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

AGENDA
PLANNING COMMISSION/SUBDIVISION COMMITTEE
REGULAR MEETING
Wednesday, October 23, 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 Culity
   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 Meeting of September 25, 2019

6. CONSENT CALENDAR
   None.

7. PUBLIC HEARING
   A. Denial of Site Plan Review (SPR) 19-01, and
      Conditional Use Permit (CUP) 19-02
      Chevron Gas Station/Convenience Store/Car Wash Project
      5100 Katella Avenue
      Consideration of a resolution denying Site Plan Review (SPR 19-01) for the
demolition and reconstruction of a 2,681 square-foot, one-story, gas
station/convenience store/car wash on a 22,306 square feet site at 5100 Katella
Avenue, APN 222-181-03, and Conditional Use Permit (CUP 19-02) for the
establishment of a car wash in the C-G Zoning District.

Recommendation: Adopt Resolution No. 19-15, entitled, “A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS,
CALIFORNIA, DENYING SITE PLAN REVIEW (SPR) 19-01 FOR THE
DEMOLITION AND RECONSTRUCTION OF A 2,681 SQUARE-FOOT, ONE-
STORY, GAS STATION/CONVENIENCE STORE/CAR WASH ON A 22,306
SQUARE FEET SITE AT 5100 KATELLA AVENUE, APN 222-181-03, AND
CONDITIONAL USE PERMIT (CUP) 19-02 FOR THE ESTABLISHMENT OF A
CAR WASH IN THE C-G ZONING DISTRICT (SAMIR HIJAZI,
ARCHISSANCE).”

B. Conditional Use Permit (CUP) 19-03
   Ambulance Service in the Planned Light Industrial (P-M) Zone at 3597
   Briggeman Drive
   Consideration of a Conditional Use Permit for an ambulance service use to be
located at 3597 Briggeman Drive in the Planned Light Industrial (P-M) Zoning
District, APN 242-242-03 (Applicant: Marc Jessner, Care Ambulance).

Recommendation:

1. Open the Public Hearing; and,

2. Take testimony; and,
3. Make the determination that pursuant to CEQA Guidelines Section 15301(a) (Existing Facilities) the proposed project is exempt from CEQA under the Class 1 Categorical Exemption;

4. Adoption of Resolution No. 19-16, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 19-03 TO ALLOW AN AMBULANCE SERVICE USE IN A 1,720 SQUARE FOOT UNIT AT 3597 BRIGGEMAN DRIVE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MARC JESSNER, CARE AMBULANCE)."

8. STAFF REPORT
None.

9. DISCUSSION
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Reminder of Change to November Meeting Date (11-20-2019).

11. COMMISSIONER REPORTS

12. ADJOURNMENT

**APPEAL PROCEDURES**

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within twenty (20) days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of $1,036.00 (resident)/$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.68 and Fee Resolution No. 2019-15.

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, 10811 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Boulevard; not less than 72 hours prior to the meeting.

[Signature]
Associate Planner

[Date]

Planning Commission Meeting
October 23, 2019
Page 3 of 3
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – September 25, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, September 25, 2019, in the Council Chamber, 3191 Katella Avenue, Vice Chair Sofelkanik presiding.

2. ROLL CALL
Present: Commissioners: Vice Chair Sofelkanik
Andrade, Culity, Debolt, Loe, and Grose

Absent: Chair Riley (Excused)

Staff: Les Johnson, Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

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

4. ORAL COMMUNICATIONS
Vice Chair Riley opened the meeting for Oral Communication for items not on the agenda.

Candice requested for a flashing red light at the crosswalk on Los Alamitos Boulevard (going from Brew Kitchen Alehouse to Southland Credit Union).

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Special Meeting of April 16, 2019 and Regular Meeting of August 28, 2019

Special Meeting of April 16, 2019
Motion/Second: Grose/Debolt
Carried 4/0 (Riley absent) (Andrade and Sofelkanik abstained): The Planning Commission approved the minutes of the Special meeting of April 16, 2019.

Regular Meeting of August 28, 2019
Motion/Second: Grose/Culity
Carried 4/0 (Riley Absent) (Loe and Debolt abstained): The Planning Commission approved the minutes of the Regular meeting of August 28, 2019.

6. CONSENT CALENDAR
None.
7. **STAFF REPORT**

A. Community Development Block Grant (CDBG) Community Meeting Regarding Future Fund Use

Associate Planner Oliver summarized the staff report.

Vice Chair Sofelkanik opened the public hearing.

Resident Debbie Feldman expressed her interest to have the funds used in the [New Dutch Haven and Carrier Row neighborhood]. She also expressed her dissatisfaction of the street sweeping in the area.

Associate Planner Oliver explained that the funds are used for low-income neighborhoods.

Resident Lucy expressed her dissatisfaction of the street sweeping in [the New Dutch Haven neighborhood] and how there are potholes on Kearsarge Avenue that need to be looked at.

Resident Christina P. lives in the New Dutch Haven neighborhood and has noticed uneven sidewalks.

Vice Chair Sofelkanik closed the public hearing.

8. **PUBLIC HEARING**

A. Site Plan Review (SPR) 19-01, Conditional Use Permit (CUP) 19-02

**Chevron Gas Station/Convenience Store/Car Wash**

5100 Katella Avenue

Commissioner Andrade recused himself.

Associate Planner Oliver summarized the staff report.

Applicant Samir Hijazi discussed the following:
- The need to retain customers and increase customers therefore the need to redevelop.
- The compatibility of the general plan and zoning map to the submitted plans.
- Committed to not negatively impact the residents in the area.

Commissioner Grose asked and received feedback from Mr. Hijazi in regards to letters not sent to the neighboring residents. Mr. Hijazi expressed that it is not his style, but this meeting would be a good place to discuss the item.
Vice Chair Sofelkanik noted that a Public Hearing notice was sent out on September 11, 2019.

