval for the project.</td>
</tr>
<tr>
<td>Action 4.5 Construction activity. Require that construction vehicles and equipment (fixed or mobile) be equipped with properly operating and maintained mufflers. Place stock piling and/or vehicle-staging areas as far as practical from residential homes. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health.</td>
<td></td>
</tr>
<tr>
<td>Growth Management Element</td>
<td>Park fees will be required to be paid.</td>
</tr>
<tr>
<td>Policy 1.1 New development. New development shall pay its share of the costs of public facilities and services needed to serve the new residents.</td>
<td></td>
</tr>
</tbody>
</table>

And while no specific policy actions of the Housing Element are fulfilled through this project, it does strive for offering products of housing that cost less than an average single-family home in the City in accordance with the following goal of the Housing Element:

**Housing Strategy Area 4: Adequate Housing Supply**

The City strives to ensure an adequate supply of housing is available to meet future and existing housing needs of all economic segments of the community. This property was also identified as an underutilized lot in this element.

This property was also identified as an underutilized lot in this element.

4. *The decision is based on substantial evidence in view of the record as a whole before the Commission:* The decision to approve Conditional Use Permit 16-18 is based on the Planning Commission's review of the plans and specifications submitted for the proposed project and on testimony given at the public hearing on May 23, 2018, before the Planning Commission.

5. CEQA has been 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.
SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit 16-18 subject to the conditions attached and incorporated by reference as Exhibit “A” to this Resolution.

SECTION 4. 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.

SECTION 5. This resolution shall be effective immediately, but only if resolutions 18-11 and 18-13 are also approved.

PASSED, APPROVED, AND ADOPTED this 23rd day of May, 2018, by the following vote:

__________________________________________
Art DeBolt, Chair

ATTEST:

__________________________________________
Andy Perea, Secretary

APPROVED AS TO FORM:

__________________________________________
Kendra Carney, Assistant City Attorney

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

I, Andy Perea, 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 23rd day of May, 2018, by the following vote, to wit:
AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Andy Perea, Secretary
RESOLUTION NO. PC 18-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, SITTING AS THE SUBDIVISION COMMITTEE, APPROVING TENTATIVE PARCEL MAP 18-01 (TPM 2018-1) TO SUBDIVIDE PROPERTY TO ALLOW FOR DEVELOPMENT OF FOUR RESIDENTIAL CONDOMINIUM UNITS ON ONE LOT AT 3751/3755 FARQUHAR AVENUE, APN 222-062-28, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ALISON STAPAKIS AND OLYMPIA STAPAKIS)

WHEREAS, a completed application for a Tentative Tract Map, now Tentative Parcel Map, was submitted by Alison Stapakis and Olympia Stapakis on December 1, 2016, requesting to demolish an existing 2 residential units and construct five (5), now four (4), residential condominiums on one lot at 3751/3755 Farquhar Avenue, APN 222-062-28; and,

WHEREAS, the verified application constitutes a request as required by Chapter 16.06 (Subdivisions) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission heard the application at a duly noticed public hearing on May 23, 2018, at which time it considered all of the evidence presented, both written and oral.

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

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

SECTION 2. The Subdivision Committee hereby makes the following findings as required by the Los Alamitos Municipal Code and Government Code:

1. The proposed map is consistent with the City's General Plan. The proposed map allows for the development of four condominium units at a density of 20 dwelling units an acre which is within the General Plan multifamily residential land use designation of 20 – 30 units per acre. The proposed design and improvements of the four-unit residential condominium subdivision are consistent with the applicable General Plan goals, policies, and implementation measures as set forth below.

<table>
<thead>
<tr>
<th>Applicable General Plan Implementing Goals and Policies</th>
<th>Consistency of Proposed Project</th>
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<td>Ensure that all new development in residential neighborhoods is compatible with the scale and character of the surrounding neighborhood.</td>
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**Open Space, Recreation, and Conservation Element**

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<td>Action 4.2 Construction activities.</td>
<td>Encourage the use of best management practices during construction activities to reduce emissions of criteria pollutants as outlined by the SCAQMD.</td>
<td>BMP’s are required for the construction of this project in the conditions of approval.</td>
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**Mobility and Circulation Element**

| Policy 1.6 Access management. | Minimize access points and curb cuts along arterials and within 200 feet of an intersection to improve traffic flow and safety. Eliminate and/or consolidate driveways when new development occurs or when traffic operation or safety warrants. | This will not add driveways to the passing streets, but will access the site from an existing alleyway. |

