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

AGENDA
PLANNING COMMISSION/SUBDIVISION COMMITTEE
REGULAR MEETING
Wednesday, November 20, 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 Culty
   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 October 23, 2019

6. **CONSENT CALENDAR**  
   None.

7. **PUBLIC HEARING**  
   A. **Approval** of Site Plan Review (SPR) 19-01  
      Denial of Conditional Use Permit (CUP) 19-02  
      Chevron Gas Station/Convenience Store/Car Wash Project  
      5100 Katella Avenue  
      Consideration of a Site Plan Review application (SPR 19-01) for the demolition and reconstruction of a 2,724 square-foot, one-story, gas station/convenience store on a 22,306 square feet site at 5100 Katella Avenue, APN 222-181-03. This includes the consideration of a denial resolution for Conditional Use Permit (CUP) 19-02, which previously proposed a car wash on the subject site.

   **Recommendation:**

   1. Open the Public Hearing; and,


B. **General Plan Amendment (GPA) 19-01**  
   Zoning Ordinance Amendment (ZOA) 19-01  
A General Plan Amendment (GPA 19-01) and Zoning Map Amendment (ZOA 19-01) requesting approval to change the General Plan land use designation from Planned Industrial to Professional Office and to change the Zoning designation from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) for the property located at 4281 Katella Avenue.

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. Adoption of Resolution No. 19-18, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT (GPA) 19-01 TO CHANGE THE GENERAL PLAN DESIGNATION from Planned Industrial to Professional Office AND ZONING ORDINANCE AMENDMENT (ZOA) 19-01 TO CHANGE THE ZONING DISTRICT from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) FOR four PARCELs at 4281 Katella Avenue (APNs 241-241-20, 241-241-21, 241-241-25 & 241-241-26) (Applicant: Perry Banner of Michael Baker Intl., on behalf of CGM Katella, LLC).”

8. STAFF REPORT
None.

9. DISCUSSION
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Reminder of Change to December Meeting Date (12-18-2019).

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 $1,038.00 (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, 10911 Oak Street; and, Los Alamitos Museum, 11002 Los Alamitos Boulevard; not less than 72 hours prior to the meeting.

Tom Oliver
Associate Planner

[Signature]

1/14/19
Date
MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS

REGULAR MEETING – October 23, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:03 p.m., Wednesday, October 23, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

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

Staff: Les Johnson, Interim City Manager
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

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

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

Samir H. sent a letter to the Planning Commission in response to the September Planning Commission meeting to consider the [Chevron] project as two applications, with the carwash and without the carwash.

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

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular Meeting of September 25, 2019

Regular Meeting of September 25, 2019
Motion/Second: Grose/Debolt
Carried 6/0 (Riley abstained): The Planning Commission approved the minutes of 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

Interim City Manager Johnson clarified that this item is not a public hearing, but an item of consideration.

Commissioner Andrade recused himself.

Chair Riley noted that he was not present at the September Planning Commission meeting so he won't be participating in the discussion or the decision of this item.

Commissioner Loe suggested that another public hearing notice be resent to allow the applicant to present again.

Commissioner Debolt asked if we can bifurcate the denial for the carwash and convenience store and agrees with Commissioner Loe to have a resubmitted public hearing notice.

City Attorney Daudt suggested to the Planning Commission to direct staff a resolution of denial that is specific to the CUP and then re-notice the site plan of the project as revised for further consideration.

Vice Chair Sofelkanik clarified that the applicant addresses the issues that were brought up during the October Planning Commission meeting in order for the Planning Commission to reconsider the project.

City Attorney Daudt clarified that the discussion is not an approval of the site plan, but a concession to the request from the applicant.

Motion/Second: Debolt/Grose
Carried 5/0 (Riley abstained):
Motion to deny the Conditional Use Permit for the carwash and continue the Site Plan Review and allow the applicant to address the concerns that have been raised by the Planning Commission. City Attorney Michael corrected the motion to state denial of the resolution is directed to staff returning at the next meeting with the resolution denying the Conditional Use Permit meanwhile allowing the Site Plan to be reviewed again.

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

Associate Planner Oliver asked and received clarification from City Attorney Daudt that a public hearing can still be held without the applicant present.