Commissioner Debolt asked and received clarification from Associate Planner Oliver as to why staff wanted a study from the other carwash location [on Valley View Street and Cerritos Avenue] and the reason being the location of the residents to the carwash.

The Traffic Commission and Mr. Hijazi discussed the following:
- Clarification to water draining into the storm drain and how this issue was already addressed with the sewer district and a WQMP (Water Quality Management Plan) was made.
- The expected volume of 24 carwashes per day was based on the study of the carwash on Valley View Street and Chapman Avenue.
- Katella Avenue having a larger volume of cars than Valley View Street.

The Traffic Commission and Angelica Nguyen, Acoustic Consultant, discussed the following:
- Errors in the report that were submitted.
  - Page nine of the study; table is correct the text is not.
- Noise reduction due to the mechanical doors for the carwash, which would be located at the exit.
- Clarification of the noise on the residential property not changing due to a barrier on the western property line.
- The sound of the doors are not as loud as the blower system at the exit.

Resident Rob Feldman does not favor carwash.

Resident Jim C. expressed that having the carwash would affect the adjacent properties and the value of the homes.

Resident Mike McGregory expressed his fear that Siboney Street would be overcrowded and does not favor the carwash.

John Martinez, a Los Alamitos property owner, is against the carwash.

Resident Lucy expressed that there is no need for another carwash, gas station, or convenience store.

Resident Debbie Feldman does not favor the carwash and expressed that the values of the properties will go down.

Resident Christina P. expressed her concern of the toxic fumes/chemicals, noise control, trash, and sitting water due to the carwash.

Resident Linda T. expressed her concern of noises and traffic flow.
Vice Chair Sofelkanik closed the public hearing.

The Traffic Commission discussed the following:
- The height of the building being 19.5 feet.
- Expressed concern over:
  - Traffic on Siboney Street and Katella Avenue.
  - Additional traffic due to the senior homes being built across the street in the City of Cypress.
  - Design of the flow.
  - The applicant not taking into consideration the staff recommendations: reaching out the residents in the area and request of a study for a specific carwash location.
  - Noise control issue.
  - Depreciate the values of the homes.
- Distance of the landscape to the rear fence being about 65 feet.
- Suggested to have the location be just a gas station and convenience store instead of adding a carwash.

Motion/Second: Debolt/Grose
Carried 5/0 (Riley absent) (Andrade recused himself): Direct staff to prepare a resolution of denial of the project.

RECESS
The Planning Commission took a brief recess at 8:45 p.m.

RECONVENCE
The Planning Commission reconvened in Regular session at 8:56 p.m.

B. Site Plan Review (SPR) 19-02
Site Modifications and Improvements to Two Existing Commercial Buildings and the Addition of a Pedestrian Bridge between the Two Buildings

Associate Planner Oliver summarized the staff report.

Interim City Manager Johnson added that a vast majority of the improvement is interior and EPSON is willing to work with the City.

Commissioner Loe asked and received clarification from Interim City Manager Johnson about the traffic flow for both the entrance and exits. The egress will vary and the gate in between the two buildings will only open after 3 p.m.

Commissioner Andrade asked about the arm gate that will be put in place would create a backflow to Katella Avenue.

Vice Chair Sofelkanik opened the public hearing.
Applicant Rand Rozar thanked the Planning Commission and staff for reviewing their proposal. Mr. Rozar provided an answer to Commissioner Andrade question about the arm gate and that the plan is to keep it open during the hours of 7:00 a.m. to 9:00 a.m. and that start time of the staff would vary in the morning. Also, there would only be 80% of staff in the offices all at one time.

The Planning Commission and Mr. Rozar discussed the following:
- The approximate cost of everything including fixtures and furniture is about $30 million.
- Staff recommendations of the exterior lights to be changed.

Vice Chair Sofelkanik closed the public hearing.

Commissioner Grose expressed that she is pleased with the development of the property.

Motion/Second: Andrade/Grose
Carried 6/0 (Riley absent): Adopt Resolution No. 19-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A SITE PLAN REVIEW (SPR 19-02) TO PERMIT CERTAIN SITE IMPROVEMENTS AND THE ADDITION OF A PEDESTRIAN BRIDGE BETWEEN THE TWO EXISTING BUILDINGS LOCATED ON A 9.4-ACRE PARCEL AT 3131 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONE, APN 242-212-09 (APPLICANT: RAND ROZAR – EPSON AMERICA, INC.)."

C. Zoning Ordinance Amendment (Zoning Map Update) (ZOA) 17-04
General Plan Amendment (GPA) 19-01

Associate Planner Oliver summarized the staff report.

The Planning Commission and staff discussed the following:
- Retail would be on the first floor within 100 feet from Los Alamitos Boulevard and Katella Avenue and anything else can be mixed use.
- Clarification of the code about having up to 15% of non-retail on the ground floor within the 100 feet of the arterial streets.
- Concerned if the City would lose out on revenue due to the areas behind the 100 feet if it isn’t retail.
- Medical offices on the first floor requires a Conditional Use Permit and up to the 15%.

Vice Chair Sofelkanik opened and closed the public hearing.

Vice Chair Sofelkanik noted that a Public Notice was done of September 11, 2019.
Interim City Manager Johnson acknowledged Associate Planner Oliver for sending notices of the zone changes back in June 2019.

Motion/Second: Grose/Debolt
Carried 6/0 (Riley absent): Adopt Resolution No. 19-13, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AMEND THE LOS ALAMITOS GENERAL PLAN BY APPROVING GENERAL PLAN AMENDMENT (GPA) 19-01, TO ENSURE THAT THE ZONING CODE WILL MAINTAIN INTERNAL CONSISTENCY WITH THE ACTIONS, GOALS, OBJECTIVES, AND POLICIES OF THE GENERAL PLAN, AND WILL NOT CREATE ANY INCONSISTENCIES THEREIN (CITY INITIATED);” and, Adopt Resolution No. 19-14, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL AMEND THE LOS ALAMITOS ZONING MAP TO CONFORM TO THE CITY’S GENERAL PLAN LAND USE MAP, AS A PART OF ZONING ORDINANCE AMENDMENT (ZOA) 17-04 (CITY INITIATED);” and affirm the recommended “Addendum #2 to the 2015 General Plan FEIR” prepared pursuant to the California Environmental Quality Act (CEQA) for consideration by the City Council regarding General Plan Amendment 19-01; and, “Addendum #1 to the 2015 General Plan FEIR,” prepared pursuant to the California Environmental Quality Act (CEQA) for consideration by the City Council regarding Zoning Ordinance Amendment 17-04; and affirm changes to Article 2, concerning Retail Use location requirements in the TCMU Zoning District.

