AGENDA
PLANNING COMMISSION/SUBDIVISION COMMITTEE
REGULAR MEETING
Wednesday, February 27, 2019 – 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 Riley
   Vice Chair Sofelkanik
   Commissioner Andrade
   Commissioner Cuilty
   Commissioner DeBolt
   Commissioner Grose
   Commissioner Loe

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

5. **APPROVAL OF MINUTES**
A. Approve the Minutes for the Regular and Special Meetings of January 23, 2019.

6. **DISCUSSION**
None.

7. **CONSENT CALENDAR**
A. Conditional Use Permit (CUP) 18-08
Medical Office in the General Commercial (C-G) Zone at 10900 Los Alamitos Blvd., #160
Denial of a Conditional Use Permit for a medical office at 10900 Los Alamitos Blvd., #160 in the General Commercial (C-G) Zoning District (Applicant: Peter J. Blied, North County Consulting).

  Recommendation:

Adoption of Resolution No. 19-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 18-08 TO ALLOW A MEDICAL OFFICE IN A 6,375 SQUARE FEET UNIT AT 10900 LOS ALAMITOS BOULEVARD, #160 IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08 (APPLICANT: PETER J. BLIED, NORTH COUNTY CONSULTING)."

8. **STAFF REPORT**
None.

9. **PUBLIC HEARING**
A. Conditional Use Permit (CUP) 08-09M2
Modification of Beer and Wine Approval to Full Alcohol Service for Restaurant in the General Commercial (C-G) Zone at 10931 Los Alamitos Boulevard
Consideration of the modification to a Conditional Use Permit to allow full alcohol service instead of the previously approved beer and wine only service at Wahoo's Restaurant at 10931 Los Alamitos Boulevard.

  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. 19-04, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT (CUP 08-09M2) TO ALLOW FULL ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION, AT 10931 LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 242-203-23 (APPLICANT: TOM ORBE, WAHOO'S)."

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

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 in writing at the Development Services Department, within twenty (20) days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of $1,000.00 (resident)/$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2017-13.

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

[Signature]
Tom Oliver
Associate Planner

Date 2/21/19

Planning Commission Meeting
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MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – January 23, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, January 23, 2019, in the Council Chamber, 3191 Katella Avenue, Chair DeBolt presiding.

2. ROLL CALL
Present: Commissioners: Chair DeBolt
Vice Chair Riley
Cuilty, Loe, Grose and Sofelkanik

Absent: Commissioner Andrade

Staff: Les Johnson, Development Services Director
Michael Dautd, 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 DeBolt closed the public hearing.

5. PLANNING COMMISSION REORGANIZATION
A. Annual Planning Commission Reorganization
This report provides relevant information for the Planning Commission’s annual reorganization, by the election of the Chair and Vice Chair.

Chair DeBolt called for nominations for the position of Chair.

Commissioner Grose nominated Commissioner Riley.

Unanimously Carried (Andrade absent): The Planning Commission appointed Commissioner Riley as Chair.

City Attorney Daudt called for nominations for the position of Vice Chair.
Commissioner Grose nominated Commissioner Sofelkanik.

Unanimously Carried (Andrade absent): The Planning Commission appointed Commissioner Sofelkanik as Vice Chair.

6. APPROVAL OF MINUTES
   A. Approve the Minutes for the Regular Meeting of November 28, 2018.
   Commissioner DeBolt noted a correction to page 8, motion should read 4/1.

   Motion/Second: Grose/DeBolt
   Carried 5/0 (Riley abstained, Andrade absent): The Traffic Commission approved
   the minutes of the Regular meeting of November 28, 2018 with said corrections.