**Public Facilities and Safety Element**

| Action 4.5 Construction activity. | Require that construction vehicles and equipment (fixed or mobile) be equipped with properly operating and maintained mufflers. Place stock piling and/or vehicle-staging areas as far as practical from residential homes. Replace backup audible warning devices with backup strobe lights or other warning devices during evening construction activity to the extent permitted by the California Division of Occupational Safety and Health. | These are BMP requirements that are a part of the conditions of approval for the project. |

**Growth Management Element**

| Policy 1.1 New development. | New development shall pay its share of the costs of public facilities and services needed to serve the new residents. | Park fees will be required to be paid. |

And while no specific policy actions of the Housing Element are fulfilled through this project, it does strive for offering products of housing that cost less than an average single family home in the City as provided for by the following goal of the Housing Element:

**Housing Strategy Area 4: Adequate Housing Supply**

The City strives to ensure an adequate supply of housing is available to meet future and existing housing needs of all economic segments of the community.
This property was also identified as an underutilized lot in this element.

2. The design and improvement of the proposed subdivision is consistent with the City's General Plan: The design and improvement of the four-unit condominium project are suitable for residential development of the R-3 designation and the density meets the requirements of the General Plan.

3. The site is physically suitable for the proposed type of development: The site is physically suitable for a residential condominium subdivision because the site is generally flat and will require minimal grading. The project can meet all development standards except width, which is excused as a legal nonconforming lot.

4. The requirements of CEQA have been satisfied: CEQA has been 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.

5. The site is physically suitable for the proposed density of development: The site is capable of supporting the development of four residential condominium units. The proposed project is at 20 dwelling units per acre, well under the City's R-3 zoning district that allows a maximum of 30 dwelling units per acre under a multi-family development project. Each proposed unit and the entire project meets the development standards for the R-3 zone including parcel area, parcel depth, maximum density, minimum dwelling area, maximum height, setbacks, site coverage, and minimum distances between buildings. The parcel width is minimally under the code requirement, but is permitted because it is a legal non-conforming lot.

6. The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife in their habitat: The proposed subdivision will not cause any environmental damage as this is an infill project on property that already has been designated as an area for residential units and there are no fish or wildlife habitat on site. The site has already been graded.

7. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems: The proposed subdivision design and improvements will not adversely affect the public health of the citizens of the City of Los Alamitos as the project is the type of use which is planned for in this area; the residential condominium project will be compatible with the
single-family and multi-family residential uses in the area. Also, the widening of the alley will improve safety for trash collection by today's larger trucks.

8. The design of the subdivision and improvements will not conflict with public access easement through the property: The design of the subdivision and the proposed improvements will not conflict with any existing telephone, street, and public utility easements. There are no public access easements through the property.

9. The design and improvements of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations: The project will be able to comply with all zoning regulations as specified above, except as to the width of the parcel which is excused as a legal non-conforming lot.

10. The discharge of waste into an existing community sewer system will not result in or add to a violation of existing requirements prescribed by either the Regional Water Quality Control Board: The project will not result in a violation of requirements prescribed by the Regional Water Quality Control Board as the Applicant is required to prepare a Water Quality Management Plan (WQMP) for the project.

SECTION 3. Based upon such findings and determinations, the Planning Commission, sitting as the Subdivision Committee, hereby approves Tentative Tract Map 18-01 (TTM 2018-1) attached as Exhibit "B," subject to the conditions located in attached Exhibit "A."

SECTION 4. 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.

SECTION 5. This resolution shall be effective immediately, but only if resolutions 18-11 and 18-12 are also approved.

PASSED, APPROVED, AND ADOPTED this 23rd day of May, 2018, by the following vote:

__________________________
Art DeBolt, Chair
ATTEST:

____________________________________
Andy Perea, Secretary

APPROVED AS TO FORM:

____________________________________
Kendra Carney, Assistant City Attorney

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

I, Andy Perea, 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 23rd day of May, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

____________________________________
Andy Perea, Secretary
STAPAKIS FOUR UNIT CONDOMINIUM PROJECT
CONDITIONS OF APPROVAL
SPR 16-09, CUP 16-18, and TPM 18-01 (2018-1)

GENERAL CONDITIONS

1. The approved application consists of construction of a four-unit condominium development project in three buildings at 3751 Farquhar Avenue (APN 222-062-28) with such additions, revisions, changes, or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, Conditional Use Permit, and Tentative Parcel Map, noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated May 12, 2018 (as amended during the hearing), 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. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, and 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 Development Services 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 Development Services Department.