9. DISCUSSION
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Changes to Meeting dates in November and December.

Interim City Manager Johnson discussed the date change for the November and December Planning Commission meetings due to the holidays.

- November 20, 2019
- December 18, 2019

11. COMMISSIONER REPORTS

Commissioner Grose suggests relooking into previous topics about the height of plants on the parkway that obstruct the view of traffic and the percentage of advertisements on windows. She also wanted the City Council to acknowledge all the work Associate Planner Oliver has done [with the zoning code update] and that the Planning Commission appreciates him.

Commissioner Debolt discussed an issue that was brought up during Oral Communication about adding a flashing red light on Los Alamitos Boulevard.
Interim City Manager Johnson mentioned that this issue would be brought back to the Traffic Commission and City staff.

Commissioner Loe discussed the car stacking at the Rossmoor carwash and the need to patrol this area. Interim City Manager Johnson will mention this to the Police Department and have it patrolled.

12. **ADJOURNMENT**
The Planning Commission adjourned the meeting at 9:41 p.m.

__________________________________________
ATTEST: Victor Sofelkanik, Vice Chair

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

MEETING DATE: October 23, 2019
ITEM NUMBER: 7A

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

Via: Les Johnson, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Denial of Site Plan Review (SPR) 19-01, and Conditional Use Permit (CUP) 19-02 Chevron Gas Station/Convenience Store/Car Wash Project 5100 Katella Avenue

SUMMARY: Consideration of a resolution denying Site Plan Review (SPR 19-01) for the demolition and reconstruction of a 2,681 square-foot, one-story, gas station/convenience store/car wash on a 22,306 square feet site at 5100 Katella Avenue, APN 222-181-03, and Conditional Use Permit (CUP 19-02) for the establishment of a car wash in the C-G Zoning District.


APPLICANT: Samir Hijazi – Archissance (on behalf of H&S Energy, LLC)

LOCATION: 5100 Katella Avenue, APN 222-181-03

DENIAL CRITERIA: Site plan review and Conditional Use Permit applications can only be approved, if the findings in Los Alamitos Municipal Code Sections 17.50.040 & 17.42.050 can be made in a positive manner.

NOTICING: Public Notice of September 25, 2019 public hearing was mailed on Wednesday, September 11, 2019, to property
owners and commercial tenants within 500 feet. Additionally, notice of the above-referenced public hearing was published in the News Enterprise on September 11, 2019.

BACKGROUND

Samir Hijazi, of Archissance, submitted Site Plan Review and Conditional Use Permit applications proposing the demolition of a gas station/convenience store structure to be replaced with a new gas station/convenience store/car wash structure (see attached site plan) on April 26, 2019. The new convenience store would be larger than the current building and will include Americans with Disabilities Act (ADA) compliant restrooms. The car wash would be self-serve with a drive through-type queuing lane behind it. The project would also reduce the number of gas pumps, from six to four pumps, and all of the paving and landscape would have been replaced.

DISCUSSION

The Planning Commission considered this item at its September 25, 2019 meeting. After hearing from staff and receiving comments from the applicant and public, the Commission discussed and deliberated over the applications, ultimately unanimously directing staff to prepare a resolution of denial for consideration at the October 23, 2019 meeting. A copy of the staff report presented at the September 25th meeting is attached to this report as Attachment #2.

Denial of Site Plan Review

Section 17.50.040 (Findings and decision) of the Los Alamitos Municipal Code states a site plan review application shall be approved only if specified findings can be made in a positive manner. In considering Site Plan Review 19-01, the Planning Commission is unable to affirmatively find:

1. The design and layout of the proposed development would not interfere with the use and enjoyment of neighboring existing or future development, and would not create traffic or pedestrian hazards. Reorienting and relocating the gas station building, including the drive aisle for the proposed car wash, and the carwash entrance (which will be directed toward residential properties) to the southwest corner of the parcel would interfere with the use and enjoyment of existing residential uses south of the parcel, but introducing new noise sources (e.g., car wash operations, traffic queuing, etc.) and emissions (idling vehicles) near an established residential neighborhood (See LAMC § 17.50.040(B)); and

2. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by the Los Alamitos Zoning Code, and 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 existing site is prominent and highly visible location in the community. As such, attractiveness of the design is of paramount importance. However, the proposed building design lacks architectural creativity and innovation. Staff has recommended materials and features that would enhance the project’s architectural detailing and aesthetic appeal. The applicant has been unresponsive to Staff’s recommendations (See LAMC § 17.50.040(B)-(D)).

**Denial of Conditional Use Permit**

Section 17.42.050 (Findings and decision) of the Los Alamitos Municipal Code states a conditional use permit may be denied if specified findings are made. In considering CUP 19-01, the Planning Commission finds:

*That the location and character of the use, if developed according to the plan as submitted for approval, will not be in harmony with the area in which it is to be located.* Establishing the gas station use as proposed would not be harmonious with the surrounding area. The project would position the drive aisle for the proposed car wash, and the carwash entrance (which will be directed toward residential properties) to the southwest corner of the parcel in close proximity to existing residential uses. This use would introduce new noise sources (e.g., car wash operations, traffic queuing, etc.) and emissions (idling vehicles) which are inharmonious with the adjacent residential neighborhood (See LAMC § 17.50.040(B)). In addition, the proposed project is not harmonious with the following General Plan policies:

---

**Land Use Policy 3.1 Compatibility:** Require that new nonresidential development is located, scaled, and designed to be compatible with existing adjacent neighborhoods and uses.