7. DISCUSSION
   None.

8. CONSENT CALENDAR
   None.

9. STAFF REPORT
   None.

10. PUBLIC HEARING
    A. Consideration of Site Plan Review (SPR) 15-03M
        Residential Duplex Project at 10845 Cherry Street
        Consideration of a Site Plan Review (16-03M) for construction of a 3,609 square
        foot two-story residential duplex project at 10845 Cherry Street (APN 242-183-10)
        on a 6,750 square foot parcel located in the Limited Multiple Family Residential (R-2)
        Zoning District. (Applicant: Loan Tran).

        Associate Planner Oliver summarized the staff report.

        Commissioner Grose noted the following corrections to the staff report:
        • Page 8 – The general developments standards under fences, hedges and
          walls should identify Precious Life in place of Grateful Hearts.
        • Page 3 – conditions, item 17, should identify Cherry Street instead of
          Walnut Street.

        Commissioner DeBolt asked and received clarification from Associate Planner
        Oliver regarding the installation of the new fence on the north side of the property.
        Associate Planner Oliver stated that it would be placed within their property unless a
        reciprocal fence agreement with the neighbors is obtained.

        Chair Riley invited the applicant to speak.
Applicant Loan Tran briefly described the scope of her proposed project. Additionally, Ms. Tran added that she was not planning on replacing the wall unless required by the Commission.

Ms. Tran asked whether it was necessary to have another soil report done, Associate Planner Oliver advised that she will have to check with the Building & Safety [Division] to verify that the previously approved report would still be considered valid.

Vice Chair Sofelkanik asked and received clarification as to where the storage area will be located. Associate Planner Oliver advised that usually it is in the garage.

Ms. Tran asked and received clarification from Associate Planner Oliver over the amount of extensions she would be able to apply for; Associate Planner Oliver advised that towards the end of the approval time period, an extension in writing should be requested.

Commissioner DeBolt asked about the location of the existing fence and whether it is on the property line; Ms. Tran indicated that the fence was already in place when she moved in.

Chair Riley opened the public hearing.

There being no speakers, Chair Riley closed the public hearing.

Vice Chair Sofelkanik asked for clarification on the plans as to where the parking spaces are located; Associate Planner Oliver identified their locations on the plans.

Commissioner Grose stated concern over the size of the closet in the master bedroom on the second floor and the possibility of it being converted, which would in turn change the use of the proposed floor plan.

The Planning Commission and Staff discussed the following:
- Whether a block wall or chain link fence would be more appealing.
- Whether the existing fence is within the property or on the property line, encroaching onto the neighbors’ property.

Motion/Second: DeBolt/Grose
Carried 6/0 (Andrade absent): Adopted Resolution No. PC 19-01, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE PLAN REVIEW (SPR) 15-03M TO DEMOLISH A SINGLE FAMILY RESIDENCE AND ALLOW CONSTRUCTION OF A RESIDENTIAL DUPLEX AT 10845 CHERRY STREET, IN THE LIMITED MULTIPLE FAMILY RESIDENTIAL (R-2) ZONING DISTRICT, APN 242-183-10, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL
EXEMPTION FROM CEQA (APPLICANT: LOAN TRAN)" with the condition that the fence be replaced if it is feasible and can be worked out with the neighboring property, and it does not create a redundancy.

B. Consideration of Conditional Use Permit (CUP) 18-09
Commercial Recreation Establishment - Indoors in the Commercial Professional Office (C-O) Zone at 4298 Katella Avenue
Consideration of a Conditional Use Permit for a Commercial Recreation Establishment (Escape Room) at 4298 Katella Avenue in the Commercial Professional Office (C-O) Zoning District.

Associate Planner Oliver summarized the staff report.

Chair Riley invited the applicant to speak.

Applicant Andy Brown briefly described the proposed business.

Commissioner Sofelkanik asked and received clarification from Associate Planner Oliver as to the hours of operation. Associate Planner Oliver advised that they can stay open until 10pm as allowed in the C-G zone; should code change in the future, it will also impact this establishment.

Chair Riley opened the public hearing.

There being no speakers, Chair Riley closed the public hearing.