4. In case of violation of any of the conditions of approval of applicable law, the property owner and tenant will be issued a Notice of Correction if said violation is
not remedied within a reasonable period of time and/or subsequent violations of the conditions of approval and/or City law occurs within ninety days of any Notice of Correction, the property owner shall be held responsible to reimburse the City for all Staff time directly attributable to enforcement of the conditions of approval, mitigation measures, and/or City law including but not limited to, revocation of the herein approvals.

5. Project plans for the condominium development shall be subject to a complete code compliance review with the Development Services Department when the condominium plans are submitted for plan check and shall comply with all applicable City of Los Alamitos ordinances, regulations, and policies prior to building permit issuance, including, but not limited to, the requirements established or authorized by Title 15, 16, and 17 of the City of Los Alamitos Municipal Code.

6. Approval of the Site Plan Review (SPR 16-09) shall be valid for a period of twelve (12) months from the date the site plan was approved, and the Conditional Use Permit (CUP16-18) shall be valid for a period of eighteen (18) months from the date this permit was approved. If construction is commenced within this period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect.

7. Approval of TTM 16-04 (TTM 2018-1) is valid for twenty-four (24) months. Prior to the expiration of the Map the Applicant may request a twelve (12) month extension in accordance with the Los Alamitos Municipal Code.

8. In accordance with Government Code section 66477 and Chapter 16.17 of the Los Alamitos Municipal Code, the applicant shall be required to pay $26,824.00 in parkland dedication (Quimby) fees for two of the new units, which takes into consideration the two previously existing units on the property.

**LANDSCAPE**

9. A landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Development Services 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.
10. Landscaping shall comply with the City’s water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.

11. The Applicant shall install, at a minimum, five 15-gallon trees within the landscaped areas of the parcel.

12. Front-yard landscaping for each individual condominium unit, private driveway street trees, common open space landscaping, and landscaping area shall be installed prior to occupancy of any condominium units. The developer shall be responsible for maintaining the common area landscaping until such time as the project nears complete sell-out and the homeowner’s association takes over maintenance responsibility.

13. Trees shall be planted outside of any Sight Safety Triangle or be trimmed to eight feet from above the adjacent top of curb.

LIGHTING

14. Prior to permit issuance, Applicant shall submit a lighting plan to the Development Services Department to the satisfaction of the Development Services Director.

15. The Applicant shall provide adequate exterior lighting for each residential unit that maintains performance standards as described in Chapter 8.48 Lighting Performance Standards in the Los Alamitos Municipal Code. All lighting structures shall be placed so as to confine direct rays to the subject property.

16. The Applicant shall provide an illuminated uniform address number near the entryway of each unit, or other location acceptable to the Development Services Director.

UTILITIES

17. The Applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Development Services Department for review and approval prior to the Building and Safety Division Plan check.

18. All utility service lines shall be placed underground.

19. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading. Each unit shall be separately metered.
CONSTRUCTION

20. During construction, the Applicant will display a sign visible to the public from Farquhar Avenue with a contact number of the construction superintendent to address any questions or concerns about demolition, grading, and construction activities.

21. 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 Development Services Director.

22. 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.

23. 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.

24. Stock piling and/or vehicle-staging areas shall be placed as far as practical from residential homes.

25. The Applicant shall have rodent and pest controls on site during demolition and grading activities to mitigate impacts to the surrounding properties and neighborhood.

26. 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. A legible sign with the contact phone number of the contractor shall be attached to the fencing.

27. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.

OTHER

28. The units shall be constructed with 200 cubic feet of storage space for each unit (LAMC 17.08.030).

29. The air conditioner units shall be installed in accordance with LAMC 17.16.100.D.
30. The garage doors shall be the same style as shown on the elevations.

31. A Water Quality Management Plan (WQMP) will be required to be processed for this project.

32. Prior to the sale of any individual condominium, a Homeowners’ Association shall be created to maintain the common area landscaping, driveway trees, maintenance of common open space and furniture, walls and fencing. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover replacement and major repair costs. The homeowners’ association shall be authorized to enforce the Covenants, Conditions, and Restrictions (CC&Rs). The developer shall prepare project CC&Rs for the entire development for review and approval by the Development Services Director, prior to any permanent Certificate of Occupancy being issued.