**Land Use Action 3.3 Incompatibility of commercial and retail activities with residential:** Identify activities of commercial and retail uses that are incompatible with nearby residential uses and revise the zoning ordinance to minimize adverse impacts.

**Land Use Action 3.4 Alternative zoning options for commercial and industrial uses:** Identify commercial and industrial uses that may be inappropriate in areas adjoining residential zoning and revise the zoning ordinance to accommodate such uses in other areas.

**CONCLUSION**

Based the direction received from the Planning Commission, Staff has prepared the attached resolution denying SPR 19-01 and 19-02, which incorporates the findings presented above.
Attachment:

1) Resolution of Denial 19-15
2) Staff Report from September 25, 2019 meeting
RESOLUTION NO. PC 19-15


WHEREAS, a completed application for Site Plan Review 19-01 and Conditional Use Permit 19-02 was submitted by Samir Hijazi, of Archissance, on April 26, 2019, requesting approval for the reconstruction of a 2,681 square-foot, one-story, gas station/convenience store/car wash on a 22,306 square feet site at 5100 Katella Avenue, APN 222-181-03; and,

WHEREAS, the verified application constitutes a request as required by Section 17.50.030 (Site Plan Review) and Section 17.42.040 (Conditional Use Permits of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review 19-02 at a duly noticed public hearing on September 25, 2019, at which time it considered all of the evidence presented, both written and oral; and,

WHEREAS, at this public hearing the applicant, applicant’s representatives, and members of the public were provided the opportunity to present written and oral testimony; 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 SPR and CUP and directed staff to return with a resolution denying the project at its October 23, 2019 meeting.

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 Los Alamitos Municipal Code recognizes that the uses requiring site plan review and conditional use permits are not appropriate in all circumstances and gives the Planning Commission the discretion to disapprove such proposed uses. Site Plan Review 19-01 for the reconstruction of a 2,681 square-foot, one-story, gas station/convenience store/car wash on a 22,306 square feet site at 5100
Katella Avenue, APN 222-181-03, is hereby denied based upon the following findings, each and every one of which constitutes separate and independent grounds for denial:

1. **The design and layout of the proposed development would interfere with the use and enjoyment of neighboring existing development.** Reorienting and relocating the gas station building, including the drive aisle for the proposed car wash, and the carwash entrance (which will be directed toward residential properties) to the southwest corner of the parcel would interfere with the use and enjoyment of existing residential uses south of the parcel, but introducing new noise sources (e.g., car wash operations, traffic queuing, etc.) and emissions (idling vehicles) near an established residential neighborhood (See LAMC § 17.50.040(B)); and

2. **The design of the proposed development would not maintain and enhance the attractive, harmonious, and orderly development contemplated by the Los Alamitos Zoning Code, and the design of the proposed development would not 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 existing site is prominent and highly visible location in the community. As such, attractiveness of the design is of paramount importance. However, the proposed building design lacks architectural creativity and innovation. Staff has recommended materials and features that would enhance the project's architectural detailing and aesthetic appeal. The applicant has been unresponsive to Staff’s recommendations (See LAMC § 17.50.040(B)-(D)).

**SECTION 3.** Conditional Use Permit 19-02 for the reconstruction of a 2,681 square-foot, one-story, gas station/convenience store/car wash on a 22,306 square feet site at 5100 Katella Avenue, APN 222-181-03, is hereby denied based upon the following findings, each and every one of which constitutes separate and independent grounds for denial:

**That the location and character of the use, if developed according to the plan as submitted for approval, will not be in harmony with the area in which it is to be located.** Establishing the gas station use as proposed would not be harmonious with the surrounding area. The project would position the drive aisle for the proposed car wash, and the carwash entrance (which will be directed toward residential properties) to the southwest corner of the parcel in close proximity to existing residential uses. This use would introduce new noise sources (e.g., car wash operations, traffic queuing, etc.) and emissions (idling vehicles) which are inharmonious with the adjacent residential neighborhood (See LAMC § 17.50.040(B)). In addition, the proposed project is not harmonious with the following General Plan policies:

a. Land Use Policy 3.1 Compatibility: Require that new nonresidential development is located, scaled, and designed to be compatible with existing adjacent neighborhoods and uses.
b. Land Use Action 3.3 Incompatibility of commercial and retail activities with residential: Identify activities of commercial and retail uses that are incompatible with nearby residential uses and revise the zoning ordinance to minimize adverse impacts.

c. Land Use Action 3.4 Alternative zoning options for commercial and industrial uses: Identify commercial and industrial uses that may be inappropriate in areas adjoining residential zoning and revise the zoning ordinance to accommodate such uses in other areas.

SECTION 4. Based upon such findings and determinations, and substantial evidence in view of the record as a whole, the Planning Commission hereby denies Site Plan Review 19-01 and Conditional Use Permit 19-02.

SECTION 5. 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 23rd day of October 2019, by the following vote:

______________________________
Chair Riley

ATTEST:

______________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

______________________________
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA  )
                           PC RESO 19-15
                           Page 3 of 4
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 the Planning Commission held on the 23rd day of October 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: September 25, 2019 ITEM NUMBER: 8A

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

Via: Les Johnson, Development Services Director

From: Tom Oliver, Associate Planner

Subject: Site Plan Review (SPR) 19-01, Conditional Use Permit (CUP) 19-02 Chevron Gas Station/Convenience Store/Car Wash 5100 Katella Avenue

SUMMARY: Consideration of a Site Plan Review (SPR 19-01) for the demolition and reconstruction of a 2,681 square-foot, one-story, gas station/convenience store/car wash on a 22,306 square feet site at 5100 Katella Avenue, APN 222-181-03. The review of this application includes consideration of a Conditional Use Permit (CUP 19-02) for the car wash.