Motion/Second: Loe/Grose
Carried 6/0 (Andrade absent): Adopted Resolution No. 19-02, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 18-09 TO ALLOW A COMMERCIAL RECREATION ESTABLISHMENT, INDOORS, IN A 1,500 SQUARE FEET UNIT AT 4298 KATELLA AVENUE IN THE COMMERCIAL PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, APN 222-121-54, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: ANDREW BROWN, CINEMA ESCAPE ROOM)."

C. Conditional Use Permit (CUP) 18-08
Medical Office in the General Commercial (C-G) Zone at 10900 Los Alamitos Blvd., #160
Consideration of a Conditional Use Permit for a medical office at 10900 Los Alamitos Blvd., #160 in the General Commercial (C-G) Zoning District (Applicant: Peter J. Bled, North County Consulting).

Associate Planner Oliver summarized the staff report.
Commissioner Loe asked for clarification as to what the difference between Keller Williams and other medical uses at this location would be. Associate Planner Oliver advised that Keller Williams did not have a CUP and was allowed as part of the last parking management plan.

Commissioner DeBolt asked and received clarification from Associate Planner Oliver, regarding what the code identifies as the maximum office in the C-G zone. Associate Oliver advised that the maximum is 15%. Additionally, Mr. Oliver advised that there are other non-retail uses in this center such the dentist and chiropractor.

The Planning Commission and staff discussed the use definitions per the municipal code between professional office use and professional office with medical use.

Chair Riley invited the applicant to speak.

Applicant Peter Blied briefly described the proposed business.

Commissioner DeBolt asked and received clarification from Mr. Blied as to whether they are looking to get this Conditional Use Permit (CUP) approved to facilitate marketing of the property for medical use. Mr. Blied stated that marketing is already in place; medical uses are the only regular interested uses.

Mr. Blied stated that having an approved CUP would eliminate the down time when trying to close a deal with a prospective tenant.

Vice Chair Sofelkanik asked and received clarification from Broker Matt Hammond with Courtland Companies, whether marketing is only being done for medical uses only or is retail being included; Mr. Hammond stated that attempts have been made to attract uses such as pet food [stores], clothing and retailers.

Mr. Hammond stated that they are in possession of a Letter of Intent (LOI) from a prospective medical use tenant, that do not want to sign a lease or disclose further details until the CUP is approved. Furthermore, Mr. Hammond stated that the marketing for retail and restaurant uses have been exhausted.

Vice Chair Sofelkanik asked and received clarification from Mr. Hammond as to the type of medical use being proposed and whether the number of employees could be identified; Mr. Hammond advised that it is a primary care with a specialty group, ranging between two to three disciplines.

Commissioner Grose stated concerns over the gray area of not knowing what exact medical use is going in; whether it might be a minor or major procedures facility. Mr. Hammond advised that the proposed tenant is not an urgent care and believes that it is a minor procedures facility.
Commissioner Grose stated that [should the CUP be approved], parking should be conditioned so that the employees, including providers park across the street. Mr. Hammond advised that it is already conditioned that way in the LOI.

Chair Riley opened the public hearing.

There being no speakers, Chair Riley closed the public hearing.

Vice Chair Sofelkanik stated that not being able to get information as far as the number of exam rooms, whether it is urgent care or pediatrics, the volume of patients, and parking pushing the limit, makes the potential approval of this CUP premature.

The Planning Commission and staff discussed the following:
- Concern over not knowing the proposed practice.
- Whether a general practice that does not do major procedures would be a fitting use.
- The Parking Management Plan approved by the Planning Commission in 2000 for this site, acknowledges the activities, use, expansion and change of significance which occurs within the site; the plan does not prohibit but rather defines processes and procedures that would have to be followed if such a change is proposed.
- The lack of exterior maintenance of the property.
- Whether the proposed changes conform to the Parking Management Plan from 2000.