33. The CC&Rs shall be approved by the City Attorney’s office and the Development Services Department prior to the issuance of any Certificate of Occupancy (temporary or permanent). The CC&Rs shall be recorded prior to or at the same time that the final map is recorded and two copies of the recorded CC&Rs shall be provided to the Development Services Department. The CC&Rs shall include the following provisions in addition to anything else identified in these conditions:

   a. All units shall maintain within the garage the ability to park two cars at all times. Garages shall not be converted to any other use.

   b. Parking spaces in the garages shall be made available to the occupants of the unit at all times.

   c. There shall be no business activities or day care conducted within or from the garages.

   d. The CC&R’s shall identify for the tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as trash trucks, fire trucks, etc., from maneuvering around the private driveway.

   e. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.

   f. The CC&R’s shall include requirements that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the
interior of the development is the responsibility of the Homeowner's Association, including the common landscaped areas.

g. Attorney Fees: The City shall be entitled to recover its attorney's fees and costs incurred in connection with its actions to enforce the conditions of these Declarations or Tentative Parcel Map TTM 18-01 (2018-1), Conditional Use Permit CUP 16-18, Site Plan Review SPR 16-09 approvals, or to abate the violation thereof. The City may impose a lien or assessment on the property to recover such attorney's fees and costs.

h. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.

i. The CC&Rs may not be amended without prior written approval from the City. The City's approval shall be limited to insuring that the provisions required by these conditions have not been altered.

34. Fencing in the front yard setback shall not exceed three (3) feet in height above natural grade.

ENGINEERING

35. The Applicant shall submit Improvement Plans prepared by a Registered Civil Engineer for public works (off-site) improvements, and on-site improvements. Plan check fees shall be paid in advance.

36. An on-site grading and drainage plan shall be prepared and submitted to the City Engineer for approval. Plan shall be 24" x 36", with elevations to nearest 0.01-foot, minimum scale 1" = 20'. Plan shall be prepared by Registered Civil Engineer. Public works improvements may be shown on this plan. Grading plan check fees must be paid in advance.

37. 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.

38. Driveway slope shall be a minimum slope of one (1) percent for asphalt and .5% for concrete.

39. The Applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.

40. If utility cuts are excessive in the street the street must have a grid and overlay placed on it per the satisfaction of the City Engineer.
41. 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.

42. A City Public Works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of Certificate of Occupancy.

43. 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.

44. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.

45. 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.

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

47. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Final Water Quality Management Plan (WQMP) that:

- Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.

- Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.

- Incorporates Treatment Control BMPs as defined in the DAMP.

- Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

- Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
• Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

PUBLIC WORKS

48. The Applicant shall install new sidewalk on Farquhar Avenue, in front of the entire subject parcel.

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

50. If a utility cut is made in the alley, the Applicant shall replace the concrete panel entirely to the satisfaction of the City Engineer.

51. The Applicant shall provide sidewalks and gutters with the latest accessibility features required by state and federal law.

52. The Applicant shall install 1-2 new trees on Farquhar Avenue evenly spaced in the parkway in front of the subject parcel. Please call the Public Works Superintendent at 562-431-3538 for type and specifications.

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

ROSSMOOR/LOS ALAMITOS SEWER DISTRICT

54. The Applicant shall submit engineering plans for the District’s review prior to connection to the District’s sewer in Farquhar Street.

55. Prior to the approval of the above plans, the Applicant shall pay all applicable connections, permit, plan-check and inspection fees.

BUILDING AND SAFETY DIVISION

56. The Applicant must comply with all current California Building Codes in effect at the time that the plans are submitted.

57. The Applicant shall submit three (3) sets of complete building plans to the Building and Safety Department for review.

58. 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.

59. Prior to obtaining a demolition permit, the Applicant shall submit an asbestos report for review and approval by the Building and Safety Department. If
asbestos is found on site, a report to the Air Quality Management District (AQMD) must be made.

60. For demolition and construction, the project must recycle 60% of material and the Applicant shall submit a waste management plan to the Building and Safety Department.

ORANGE COUNTY FIRE AUTHORITY (OCFA)

61. **Plan Submittal**: The Applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified. If you need additional information or clarification, please contact me by phone at (714) 573-6133, by fax at (714) 368-8843, or by email: lynnepivaroff@ocfa.org.

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

- fire master plan (service code PR145)

*Prior to issuance of a building permit:

- fire sprinkler system (service codes PR400)

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

Agenda Report
Public Hearing

To: Chair DeBolt and Members of the Planning Commission
Via: Andy Perea, Interim Development Services Director
From: Kendra L. Carney, Assistant City Attorney
Subject: ZOA 18-02
Various Off-Street Parking and Loading Amendments

Summary: 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 various amendments to address excessive parking demands in the R-2 and R-3 Zoning Districts. The attached red-lined changes to the existing parking requirements clarify requirements for enclosed parking spaces and development standards for residential and commercial parking stalls.

Recommendation:

1. Open the Public Hearing; and,

2. Close the Public Hearing; and,

3. Discuss proposed amendments to the off-street parking requirements and loading standards and direct the City Attorney to draft an ordinance and resolution to recommend amendments to the off-street parking requirements to the City Council.