Associate Planner Oliver summarized the staff report.
Associate Planner Oliver discussed changes that were made in Section 2 of the resolution to change commercial recreation use to ambulance service use.

Chair Riley opened and closed the public hearing.

Motion/Second: Grose/Andrade
Carried 7/0: Motion to approve with changes made in the resolution.

8. STAFF REPORT
None.

9. DISCUSSION
None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Interim City Manager Johnson discussed the following:
- Reminded the Planning Commission of the next two Planning Commissioner meetings, November 20 and December 18.
- A fiscal sustainability presentation for the Planning Commission will be presented at the December 18 meeting.

11. COMMISSIONER REPORTS

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 7:20 p.m.

ATTEST: John Riley, Chair

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

MEETING DATE: November 20, 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: Approval of Site Plan Review (SPR) 19-01
         Denial of Conditional Use Permit (CUP) 19-02
         Chevron Gas Station/Convenience Store/Car Wash Project
         5100 Katella Avenue

SUMMARY:

Consideration of a Site Plan Review application (SPR 19-01) for the demolition and reconstruction of a 2,724 square-foot, one-story, gas station/convenience store on a 22,306 square feet site at 5100 Katella Avenue, APN 222-181-03. This includes the consideration of a denial resolution for Conditional Use Permit (CUP 19-02), which previously proposed a car wash on the subject site.

RECOMMENDATION:

1. Open the Public Hearing; and,


SPR 19-01 – CUP 19-02 – Chevron
November 20, 2019
Page 1 of 4
APPLICANT: Samir Hijazi – Archissance (on behalf of H&S Energy, LLC)

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

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

APPROVAL & 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 the November 20, 2019 public hearing was mailed on Wednesday, November 6, 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 November 6, 2019.

BACKGROUND

Samir Hijazi, of Archissance, originally 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 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.

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 both the Site Plan Review and the Conditional Use Permit for consideration during the October 23 meeting. A copy of the staff report presented at the September 25th meeting is attached to this report as Attachment #3.

During the October 23, 2019 meeting, the Planning Commission received a letter and heard from the Applicant who requested the Commissioners consider the project without the car wash. Commissioners directed the Applicant to redesign the site plan without a car wash, and further, to work with Staff to present new, architecturally-improved building plans for the convenience store. The applicant timely provided the revised site and building plans.
DISCUSSION

Site Plan Review

Following the October Planning Commission meeting, staff and the Applicant conversed concerning the plans for this project, minus the car wash. As a result, the Applicant has presented a revised site plan and new building elevations. These plans generally meet the aesthetic standards that were identified in the September and October Planning Commission Staff Reports.

The Applicant’s new plans present materials and features that enhance the project’s architectural detailing and aesthetic appeal. Such changes will supplant the unattractive architecture that the existing building has exhibited for years and maintain an appropriate level of maintenance. The focal point of the redesign is a central tower with stone veneer topped by a metal, pitched roof with clerestory windows. Arbors project out from the sides of the building with stone-veneered buttress supports. Vines will be encouraged to grow up walls with the help of trellises placed in front of stucco expanses. Stone veneer on framing columns will help tie the project together.

Negative findings were made concerning last month's submission, however, this month Staff has drafted affirmative findings as described in Section 17.50.040 (Findings and decision) of the Los Alamitos Municipal Code. For example, the project meets all applicable General Commercial Zone development standards and the property is zoned for this type of development. The design of the gas station/convenience store would improve the aesthetics of this visible location, which is located at an important entrance to the residential neighborhood behind it. This location has contained a gas station for many years with no negative traffic or pedestrian effects to the neighborhood around it.
Denial of Conditional Use Permit

As discussed above, the car wash has been removed from the plans for the gas station/convenience store project and can be denied through the separate draft resolution that is attached to this report. 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, Staff recommends the following findings:

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 car wash 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 car wash 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, and the revised plans submitted by the Applicant, Staff has prepared the attached resolutions, denying Conditional Use Permit 19-02 and approving Site Plan Review 19-01, which incorporate the findings presented above.