Commissioner Loe commented as to the possibility of making this site more viable for retail as it is located at the heart of the City.

Vice Chair Sofelkanik stated that the parking demands are not known at this time, as a result of not knowing whom the prospective tenant will be.

Chair Riley asked and received clarification from Associate Planner as to what the medical occupancy is like in the Medical Overlay Zone; Associate Planner Oliver advised that not many tenants want to go in there as a result of the lack of parking. Furthermore, a higher number of medical use inquiries are received for this Town Center location.

Mr. Bled stated that they would be okay with conditions of approval which address the Commission’s concerns regarding the type of medical practice going in. In addition, addressing the potential for future upgrades to the exterior.

City Attorney Daudt advised the Commission, that if they are considering making a motion to deny, the Commission shall direct staff to prepare and return with the resolution denying the project at a subsequent meeting which shows an
understanding of the testimony, received the Commission's comments and put them into an adequate resolution that explains the basis for that decision.

Commissioner DeBolt asked and received clarification as to the limits of conditioning the CUP should it be approved. City Attorney Daudt stated that conditions would be permissible [such as the previously discussed] as long as there is a consensus among the Commission.

Vice Chair Sofelkanik asked and received clarification from City Attorney Daudt as to whether approving medical use would rule out the possibility of other uses (i.e., retail). City Attorney Daudt stated that if a CUP was approved for a specified form of medical office, that would not preclude a restaurant or any other type of approved medical use from going in.

Motion/Second: DeBolt/Loe
Carried 6/0 (Andrade absent): Motion to deny Resolution No. 19-03, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 18-08 TO ALLOW A MEDICAL OFFICE IN A 6,375 SQUARE FEET UNIT AT 10900 LOS ALAMITOS BOULEVARD, #160 IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: PETER J. BLIED, NORTH COUNTY CONSULTING).”

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Service Director advised the Commission of the following:

- Extended an invitation to attend a League of California Cities, Planning Commissioners Academy in March 2019.
- Reminded the Commission of the annual Race on the Base event coming up in February 2019.
- A lot of activity underway for 2019. Reminded the Commission to please reach out if at any point, there is anything that Staff can do to be of assistance.

12. COMMISSIONER REPORTS

Commissioner Grose stated concern over large construction work vehicles being parked in residential streets while construction is underway.

Development Services Director Johnson advised that City staff is working together to address these types of situations so that they can be resolved swiftly.
13. **ADJOURNMENT**
The Planning Commission adjourned the meeting at 8:46 p.m.

ATTEST: ________________________________

John Riley, Chair

Les Johnson, Secretary
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

SPECIAL MEETING – January 23, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Special Session at 6:05 p.m., Wednesday, January 23, 2019, in the Council Chamber, 3191 Katella Avenue, Chair DeBolt presiding.

2. ROLL CALL
Present: Commissioners:  Chair DeBolt
Vice Chair Riley (arrived at 6:07 p.m.)
 Cuilty, Grose, Loe and Sofelkanik

Absent:  Commissioner Andrade

Staff:  Les Johnson, Development Services Director
 Michael Daudt, City Attorney
 Michelle Müller, Department Secretary
 Tom Oliver, Associate Planner
 Laura Stetson, MIG

3. DISCUSSION
A. Study Session for the Zoning Code Update
The Planning Commission and Staff discussed potential changes to the Zoning Code which include:

- Division 5: Land Use and Permit Procedures
  - Local Landmarks
  - Reasonable Accommodations
  - Site Development Permit – Major and Minor
  - Temporary Use Permits
  - Zoning Consistency Review

- Division 6: Zoning Code Administration, Hearing Procedures, and Legislative Actions
  - Permit Implementation, Time Limits, and Extensions
  - Appeals

Reasonable Accommodations:
1. Re-assign responsibility from Planning Commission to Development Services Director.
Vice Chair Sofelkanik asked and received clarification from Laura Stetson with MIG as to if an accommodation that rose to the level that is not routine, the Director has the authority to bring forth to the Planning Commission.