Background

The City is experiencing an increasing demand for on-street parking in the R-2 and R-3 Zoning Districts. The Development Services Department and Police Department frequently receive complaints and requests for service relating to illegally parked vehicles and an over-concentration of on-street parking. Inadequate off-street parking requirements for new or expanded multi-family development contribute to the deficiency of on-street parking.

On September 27, 2017, the Los Alamitos Planning Commission voted unanimously to initiate a Zoning Code amendment to update the City’s off-street parking requirements, located at Section 17.26.040 of the City of Los Alamitos Zoning Code, and which were last updated in 2006. To assist the Planning Commission, Development Services
Department Staff surveyed off-street parking requirements from other nearby jurisdictions.

The Planning Commission has continued to study the City’s off-street parking requirements and, at the March meeting, directed the City Attorney to prepare red-lined changes to Chapters 17.26 and 17.34, which could result in a reduction in on-street parking demand in the R-2 and R-3 Zoning Districts.

Discussion

Most of the City’s current off-street parking regulations were adopted years ago to suit the needs of a more suburban community. Best practices for establishing parking requirements have seen a significant transition over the last several years. Today’s population has cars, uses cars for travel regularly, and needs storage for those cars. Like many cities, Los Alamitos has not updated the off-street parking standards to reflect current trends.

As a result, the Planning Commission held a public hearing on September 27, 2017, which was continued to January 24, 2018, February 28, 2018, and March 28, 2018. At these meetings, the Planning Commission reviewed parking standards and parking space requirements for multiple-family developments in the Los Alamitos. Based on its review and its consideration of the evidence presented, the Planning Commission directed the City Attorney to prepare red-lined amendments to the parking requirements for R-2 and R-3 Zoning Districts.

The proposed amendments are attached for the Planning Commissions review.

The enactment of these off-street parking requirements will mitigate and prevent the exacerbation of on-street parking demand and congestion in the R-2 and R-3 Zoning Districts and further preserve the public safety, health, and welfare of the community.

**Attachments:**

1. Red-lined proposed amendments to Los Alamitos Municipal Code Chapters 17.26 and 17.34
17.26.060 Residential parking and storage standards.

A. Carports and Garages. Garages and/or carports shall be provided for required parking spaces in residential zoning districts as follows:

1. R-1 Single-Family Zoning Districts. In R-1 single-family zoning districts, required parking spaces for each dwelling unit shall be located in an enclosed garage.

2. R-2 Limited Multiple-Family Zoning Districts. In R-2 limited family zoning districts, one of the required parking spaces for each dwelling unit shall be located in a carport or an enclosed garage equipped with a functional, automatic garage door opener.

3. R-3 Multiple-Family Zoning Districts. In R-3 multiple-family zoning districts, one of the required parking spaces for each dwelling unit shall be located in a fully enclosed garage equipped with a functional, automatic garage door opener. Carports are encouraged or open space parking space are allowed for additional required spaces for dwelling units. Required parking spaces for association or common recreation rooms may be unenclosed.

4. Any carport must include an enclosed personal storage space within the front, or shorter enclosed portion, of the covered parking space. The dimensions of this space may be included to comply with the outdoor storage requirements for R-2 and R-3 Zoning Districts established in section 17.38.120(A) of this Code.

B. Vehicles or Recreational Items. Vehicles or recreational items shall not be parked, stored, or left standing on or upon an outdoor portion of a residentially zoned district or used parcel, except in compliance with the following standards:

1. Vehicle as Residence. Vehicles or recreational items shall not be used either temporarily or permanently for sleeping or living purposes.

2. Location. Vehicles, including recreational vehicles, recreational items, trailers, or utility trailers shall not project into a public right-of-way, or be parked on a parcel as to adversely affect traffic or pedestrian safety by obstructing vision.

3. Front Setback Area and Driveway.

a. In a front setback area, all vehicles including recreational vehicles, recreational items, trailers, and utility trailers shall be parked or left standing only on a driveway and shall not be parked or left standing on another part of the front setback area. See Figure 3-01 (Parking Diagram for Vehicles).

b. In the area between the front setback line and the dwelling’s related garage and other accessory structures, vehicles including recreational vehicles, recreational items, trailers, and utility trailers shall be parked or left standing only on a driveway unless completely screened from view from the public right-of-way and adjacent property. See Figure 3-01 (Parking Diagram for Vehicles).