RECOMMENDATION:

1. Open the Public Hearing; and,

2. Direct the applicant to resubmit drawings based upon direction from the Commission, and continue the item to the next regular Planning Commission Meeting; or alternatively,

3. Direct the Development Services Director to draft resolutions of approval or denial for Site Plan Review 19-01 and Conditional Use Permit 19-02, and/or continue the item to the next regular Planning Commission Meeting.

APPLICANT: Samir Hijazi – Archissance (on behalf of H&S Energy, LLC)

LOCATION: 5100 Katella Avenue, APN 222-181-03

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a categorical exemption for a Section 15332, Class 32, for in-fill development projects, will be prepared for
the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines.

**APPROVAL CRITERIA:** Section 17.50.020 of the Los Alamitos Municipal Code (Site Plan Review) requires that a commercial development, or the addition of square footage to an existing commercial structure, shall be subject to the Site Plan Review process.

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 a car wash in the C-G Zoning District.

**NOTICING:** The Public Notice of this meeting was mailed on Wednesday, September 11, 2019, to property owners and commercial tenants within 500 feet. Additionally, this was published in the News Enterprise on September 11, 2019.

**PREVIOUS APPROVALS:**

1986: Conditional Use Permit 246-86 - Convert Station to Self-Serve Facility

1989: Conditional Use Permit 320-89 - Addition and Convenience Store

1995: Conditional Use Permit 382-94 - Planning Commission Approved to Demolish and Rebuild Gas Station/Convenience Store & Add Car Wash – Denied by City Council on Appeal

1995: Mitigated Negative Declaration - For CUP 382-94

1995: Conditional Use Permit 382-94 - City Council Denial of Demolish and Rebuild Gas Station/Convenience Store & Add Car Wash

2007: Planned Sign Program 0417-01 - Planning Commission Denial

2008: Planned Sign Program 07-02 - Planning Commission Approval w/Conditions

2008: Planned Sign Program 07-02 - City Council Upholds Applicant Appeal of one of the Planning Commission Conditions

2015: Planned Sign Program 14-01 - Planning Commission Approval

**BACKGROUND**

Here is a current view of this gas station that currently includes a small convenience store:
Samir Hijazi, of Archissance, has submitted Site Plan Review and Conditional Use Permit applications proposing the demolition of a gas station/convenience store structure to be replaced with a new gas station/convenience store/car wash structure (see attached site plan). The new convenience store will be larger than the current building and will include ADA compliant restrooms. The store will not sell alcohol. The car wash is self-serve with a drive through-type queuing lane behind it. The project will also reduce the number of gas pumps, from six to four pumps, and associated canopy. All of the paving and landscape will be replaced.

Staff advised the Applicant that a similar project was proposed for this site a number of years ago. That project was ultimately denied by the City Council due to concerns with traffic and noise impacts associated with a proposed car wash. The Applicant was encouraged to fully consider all potential impacts to the neighboring residential properties. Similar concerns from neighboring residents are anticipated with this proposal. Though not required, Staff suggested that the applicant engage with the neighboring property owners in advance of this Planning Commission meeting. The applicant has not made staff aware of any outreach they have conducted with the neighboring property owners.

The following are concept elevations of the proposed project:
DISCUSSION

The site is located on the eastern side of the City across the street from the Los Alamitos Racetrack. The site is currently developed as gas station. The adjacent properties are developed and zoned as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning District</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Site</td>
<td>Existing General Commercial (C-G)</td>
<td>Gas Station/Convenience Store</td>
</tr>
<tr>
<td></td>
<td>Proposed General Commercial (C-G)</td>
<td>Gas Station/Convenience Store/Car Wash</td>
</tr>
<tr>
<td>North of Site</td>
<td>City of Cypress</td>
<td>Los Alamitos Racetrack</td>
</tr>
<tr>
<td>East of Site</td>
<td>Commercial-Professional Office (C-O)</td>
<td>Offices across Siboney Street</td>
</tr>
<tr>
<td>West of Site</td>
<td>General Commercial (C-G)</td>
<td>Mini Mall</td>
</tr>
<tr>
<td>South of Site</td>
<td>General Commercial (C-G)</td>
<td>Commercial Parking Lot that is 70 feet across to Residential Parcels</td>
</tr>
</tbody>
</table>
Site Plan Review (SPR 19-01)

Chapter 17.50.020 Applicability, in the Zoning Code, states:

“A commercial or industrial site development, tentative parcel map, residential development plan, conditional use permit, or the addition of square footage to an existing multiple-family residential, commercial, or industrial structure shall be subject to the site plan review process.”

This project is presented as a new commercial structure that requires this Site Plan Review (SPR). A larger site plan is attached to this report.
Development Standards

The subject property is located in the General Commercial (C-G) Zoning District. The limit for Floor Area Ratio (FAR) as noted in the General Plan is 1.00 for the Retail Business designated parcels, and the FAR for this proposed project is 0.12. The table below identifies the development features that are required under Section 17.10.030 Table 2-05 (Property Development Standards) for the General Commercial (C-G) Zoning District.

C-G Property 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>6,000 Square Feet</td>
<td>22,651 sq. ft. (per assessor)</td>
<td>Yes</td>
</tr>
<tr>
<td>Parcel Width</td>
<td>60 Feet</td>
<td>150 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Parcel Depth</td>
<td>100 Feet</td>
<td>150 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Parcel Coverage</td>
<td>Up to 90%</td>
<td>12%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Height Limit - Main Structures</td>
<td>3 Stories or 40 ft.</td>
<td>19.5' tall to top of parapet</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Proposed Project</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>None Required</td>
<td>58+ ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Side</td>
<td>None, unless abutting residential</td>
<td>East 60+ ft.</td>
<td>West 4+ ft.</td>
</tr>
<tr>
<td>Rear</td>
<td>None, unless abutting residential</td>
<td>18+ ft.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

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

Access and Parking

Vehicle access from the two abutting streets is provided from the northwest corner of the property on Katella Avenue and from the southeast corner on Siboney Street. This project requires 11 parking spaces. The applicant is proposing 18 parking stalls, with one of the stalls being ADA compliant. One space is required to be used for loading as required by Los Alamitos Municipal Code section 17.26.100 and a condition would be added to any resolution of approval identifying such.