Commissioner DeBolt asked and received clarification from Development Services Director Johnson as to if the Director’s decision was to be appealed by the applicant, the applicant will not be required to produce anything supplemental as part of that review. The same record which was submitted to the Director for its initial review, will be presented to the Planning Commission. The production of those documents will likely be afforded by the City for the body considering the review.

Commissioner DeBolt asked whether the cost for this type of review would be minor and not the same as what it cost to have a regular appeal process; Ms. Stetson advised that the [City's] fee schedule can always be adjusted to allow different tier levels.

Development Services Director Johnson stated that he would review the City’s fee schedule to determine whether there is a difference in cost between the review of an appeal by the Director as opposed to a Planning Commission appeal to the City Council.

Site Development Permit - Minor:
1. Director authority for 2,500 sf or less of additions/new construction (multi-unit residential, commercial, industrial, mixed use, private industrial).
2. Also duplex?

The Planning Commission is unanimously in favor of change number 1, assuming that all parking requirements and setbacks are met.

The Planning Commission unanimously agreed to keep the review for duplex projects at the Planning Commission level.

Temporary Use Permits (TUP):
1. Includes Special Event Permits (one-day events).
2. Director approval authority (codifies current practice).

Ms. Stetson advised that this is an administrative change, which proposes keeping a two-tiered system where the fee would be less for a Special Event permit.

Commissioner DeBolt stated that perhaps something to also consider, would be to take a look at when TUP’s are required.
Vice Chair Sofelkanik added that having a permitting process in place for events that do not encroach on the right-of-way or on a parking lot, is to regulate and ensure that this is not being done on a regular basis.

**Zoning Consistency Review:**
1. Occurs concurrently with building permit process to confirm use is permitted.

Vice Chair Sofelkanik asked and received clarification from Ms. Stetson as to whether there is a provision where if someone comes in for a business license, does the city vet them of the limitations to uses at the proposed location. Ms. Stetson stated that this review would examine all applications to ensure it is the appropriate use.

Commissioner DeBolt stated that perhaps it should be considered to require all single family homes and duplexes that will be rentals, to have to obtain City business licenses.

**Permit Implementation, Time Limits, and Extensions:**
1. Two years to exercise a permit.
2. Three one-year extensions allowed.
3. Extensions approved by original review authority.
4. “Exercise” means:
   a. Obtain building and grading permit.
   b. Obtain occupancy permit.
   c. Actually implement permit.

Vice Chair Sofelkanik stated that perhaps obtaining a grading permit is more challenging as it is common to face issues that could elongate for months, which prevents the permit from being obtained.

Development Services Director Johnson added that the proposed changes are common to see, as it shifts the project over from the Conditional Use Permit (CUP) to a building permit; if the permit is not in place, it is important that the applicant apply for an extension so that it does not expire. If the applicant is showing progress, getting an extension is favorable.

City Attorney Daudt asked and received clarification from Ms. Stetson stating that if on the eve of an entitlement/approval expiring, a building permit is obtained but no further action is taken on the permit, the applicant has a right to that entitlement without acting further on the permit.

City Attorney Daudt added that perhaps there should be consideration of policy change, which vests interest in a project by the applicant, rather than just the act of pulling the permit. Furthermore, adding articulated standards for permit extensions should be considered, to illustrate the standards by which such requests would be
reviewed as an effort to ensure the applicant remains interested in moving forward with the project.

The Planning Commission and staff discussed modifying the process to require that a building and/or grading permit is obtained and maintained; otherwise, the permit would expire along with the entitlement, unless an extension was granted prior to its expiration.

**Appeals:**
1. 10 business days for all entitlements (instead of current 20 calendar days).

The Planning Commission was unanimously in favor of this change.