c. Vehicles, recreational vehicles, recreational items, trailers, or utility trailers shall not be parked or left standing within five feet of an adjacent property line in a front setback...
area, except that operable, currently registered automobiles and light-duty, noncommercial trucks not otherwise prohibited from being parked on residential property may be parked or left standing on a driveway located in any front setback area. See Figure 3-01 (Parking Diagram for Vehicles).

d. Detached parts (e.g., camper shells or bodies, racks or jacks, and similar items) shall not be stored on any portion of a front setback area or driveway. These parts may be stored in a front yard behind the front setback line and in the side setback area if screened from view.

e. Driveways shall lead to a garage or carport, and shall not exceed the width of the garage or carport or fifty (50) percent of the parcel width at the street, whichever is less. A minimum driveway width of twelve (12) feet is required.

f. A minimum turning radius of twenty-eight (28) feet shall be required for garages. A minimum straight, unobstructed, perpendicular backup distance of twenty-four (24) feet is required behind all ninety (90) degree parking stalls.

g. Covered parking spaces (garages or carports) shall have a minimum interior measurement of ten (10) feet by twenty (20) feet.

h. Only one curb cut, driveway, and driveway apron shall be allowed for each residential parcel unless a site plan is approved in accordance with Chapter 17.50. Notwithstanding any other provision of this code, this requirement only applies to development of a new residential use, or renovation of an existing residential use which includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

4. Side and Rear Setbacks. Recreational vehicles, recreational items, trailers or utility trailers not exceeding a total of two in any combination, may be parked or left standing on any portion of a side or rear setback area or the area between the setback line and the dwelling unit, including the dwelling’s related garage and other accessory structures, provided that the view to a recreational vehicle, recreational item, trailer or utility trailer from an observer standing at ground level on an adjoining right-of-way or adjoining property is totally obscured by a wall not exceeding seven feet in height. Any recreational vehicle, recreational item, trailer or utility trailer that cannot be totally obscured from view from an adjoining right-of-way or adjoining property in this manner shall also be located a minimum of five feet from all property lines, except that operable, currently registered automobiles and light-duty, noncommercial trucks not otherwise prohibited from being parked on residential property may be parked or left standing on a driveway located in any rear or side setback area or the area between the setback line and the dwelling unit, including the dwelling’s related garage or other accessory structures. See Figure 3-01 (Parking Diagram for Vehicles).

5. Operational Status. Motor vehicles and recreational items on driveways and in front setback areas shall be operational and currently registered (if required).
Figure 3-01
Parking Diagram for Vehicles

Legend
- = 17.26.060.B.3.a
○ = 17.26.060.B.3.c
▼ = 17.26.060.B.3.b
♦ = 17.26.060.D
C. Commercial Vehicles and Equipment. Commercial vehicles and equipment shall not be parked, stored, or left standing on or upon an outdoor portion of a residentially zoned district or residentially used parcel, except in compliance with the following standards:

1. Commercial vehicles, not more than twenty-two (22) feet in length nor more than five thousand five hundred (5,500) pounds unladen weight, may be parked on residential properties subject to the same limitations for vehicles including recreational vehicles, trailers and utility trailers and recreational items contained in this chapter.

2. Commercial vehicles exceeding twenty-two (22) feet in length or five thousand five hundred (5,500) pounds unladen weight shall not be parked upon any portion of a property used or zoned for residential purposes except while delivering or picking up materials used in conjunction with construction on the property for which a city building permit has been obtained; or, while delivering or picking up merchandise, goods, or wares necessary or incidental to the residential use.

3. Vehicle length shall be the gross distance between the forward edge of the front bumper and the rear edge of the rear bumper.

4. Construction or maintenance equipment used in the conduct of a business or trade (e.g., concrete mixers, insulation blowers, asphalt mixers, and similar equipment) shall not be stored on any unenclosed portion of a property used or zoned for residential purposes.

Equipment may be allowed on property used or zoned for residential purposes when used in conjunction with construction or improvements on a property. (Ord. 14-02 § 4, 2014; Ord. 688 § 1, 2006)

17.26.075 Development standards for residential open space parking stalls.

A. Parking Space Dimensions. Each off-street parking space shall consist of a rectangular area not less than nine feet wide by nineteen (19) feet long, together with drives, aisles, turning and maneuvering areas, and having access at all times to a public street or alley. The width of parking spaces and aisles in parking lots and minimum dimensions shall be provided in compliance with this section and the Table 3-02 (Off-Street Parking Dimensions) and Figure 3-02 (Parking Dimensions).