Site Plan
Landscaping

The proposed landscaping meets the minimum landscape requirements that new construction normally requires, which is 15% of the parcel covered in landscaping. This project will have 15% landscaping. Please see the conceptual landscape plan (page 08 of the project plans) to see the proposed layout and plant material.

Architecture and Design

The architecture demonstrated in the attached plan elevations proposes a commercial industrial design that includes a stucco exterior finish for the most part, broken up with color differences and corrugated metal sections. The windows are aluminum-framed and divided-light style, shaded by horizontal metal “eyebrow” awnings. The building colors appear to be light in pink and gray shades (Café au lait, nutmeg, and mocha) with
the horizontal awning bands dark red (Chilled wine). Turquoise (blue-green) transom windows look to be included as well. The building walls undulate and the wall heights vary, adding a little interest to each elevation. The tops of walls create parapets to cover equipment on the roof.

Overall, the design of the building does not break any new ground in interesting architectural elements, lacking creativity and innovative design. Staff discussed this with the applicant and provided some general design suggestions to promote and encourage a more creative and innovative design. However, the applicant was not receptive, noting the strong desire to remain with the design as presented.

Conditional Use Permit (CUP) 19-02 - Car Wash

The applicant requests approval of a Conditional Use Permit for a self-service drive through car wash. Customers would pay for the car wash either at the pump or at a kiosk in the drive-through lane. The drive-through would be entered from inside the parking lot at the southeast corner of the site, wrapping around the back side of the convenience store, and entering the wash building on the west side of the parcel. Vehicles would exit the wash on the northwest side of the property toward Katella Avenue.

The Applicant provided the following regarding the Car Wash:

"Car Wash hours are going to fall within the noise ordinance of the City of Los Alamitos. Car wash user can drive out of the car wash if they are in the bay without hindrance because of the car wash design allows for it, i.e. (no wheel track, no brushes to close). The spray mechanism is a simple arm that is spring-loaded which bends easily. We also designed the car wash to have windows that
help in detecting problems inside the tunnel. However, if the problem occurs at the coin box, there is usually a call button.”

Noise and Traffic Impact Reports

Staff informed the Applicant that the submission of a noise study for the car wash and trip generation study for the entire project were necessary. The Applicant submitted these documents to Staff on August 14, 2019. The concluding paragraph of the Noise Study reads as follows:

“The hourly Leq [energy average noise level] from future facility operations is estimated to be as high as 71.4 and 40.0 dBA [decibels] at the commercial property line to the east and south, respectively. The hourly Leq from future facility operations is estimated to be as high as 50.9 dBA at the ground floor of the residential property line to the south. The operations peak hour noise levels would exceed the City of Los Alamitos’s daytime noise standard of 60 dBA at the commercial property line to the east. The operations peak hour noise levels would comply with the City of Los Alamitos noise standard at the commercial property line to the south. The operations noise levels would comply with the daytime residential noise standard of 55 dBA at the ground floor of the residential property line to the south. The operations noise levels would not comply with the nighttime residential noise standard of 50 dBA at the ground floor of the residential property line to the south; however, the car wash will not operate during the nighttime (7:00 a.m. to 10:00 p.m.) and will not be an impact. Noise control measures were analyzed to reduce operations noise levels.”

The Study has noise control alternatives, and if Commissioners were to approve the project Alternative 2 would be recommended, as it is described on page 15 of the Noise Study:

“Noise Control Alternative 2. AGI evaluated the noise reduction from mechanical doors for the car wash exit. With the mechanical door, the car wash noise level is expected to be reduced to 57.1 dBA at the commercial property to the east, respectively. With noise control, the car wash operations at the eastern commercial property line would comply with the City of Los Alamitos’s Noise Standards of 60 dBA. With noise control, the car wash operations at the commercial and residential southern property lines would remain the same and will comply with the City of Los Alamitos’s Noise Standards. Table 7 summarizes the Car Wash Noise Levels with Noise Control Alternative 2.”

The concluding statement from the Trip Generation report reads as follows:

“Even though there are differences in the calculated trip rates for both sites, the number of daily car washes is insignificant to the total number of customers. As observed at the second site (Valley View Street & Chapman Avenue), the car wash customers were the same customers fueling their cars. The differences in the trip rates are mainly attributed to the adjacent street volume and the easy
access. Gas station customers are normally attracted to gas price, location convenience and to some degree their loyalty to the brand name."

"The addition of a self-service drive thru carwash at the proposed site will not significantly increase the traffic volume at the gas station. It is estimated that the gas station’s customers utilizing the self-service carwash will be approximately 24 carwashes per day. In addition, the number of fueling pumps will be reduced from 12 to 8 pumps. Therefore, the traffic volume at this location at Katella Avenue and Siboney Street will remain approximately the same. No traffic impact will result from the proposed upgrade."

**Analysis**

On May 23, 2019, staff sent a letter to the Applicant requesting certain aspects of the project to be altered or modified in order to improve aesthetics and minimize impacts upon the established residences to the south. The Applicant responded identifying no interest in making any changes to the project and for the project to be submitted to the Commission as proposed. The changes requested by Staff are as follows:

- Staff recommended that architectural detailing be enhanced for the project. The site is a prominent and highly visible location in the community. Materials such as stone, siding, trellises, and/or more screening type landscaping could be incorporated into the design in order to soften the building elevations. Due to the open areas surrounding the subject property, all elevations should fully be considered and treated.

- The proposed car wash location is oriented to direct operation noise towards the single-family residences to the south. Staff asked that the Applicant consider relocating the car wash so that the openings are perpendicular to the residences.