Attachment:

1) Resolution of Approval 19-17, with plans (Exhibit A)
2) Resolution of Denial 19-15
3) Staff Report from September 25, 2019 meeting
4) Staff Report from October 23, 2019 meeting
RESOLUTION NO. PC 19-17


WHEREAS, a completed application for Site Plan Review 19-01 was submitted by Samir Hijazi, of Archissance ("Applicant"), on April 26, 2019, requesting approval for the reconstruction of a 2,724 square-foot, one-story, gas station/convenience store (with a denied 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) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Site Plan Review 19-01 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, at this meeting the Planning Commission discussed and deliberated over the application, unanimously directing staff to prepare a resolution of denial for consideration of the Site Plan Review (and denial of a Conditional Use Permit for a car wash) for the October 23 Planning Commission meeting; and,

WHEREAS, at its October 23, 2019 meeting, the Planning Commission heard more testimony from the Applicant, as he asked Commissioners to consider the project without the car wash; and,

WHEREAS, The Planning Commission directed the Applicant to redesign the plans for the station without a car wash, and further, to work with Staff to present new, architecturally-improved plans for the balance of the project; and,

WHEREAS, the Planning Commission once again reviewed the application for Site Plan Review 19-02 at a duly noticed public hearing on November 20, 2019, at which time it considered all of the evidence presented, both written and oral, as well as the new plans as submitted by the Applicant.
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. Site Plan Review 19-01 for the reconstruction of a 2,724 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 approved based upon the following findings:

1. The design and layout of the proposed gas station development are consistent with the development and design standards/guidelines of the applicable zoning district; The project meets all applicable General Commercial Zone development standards and the property is zoned for this type of development.

2. The design and layout of the proposed development would not interfere with the use and enjoyment of neighboring existing or future developments, and would not create traffic or pedestrian hazards; This location has contained a gas station for many years with no negative traffic or pedestrian effects to the neighborhood around it. It would create only a minor increase in customers to the location, with the larger convenience store, and would importantly help the location not lose customers to other nearby stations with more product varieties.

3. The design of the proposed development would maintain and enhance the attractive, harmonious, and orderly development contemplated by this Chapter 17.50 (Site Plan Review) of the Los Alamitos Municipal Code; The existing site is prominent and highly visible location in the community. As such, attractiveness of the new design is of paramount importance. The proposed building design presents architectural creativity and innovation. The Applicant presents materials and features that would enhance the project’s architectural detailing and aesthetic appeal.

4. The design of the proposed development would provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and would remain aesthetically appealing and retain an appropriate level of maintenance; The design of the office building would provide a desirable environment for its occupants, visiting public, and its neighbors through good aesthetic use of materials, texture, and color. Such changes will supplant the unattractive architecture that the existing building has exhibited for years and maintain an appropriate level of maintenance.
5. The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity; and the commercial building provides for public health, safety, and welfare of the business communities by meeting all building code requirements and the Conditions of Approval for this resolution.

6. The proposed development would not substantially depreciate property values in the vicinity. The area is zoned for this type of use and it will improve upon the aesthetics of the existing gas station. (See LAMC § 17.50.040(A)-(F)).

SECTION 3. A categorical exemption, Section 15332, Class 32 (in-fill development project) shall be prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines.

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Site Plan Review 19-01 subject to the following conditions:

1. Approval of this application is to allow the demolition and reconstruction of a gas station at 5100 Katella Avenue in the General Commercial (C-G) Zone, APN 222-181-03 with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of a Site Plan Review, noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans shown in "Exhibit A," and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code and any applicable state law. If any changes are proposed regarding the location or alteration of the plans dated November 4, 2019, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.

2. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City’s associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant’s consent, but should it do so, the City shall waive the indemnification herein, except the City’s decision to
settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

3. The Applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department within 30 days of final approval of all resolutions. The property Applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department.

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

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

6. Approval of Site Plan Review 19-01 shall be valid for a period of twelve (12) months from the date the site plan was approved. If construction is commenced within this twelve (12) month period and construction is being pursued diligently toward completion, the approvals shall stay in full force and effect. The director may, upon receipt in writing from the applicant before the expiration date, grant an extension of time up to twelve (12) months maximum. If an extension of time is not granted, the site plan review approval shall expire and a new application shall be made.