4. **ADJOURNMENT**
The Planning Commission adjourned at 6:55 p.m.

ATTEST:__________________________________________
Art DeBolt, Chair

__________________________________________
Les Johnson, Secretary
RESOLUTION NO. 19-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 18-08 TO ALLOW A MEDICAL OFFICE IN A 6,375 SQUARE FEET UNIT AT 10900 LOS ALAMITOS BOULEVARD, #160 IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-171-08 (APPLICANT: PETER J. BLIED, NORTH COUNTY CONSULTING).

WHEREAS, on December 13, 2019, an application for a Conditional Use Permit (CUP) was submitted to allow medical office uses in a 6,375 square feet retail unit on a parcel with arterial frontage at 10900 Los Alamitos Boulevard, #160 in the General Commercial (C-G) Zoning District; and,

WHEREAS, the application constitutes a request under Section 17.42.040 (Conditional Use Permits - Application Filing) of the Los Alamitos Municipal Code (LAMC); and,

WHEREAS, the Planning Commission considered said application at a duly noticed Public Hearing on January 23, 2019; and,

WHEREAS, after considering all evidence presented, both written and oral, the Planning Commission determined it could not make affirmative findings of fact required for approval of the CUP and directed staff to return with a resolution denying the CUP at its February 27, 2019 meeting.

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

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

SECTION 2. The Los Alamitos Municipal Code recognizes that the uses requiring conditional use permits are not appropriate in all circumstances and gives the Planning Commission the discretion to disapprove such proposed uses. Conditional Use Permit 18-08 for a medical office use in a 6,375 square feet retail space on a parcel with arterial frontage at 10900 Los Alamitos Blvd., #160 in the General Commercial (C-G) Zoning District is hereby denied based upon the following findings, each and every one of which constitutes separate and independent grounds for denial:

1. The applicant has failed to provide a general description of the type of medical office use being proposed. Insufficient information was provided concerning the proposed use including, without limitation, the intended tenant, the area of practice, the anticipated volume of patients, the
numbers of physicians and support staff, and the type of procedures conducted onsite. Without a full understanding of operational characteristics, the true parking demand is unknown. Thus, the proposed use is likely to create a nuisance and negatively impact neighboring businesses due to the limited amount of parking available to serve Town Center and the additional parking demand that is likely to be generated from the proposed medical office use.

2. The location and character of the use as a 6,375 square foot medical office, will not be in harmony with the Town Center area in which it is to be located and will not be in general conformity with the Los Alamitos General Plan. The Los Alamitos General Plan represents the subject area is intended for mixed use. The Plan encourages medical office activity to be located in proximity to the Los Alamitos Medical Center campus along the north side of Katella Avenue and on properties within the Medical Overlay (Land Use Goal 2, Policy 2.6). In addition, the subject property is within the mixed use designation, which encourages retail on the first floor (Land Use Goal 1, Policy 1.4).

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby denies Conditional Use Permit 18-08.

SECTION 4. The decision of the Planning Commission is subject to a 20 day appeal period as specified in Chapter 17.68 of the Los Alamitos Municipal Code, after which such decision becomes final.

PASSED, APPROVED, AND ADOPTED this 27th day of February 2019, by the following vote:

________________________
Chair Riley

ATTEST:

________________________
Les Johnson, Secretary
STATE OF CALIFORNIA

COUNTY OF ORANGE

CITY OF LOS ALAMITOS

I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 27th day of February 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Les Johnson, Secretary
City of Los Alamitos
PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: February 27, 2019 ITEM NUMBER: 9A

To: Chair Riley and Members of the Planning Commission

Via: Les Johnson, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 08-09M2
Modification of Beer and Wine Approval to Full Alcohol Service for a Restaurant in the General Commercial (C-G) Zone
10931 Los Alamitos Boulevard

SUMMARY: Consideration of the modification to a Conditional Use Permit to allow full alcohol service instead of the previously approved beer and wine only service at Wahoo’s Restaurant at 10931 Los Alamitos Boulevard.