- Staff asked that the Applicant provide certain statistics concerning the existing Chevron Extra Mile at the corner of Cerritos Avenue and Valley View Street. That location is similar to the proposed project, including a car wash. Statistics requested were: Daily and weekly car wash activity at this location? Have there been any concerns or complaints from neighboring residences regarding the car wash or general operations of this facility? (this information was not supplied by the Applicant)

**General Plan**

Below, are four policy and action statements from the Los Alamitos General Plan. Staff finds that this project as it is currently presented, does not appear to be harmonious with the following goals.

**Land Use Policy 3.1 Compatibility:** Require that new nonresidential development is located, scaled, and designed to be compatible with existing adjacent neighborhoods and uses.
Land Use Policy 3.2 Mitigation measures: Require buffers and feasible mitigation measures to reduce impacts of new or expanded uses on existing neighborhoods, businesses, and public facilities.

Land Use Action 3.3 Incompatibility of commercial and retail activities with residential: Identify activities of commercial and retail uses that are incompatible with nearby residential uses and revise the zoning ordinance to minimize adverse impacts.

Land Use Action 3.4 Alternative zoning options for commercial and industrial uses: Identify commercial and industrial uses that may be inappropriate in areas adjoining residential zoning and revise the zoning ordinance to accommodate such uses in other areas.

CONCLUSION

Based on the lack of pleasing or interesting architectural elements (eg. stone, siding, trellises, and/or more screening type landscaping), the incompatibility with the identified General Plan Policies and actions, as well as the current site design as it pertains to the car wash and anticipated impacts upon the neighboring residential homes to the south, Staff is unable to support the project and recommend approval as presented.

In light of such, Staff is recommending that the Planning Commission continue this item to the October meeting, directing the applicant to amend the site plan and building elevation drawings based upon the comments provided Staff and Commissioners.

Attachment:  
1. Site Plans and Elevations  
2. Noise Study  
3. Traffic Study
City of Los Alamitos
PLANNING COMMISSION/SUBDIVISION
COMMITTEE AGENDA REPORT

MEETING DATE: October 26, 2019  ITEM NUMBER: 7B

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

Via: Les Johnson, Interim City Manager

From: Tom Oliver, Associate Planner

Subject: Conditional Use Permit (CUP) 19-03
Ambulance Service in the Planned Light Industrial (P-M) Zone
3597 Briggeman Drive

SUMMARY: Consideration of a Conditional Use Permit for an ambulance service use to be located at 3597 Briggeman Drive in the Planned Light Industrial (P-M) Zoning District.

RECOMMENDATION:

1. Open the Public Hearing; and,

2. Take testimony; and,

3. Make the determination that pursuant to CEQA Guidelines Section 15301(a) (Existing Facilities) the proposed project is exempt from CEQA under the Class 1 Categorical Exemption;

4. Adoption of Resolution No. 19-16, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 19-03 TO ALLOW AN AMBULANCE SERVICE USE IN A 1,720 SQUARE FOOT UNIT AT 3597 BRIGGEMAN DRIVE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MARC JESSNER, CARE AMBULANCE).”

APPLICANT: Marc Jessner, Care Ambulance

LOCATION: 3597 Briggeman Drive, Los Alamitos CA 90720

ENVIRONMENTAL: A Class 1 Categorical Exemption, pursuant to Section 15301(a) – Existing Facilities, will be prepared for the proposed project in accordance with the California
Environmental Quality Act. The proposed use is in an existing building and will include only interior alterations involving such things as interior partitions, plumbing, and electrical conveyances, and no exterior modifications.

**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 an “Ambulance Service” use on a parcel in the P-M Zoning District.

**NOTICING:** The Public Hearing Notice for this meeting was mailed out on October 9, 2019, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the News Enterprise on October 9, 2019.

**PRIOR ACTIONS:** None for this unit.

**BACKGROUND:**

Marc Jessner, of Care Ambulance, has submitted an application for Conditional Use Permit (CUP) 19-03, requesting that the City approve an ambulance service use to be located at 3597 Briggeman Drive in the Planned Light Industrial (P-M) Zoning District. The unit will be used as a rest area for employees and as a parking area for two employee vehicles and an ambulance. The location would be operational 24 hours a day, seven days a week. Care Ambulance provides emergency medical service to Los Alamitos in conjunction with the Orange County Fire Authority.

A CUP must be reviewed and approved by the Planning Commission in accordance with Los Alamitos Municipal Code Section Chapter 17.42 (Conditional Use Permits). In order to approve a CUP, the Planning Commission must hold a public hearing and make findings of support for the proposed project. Staff has reviewed the proposals for consistency with the municipal code, as well as potential impacts, such as compatibility with surrounding land uses, and believes the findings to approve the proposed CUP application can be made.

**DISCUSSION:**

The proposed use would be located within a 1,720 square foot tenant space, which is within the Briggeman Corporate Plaza, near Briggeman Drive and Los Alamitos Boulevard. The business has a lobby, offices, break room, and a gym.
The properties to the south of this parcel, separated by Briggeman Drive, are the new hotel and an industrial business complex located in the General Commercial (C-G) and Limited Industrial (L-I) zones, respectively. The property to the north contains a self-storage facility located within the Planned Light Industrial (P-M) Zone. The property to the west contains a lumber yard located within the Planned Light Industrial (P-M) zoning district. Industrial buildings are located on properties to the east, which is also located in the P-M zone.

Parking

This center has a shared parking lot serving three industrial buildings. Industrial Buildings in a multi-tenant complex have a parking requirement of one parking space per 300 feet of floor area. The three buildings encompass a total of 19,675 square feet that are served by 61 spaces as required by Site Plan Review Resolution 99-12. Due to the type of use, the proposed use is not anticipated to demand the full amount of

CUP 19-03 – Ambulance Service in P-M Zone
October 23, 2019
parking it would be entitled to use. It is anticipated that the proposed use would always generate a parking need of approximately three spaces, and this can be satisfied with available parking at the center. As well, the center has two marked spaces for the ambulances.