| TABLE 3-02
| Off-Street Parking Dimensions |

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<th>Standard Parking Space</th>
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<td>Angle</td>
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<tr>
<th>(A)</th>
<th>Stall Width (B)</th>
<th>Stall Length (C)</th>
<th>(D)</th>
<th>(E) One Way Aisle</th>
<th>(F) Two Way Aisle</th>
</tr>
</thead>
<tbody>
<tr>
<td>0°</td>
<td>8'</td>
<td>21'</td>
<td>9'</td>
<td>12'</td>
<td>24'</td>
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<tr>
<td>30°</td>
<td>9'</td>
<td>19'</td>
<td>17'-5&quot;</td>
<td>13'</td>
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<td>45°</td>
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<td>9'</td>
<td>19'</td>
<td>19'</td>
<td>24'</td>
<td>24'</td>
</tr>
</tbody>
</table>

* Other angle/dimensions may be considered where it can be shown to accommodate aisle width and circulation.

Figure 3-02
Parking Dimensions

B. Landscaping. Each off-street parking area shall provide an area, or areas, landscaped equivalent to twenty (20) square feet for each parking space. Landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material. At least one minimum fifteen (15) gallon tree shall be provided for every five parking spaces. In addition, one fifteen (15)-gallon tree minimum shall be provided in the
interior portions of the parking area for each one thousand five hundred (1,500) square feet of parking area.

---C. Unused Areas. Unused areas resulting from the layout of the parking area shall be used for landscape purposes.

---D. Irrigation Required. Required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.

---E. Plans Required. Landscape and irrigation plans, including the type and location of plant materials to be used, shall be subject to the approval of the director.

---F. Parking Area Development. Off-street parking areas shall be constructed and maintained to provide the following:

1. Grading and drainage shall be constructed to the specifications of the city engineering staff.

2. Parking spaces in R-2 and R-3 Zoning Districts in the commercial and industrial districts shall be clearly delineated by striping not less than four inches in width using white or yellow traffic-bearing paint and appropriately labeled for loading, handicapped, etc., where necessary. Wheel stops and/or six-inch concrete curbs shall be required for parking stalls in the commercial and industrial districts.

3. Lighting shall be provided in the parking area, and shall be arranged or shielded so that direct rays do not shine or reflect onto adjacent property or into public rights-of-way.

4. New and reconstructed parking areas and driveways shall be permanently surfaced with asphalt-concrete or Portland cement concrete or a permeable surface over compacted native soil. The required pavement section shall be subject to approval by the city engineer as appropriate to on-site soil conditions.

5. Curbs shall be installed at a minimum of two and one-half feet from face of buildings, walls, fences, or other structures. This requirement does not apply to driveways that are not a part of the maneuvering area for parking, provided that a curb shall be installed a minimum of three feet from the edge of driveways that are parallel to block walls, fences, or structures.

6. Drive aisles to and from parking stalls shall not be less than eighteen (18) feet wide for one-way circulation.

7. Minimum backup distance for ninety (90) degree parking shall be twenty-four (24) feet.

8. The first parking stall at an entrance shall be ten (10) feet minimum distance from a property line.

9. Concrete curbs shall be installed around all landscaping in parking areas.

CG. Compact Stalls. Compact car parking stalls shall not be allowed. (Ord. 688 § 1, 2006)

A. Parking Space Dimensions. Each off-street parking space shall consist of a rectangular area not less than nine feet wide by nineteen (19) feet long, together with drives, aisles, turning and maneuvering areas, and having access at all time to a public street or alley. The width of aisles in parking lots and minimum dimensions shall be provided in compliance with this section and the Table 3-02 (Off-Street Parking Dimensions) and Figure 3-02 (Parking Dimensions).

**TABLE 3-02**
Off-Street Parking Dimensions

<table>
<thead>
<tr>
<th>Angle (A)</th>
<th>Stall Width (B)</th>
<th>Stall Length (C)</th>
<th>Stall Depth (D)</th>
<th>Aisle Width (E)</th>
<th>Total Module Width (F)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>One Way Aisle</td>
<td>Two Way Aisle</td>
</tr>
<tr>
<td>0°</td>
<td>8'</td>
<td>21'</td>
<td>9'</td>
<td>12'</td>
<td>24'</td>
</tr>
<tr>
<td>30°</td>
<td>9'</td>
<td>19'</td>
<td>17' - 5&quot;</td>
<td>13'</td>
<td>24'</td>
</tr>
<tr>
<td>45°</td>
<td>9'</td>
<td>19'</td>
<td>20'</td>
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<tr>
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C. Unused Areas. Unused areas resulting from the layout of the parking area shall be used for landscape purposes.