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. 19-04, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT (CUP 08-09M2) TO ALLOW FULL ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION, AT 10931 LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 242-203-23 (APPLICANT: TOM ORBE, WAHOO’S).”

APPLICANT: Tom Orbe – Wahoo’s

LOCATION: 10931 Los Alamitos Boulevard (APN 242-203-23)
ENVIRONMENTAL: The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

APPROVAL CRITERIA: The original alcohol approval document for this site, Resolution 08-09, states in condition 1, “Approval for this application is to allow on-site beer and wine alcohol beverage sale in conjunction for an allowed restaurant use at 10931 Katella Avenue, as shown in the drawings submitted by the applicant as part of C08-09, and on file in the Community Development Department. 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.”

NOTICING: The Public Hearing Notice of this meeting was mailed out on February 13, 2019, to property owners and tenants within 500 feet. Additionally, the notice was published in the February 13, 2019 issue of the News Enterprise.

PRIOR ACTIONS:

<table>
<thead>
<tr>
<th>Year</th>
<th>Code</th>
<th>Description</th>
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<tbody>
<tr>
<td>2012</td>
<td>CUP 08-09M</td>
<td>Outside Dining - Approved</td>
</tr>
<tr>
<td>2009</td>
<td>PSP 09-01</td>
<td>Planned Sign Program - Approved</td>
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<tr>
<td>2008</td>
<td>CUP 08-09</td>
<td>Beer and Wine Sales - Approved</td>
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<td>1990</td>
<td>CUP 330-90</td>
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<td>1990</td>
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<tr>
<td>1986</td>
<td>PSP 1986</td>
<td>Planned Sign Program - Approved</td>
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BACKGROUND:

Tom Orbe has submitted an application for a Conditional Use Permit (CUP 08-09M2) seeking approval to modify a previously approved CUP for beer and wine sales (CUP 08-09) in order to allow full alcohol service at Wahoo’s Restaurant, located at 10931 Los Alamitos Boulevard. The service of alcohol (beer and wine) was originally approved in 2008 for this location. The land use term for alcohol sales as provided in Section 17.10.020 of the Los Alamitos Municipal Code states, “Alcoholic Beverage Sales, on-site consumption, in conjunction with an allowed use.” The Applicant has provided the following information representing their request:
"We are getting a type 47 license, as we already have beer and wine. Our hours will increase slightly on Friday and Saturday and will be open only 1 hour later to 10 instead of 9 and food will be available for bar patrons the whole time.

Our bar is similar to the others we operate in that we sell mostly beer, wine and margaritas. We will offer some other mixed drinks but 85% of mixed drinks are margaritas.

Our bars have never had an issue with over serving and we have a ZERO tolerance for any form of intoxication. We have never had any issues serving minors and ask for IDs of all patrons except for those with gray hair. We require our bartenders to complete the LEADS course and we have policies to ensure there are no issues.

Our bar area will be the same as it is configured now. It has a wall of separation from the regular dining area and has a full time server/bartender dedicated to the area to monitor. No one has to pass through the bar area to access bathrooms or other functions of the restaurant, allowing us to monitor patrons closely, and also has cameras to monitor."

DISCUSSION

The restaurant, Wahoo's, seeks approval of Conditional Use Permit 08-09M2 for on-site sales and consumption of alcoholic beverage sales – of all types (ABC Permit Type #47). The Applicant feels that approval for alcohol service at the restaurant will not be a problem, as shown by the success of the existing restaurant, with its current sales of beer and wine.

Location
The adjacent properties are developed and zoned as follows:

North: Developed with a mini mall in the General Commercial (C-G) Zoning District.

South: Developed with a gas station in the General Commercial (C-G) Zoning District.

East: Across Los Alamitos Boulevard, the Town Center shopping area in the General Commercial (C-G) Zoning District.