**Lights and Sirens**

This unit averages approximately 8 to 10 calls per shift. When Care Ambulance receives a call from OCFA they respond code 2, no lights no sirens for all calls. While on route to the incident, OCFA can upgrade the ambulance to a code 3 with lights and sirens due to the nature of the call. This usually happens while the ambulance is driving to the call.

There should not be any need for them to turn on sirens until they reach Los Al Blvd because of the station being located on a side street. The Applicant says they can make this a standing rule for their crews working out of this station. This has been made a condition of approval in the resolution (Condition #14). The implementation of Condition #2 in the resolution, which would require a revisit of this approval if ambulance siren or lights become a problem, would provide recourse in the event that nuisances were determined in the future.

**CONCLUSION:**

In reviewing the proposed use in relation to the surrounding commercial and industrial land uses, staff believes that the proposed project would be a compatible use and have minimal impacts.

Staff recommends approval of CUP 19-03; unless additional or contrary information is received during the hearing and based upon the evidence submitted to the Planning Commission, including the evidence presented in this Staff Report, and any oral and written evidence presented at the Public Hearing.

*Attachments*  
1. Draft Resolution 19-16 with Exhibit A - Site Plan/Floor Plan
RESOLUTION NO. 19-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 19-03 TO ALLOW AN AMBULANCE SERVICE USE IN A 1,720 SQUARE FEET UNIT AT 3597 BRIGGEMAN DRIVE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-03, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: MARC JESSNER, CARE AMBULANCE).

WHEREAS, on August 29th, the Applicant submitted an application for a Conditional Use Permit (CUP 19-03) to allow an ambulance service use in a 1,720 square foot unit located at 3597 Briggeman Drive; and,

WHEREAS, the property is located within the Planned Light Industrial (P-M) Zoning District, where ambulance services are allowed only with the approval of a CUP; 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 October 23, 2019; and,

WHEREAS, at this Public Hearing, the applicant, applicant’s representatives, and members of the public were provided the opportunity to present written and oral testimony.

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 19-03 is hereby approved to allow an ambulance service use in a 1,720 square foot unit at 3597 Briggeman Drive in the Planned Light Industrial (P-M) Zoning District based upon the following findings:

1. The commercial recreation establishment will not endanger the public health or general welfare as the use as conditioned, will not foster circumstances that tend to generate a nuisance because the use does not have any characteristics that are problematic such as excessive noise, glare, vibration or odors. As well, the ambulance does not turn on the lights and sirens until they have driven away from the location. The implementation of a condition
such as in Condition #2 below, which would require a revisit of this approval if ambulance siren or lights become a problem, would provide recourse in the event that nuisances were determined in the future.

2. The commercial recreation establishment will be located in the Planned Light Industrial (P-M) Zoning District and this type of use is conditionally permitted within the district.

3. The proposed ambulance service, as conditioned, will be compatible with other uses located in the P-M zoning district. Further, it will improve safety response time in the City.

4. The decision to approve the Conditional Use Permit 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. The project is Categorically Exempt from the California Environmental Quality Act per Guidelines, Section 15301(a), Class 1. Existing Facilities. The proposed use is an existing building and will include only interior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves subject to the following conditions:

**Planning**

1. Approval of this application is to allow an ambulance service use in a 1,720 square foot unit at 3597 Briggeman Drive with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 19-03 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. In the event the City receives noise or other public disturbance complaints in connection with the use authorized by this CUP, the Development Services Director shall investigate such complaints and, if significant noise or other
nuisance conditions are found to exist, including noise emanating from the Applicant's business establishment that cause significant adverse impacts on one or more properties, or that significantly increase the ambient noise levels in the vicinity above levels existing without the approved use, the Development Services Director may bring this CUP back to the Planning Commission to consider imposing additional conditions, amending or revising conditions, or revoking this CUP.

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

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

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

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

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

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

7. 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.

8. 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.

9. 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.

10. If the commencement of the business approved by this action is not established within 12 months, such Conditional Use Permit approval shall be terminated and shall thereafter be null and void.

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

12. In compliance with Los Alamitos Zoning Code Title 17 Division 6 Chapter 17.72 (Revocation and Modification), this Conditional Use Permit may be revoked or modified at any time by a vote of the Planning Commission, if any one of the following findings of fact can be made:

a. Circumstances under which the permit or entitlement was granted have been changed by the applicant to a degree that one or more of the findings contained in the original permit can no longer be made in a positive manner;

b. The permit or entitlement was issued, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the applicant’s testimony presented during the public hearing, for the permit or entitlement;

c. One or more of the conditions of the permit have not been substantially fulfilled or have been violated;

d. The improvement authorized in compliance with the permit is in violation of any code, law, ordinance, regulation, or statute;

e. The improvement/use allowed by the permit or entitlement has become detrimental to the public health, safety, or welfare or the manner of operation constitutes or is creating a nuisance; or

f. There is a compelling public necessity.

13. All access doors of the business shall remain closed at all times but shall remain unlocked in case of an emergency.
14. Sirens and lights shall not be employed until the ambulance unit has reached Los Alamitos Boulevard at a minimum.

**Building Department**

15. The applicant shall obtain City permits for all tenant improvements.

16. All exits must stay clear.

**Orange County Fire Authority**

17. The applicant shall contact Andrew Keyworth, Fire Prevention Analyst, concerning this project at 949-724-6391, andrewkeyworth@ocfa.org.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit 19-03, as represented by the plans in “Exhibit A” and subject to the conditions herein.

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

**PASSED, APPROVED, AND ADOPTED** this 23rd day of October 2019, by the following vote:

__________________________
Chair John Riley

ATTEST:

__________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

__________________________
Michael S. Daudt, City Attorney

STATE OF CALIFORNIA  )
COUNTY OF ORANGE   ) ss

PC RESO 19-16
Page 5 of 6
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 23rd day of October 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

________________________________________
Les Johnson, Secretary