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G. Compact Stalls. Compact car parking stalls shall not be allowed. (Ord. 688 § 1, 2006)

17.34.060 Residential condominiums.

A. Development Standards.

1. Compliance with Codes. Structures shall comply with building, mechanical, electrical, and plumbing codes in force in the city at the time the application is made.

2. Sound and Energy Insulation. Structures shall be sound attenuated to comply with the Uniform Building Code standards in effect at the time of filing. Additionally, the structure shall be made to comply with the energy insulation requirement in effect at the time of filing.


a. Smoke Detectors. Each condominium unit shall be provided with approved detectors of products of combustion other than heat, conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
b. Maintenance of Fire Protection Systems. Fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition.

4. Utilities.
   a. Utility Metering. Each condominium unit shall be separately metered for all utilities. In addition, a plan for equitable sharing of nonseparately metered, jointly used utilities shall be developed before final map approval and included in the covenants, conditions, and restrictions.
   b. Hot Water Facilities. Each condominium unit shall have a separate hot water heater meeting the standards as established by the Federal Department of Housing and Urban Development (HUD) for water heaters. The commission may waive this requirement if provisions are made for solar powered water heating.
   c. Undergrounding of Utilities. On-site overhead utility service lines shall be placed underground.

5. Dedication and Improvements. Dedications for streets, alleys, drainage, or public utilities shall be made so as to bring the parcel into conformity with existing city street, alley, drainage and public utility standards.

6. Parking, Off-Street. Parking requirements for condominiums are provided for in compliance with Chapter 17.26 (Off-Street Parking and Loading).

7. Storage Space. Each condominium unit shall be provided with a minimum of two hundred (200) cubic feet of enclosed weatherproofed and lockable private storage space outside of the dwelling unit. The space shall be for the sole use of the unit owner. This storage area may be located within a covered parking area, provided it does not interfere with automobile parking.

8. Laundry Facilities.
   a. Separate Facilities. A separate laundry facility area of sufficient size to allow for the installation of a clothes washer and dryer shall be provided for each condominium unit (if provided for in the garage, the area shall not encroach into the required parking space), or, as an alternative.
   b. Common Facility. A common laundry facility may be provided; the facility shall consist of not less than one automatic washer and dryer for each three condominium units or fractions of them.

9. Parcel Size, Setback, Coverage, Height, and Density Requirements. Parcel sizes, setback lines, coverage, structure heights, and density requirements shall meet the minimum requirements for the zoning district in which the condominium is located.

10. Private Open Space. An adjoining private open space shall be provided for each condominium unit with no dimension less than ten (10) feet.

B. Covenants, Conditions, and Restrictions. Each application for condominium development shall be accompanied by three copies of covenants, conditions, and
restrictions that will apply to the proposed development. These covenants, conditions, and restrictions shall include, but shall not be limited to, the following provisions.

1. Provisions made, whether by contract, homeowners association bylaws, or some other method, explaining to the buyer his or her responsibility for sharing the maintenance and upkeep of structures and open areas within the project that are in common ownership.

2. Provisions satisfactory to the city for the maintenance of common areas of the project by the city, in the event of default in the maintenance of the common areas by the individual owners of the units, and for reimbursement to the city for any costs incurred.

3. Provisions restricting use of each condominium unit to use as a single-family residence.

4. Provisions stating that each individual unit owner is entitled to two specific covered enclosed parking spaces equipped with functional automatic garage door openers in compliance with Chapter 17.26.

5. The above items are subject to review by the commission. (Ord. 688 § 1, 2006)
City of Los Alamitos
Planning Commission

Agenda Report
Public Hearing

To: Chair DeBolt and Members of the Planning Commission
Via: Andy Perea, Interim 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 Planning Commission continues the discussion of Off-Street Parking and Loading in the Municipal Code at tonight’s meeting. As a reminder, the Planning Commission may also want to review these remaining topics of discussion:

1. Driveway width
2. Aisle width
3. Tandem parking
4. Condominium requirements – Is ownership different?
5. R-3 vs. R-2 – Should they be different or the same

In the March 28, 2018 meeting the Planning Commission, during this parking discussion, directed the Assistant City Attorney to draft changes to the Code concerning items such as turning radius, aisle width, and parking space dimensions. That draft ordinance will be heard tonight prior to this continuing discussion.

**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:**

Previously distributed in November:
1) Los Alamitos Parking Code
   - Chapter 17.26 Off Street Parking and Loading
   - Chapter 17.16.030 Access
   - Chapter 17.34.060 Condominiums
   - Chapter 18.19.030
2) Fountain Valley Parking Code
3) Huntington Beach Parking Code
4) Orange Parking Code
5) Stanton Parking Code
6) Tustin Parking Code