West: The parking lot for CVS Pharmacy in the General Commercial (C-G) Zoning District.

Alcohol Sales Nearby

- Hof's Hut 10900 Los Alamitos Blvd.
- Shell Gas Station 10961 Los Alamitos Blvd. (no on-site consumption)
- Baja Sonora 10900 Los Alamitos Blvd.
- Maderas 3642 Katella Avenue
- Thai Lusion 10900 Los Alamitos Blvd.
- CVS 3401 Katella Avenue (no on-site consumption)

Staff Discussion

Staff does not have reason to believe there would be problems with allowing sales of the full range of alcoholic beverages inside, or within the outside seating area, of the restaurant. The closest residential parcel is 262 feet to the west of the restaurant, and the restaurant is also 1,152 feet from the nearest school, Oak Middle School. Unless restricted by Commissioners, this request would be approved for serving alcohol during all business hours. Any extension of business hours beyond the code permitted business hours of 6:00 a.m. to 10:00 p.m. for alcohol sales shall require approval of the Planning Commission. The applicant has not requested to extend beyond the code permitted hours, closing at 9:00PM Sunday-Thursday, 10:00PM Friday and Saturday.

Conditions are included in the Draft Resolution to ensure that alcohol consumption does not become problematic. Commissioners are reminded that any approval will "ride with the land" and the structure could become another restaurant other than Wahoo's in the future.

CONCLUSION

Staff recommends approval of CUP 08-09M2 and adoption of Resolution 19-04 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.

Attachment: 1. Draft Planning Commission Resolution 19-04 with Exhibit A - Site Plans
RESOLUTION 19-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A MODIFICATION TO AN EXISTING CONDITIONAL USE PERMIT (CUP 08-09M2) TO ALLOW FULL ALCOHOLIC BEVERAGE SALES, ON-SITE CONSUMPTION, AT 10931 LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 242-203-23 (APPLICANT: TOM ORBE, WAHOO’S).

WHEREAS, an application for a modification to a Conditional Use Permit (CUP 08-09) was submitted by Tom Orbe on January 2, 2019 on behalf of Wahoo’s restaurant to allow on-site sales and consumption of all alcoholic beverage (and not solely beer and wine) sales at a restaurant with outdoor dining located at 10931 Los Alamitos Boulevard; 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 February 27, 2019, 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 08-09M2 for the sale of all alcoholic beverages, 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 alcoholic beverages 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 inside will cause no problems, and the outside patio is 262 feet from the nearest residential parcel. 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. 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 popular restaurant that is complimentary to the current General Plan. In particular, this approval compliments Policy 1.3 Diverse businesses and activities; “Attract and retain a variety of shopping, dining, and entertainment options for residents and visitors in the town center. Encourage the creation of daytime, nighttime, and weekend activity in the town center.”

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) 08-09M2 subject to the following conditions:

Planning

1. Approval of this application is to allow on-site sales and consumption of all alcoholic beverages at a restaurant with outside seating located at 10931 Los Alamitos Boulevard with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 08-09M2 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.
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:

Fees: N/A  
Dedications: N/A  
Reservations: N/A  
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 Alcoholic Beverage Sales.

15. Hours of alcohol sales operation shall not commence anytime before 6:00 a.m. and no later than 10:00 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. 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. The sale and serving of alcohol shall only occur following the applicant successfully obtaining all necessary permits required by the State Alcoholic Beverage Control Department and operating in accordance with said permit(s).

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

27. Amplified music shall not exceed decibel level requirements of Los Alamitos Municipal Code Section 17.24.

28. 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.

29. 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.

30. 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.

SECTION 3. The approval of the Conditional Use Permit for all alcoholic beverage sales, 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 27th day of February, 2019.

John Riley, Chair
ATTEST:

Les Johnson, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

I, Les Johnson, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 27th day of February 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Les Johnson, Secretary