LANDSCAPING

7. A Landscape Irrigation Plan prepared by a licensed landscape architect shall be submitted to the Public Works Department prior to the issuance of building permits. The Irrigation Plan shall include an irrigation system layout with the location of controllers and points of connection with data on valve sizes and gallons per minute (G.P.M.), the size and location of sleeves and all spray heads, including the location of conventional systems and drip systems; an irrigation legend with complete specifications; irrigation notes and construction details of all assemblies and components; a recommended irrigation schedule, preferably on an annual basis; and a summary block on the initial page of submitted plans that will present the above information clearly and accurately. The City reserves the right to require
subsequent checks, or approval of the landscape plans prior to issuance of a grading permit.

8. Landscaping shall comply with the City’s water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.

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

**LIGHTING**

10. All lighting structures shall be placed so as to confine direct rays to the subject property.

**CONSTRUCTION BMPS**

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

12. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Development Services Director.

13. Prior to demolition and construction, a perimeter security fence not exceeding seven feet in height, shall be installed around the project site. The fencing shall include a green screen material or approved equivalent. The fence/screen material shall be properly maintained and be free of rips, tears, fraying, graffiti, and any other damage or vandalism.

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

**OTHER**

15. A Water Quality Management Plan (WQMP) is required to be recorded at the County of Orange Clerk Recorder for this project.

16. The applicant shall provide, as a minimum, a trash enclosure to hold three standard dumpsters for solid waste, recycling, and organics, with five (5) foot by eight (8) foot clear interior dimension for each dumpster, including a solid roof designed to the satisfaction of the Development Services Director. Walls shall be a minimum of five (5) feet high and constructed of reinforced masonry or similar material. The
enclosure shall be constructed with a roof made of solid material, such as that provided by a standing-seam metal roof. Wrought iron or equivalent gates with latch shall be provided. The top one-foot of the gates shall be open work with screening; the remaining section of the gates shall have solid metal backing. Enclosures shall have an interior six-inch curb bumper. This area shall accommodate receptacles sufficient to meet the solid waste and recycling needs of the development project.

17. Loading spaces, as required by Los Alamitos Municipal Code section 17.26.100, shall be installed.

ENGINEERING

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

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

20. Hydrologic and hydraulic calculations demonstrating adequate site drainage from a 10-year return frequency storm (25-year frequency in sump areas) prepared by a Registered Civil Engineer shall be submitted with the Grading Plan.

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

22. All existing off-site public improvements (sidewalk, curb and gutter, driveways, and street paving) at the development site which are in a damaged condition or demolished due to the proposed work shall be reconstructed to the satisfaction of the City Engineer, and per OCPFRD Standard Plan.

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

24. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.

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

- Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or “zero discharge” areas, and conserving natural areas.
- Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
- Incorporates Treatment Control BMPs as defined in the DAMP.
- Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
- Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
- Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

26. All driveway, sidewalk and ADA Ramp shall meet current ADA requirements.

**RECREATION AND COMMUNITY SERVICES**

None

**PUBLIC WORKS**

None.

**ORANGE COUNTY HEALTH CARE AGENCY**

27. The project will require plan check from the OC Health Care Agency for the modifications to the UST system.

**ROSSMOOR/LOS ALAMITOS SEWER DISTRICT**

28. This area is served by the RLAASD via an existing 10-inch diameter Vitrified Clay Pipe in Katella Avenue flowing westward. The plans for the Katella Avenue Sewer Main project were approved in December 1961 and it’s presumed the sewer and any connecting laterals were constructed circa 1962.

29. While not expressly stated on the attached plans or in the previously referenced SPR/CUP, it is presumed the existing gas station/convenience store has non-ADA
compliant restrooms, which will now be replaced with ADA compliant restrooms in the new convenience store. Assuming that to be the case, the new restrooms will not add significantly to the sewage flows generated from the existing restrooms (even if the include a slight increase in the number of total Drainage Fixture Units).

30. The existing gas station/convenience store is currently served by a 4-inch diameter sewer lateral presumably installed in the 1960s (refer to my previous 5/15/19 email to you containing the District GIS Map and CCTV Observations from 2008; the Observation file identified a 4-inch diameter lateral serving this property). When the District’s current design Standards were adopted in 1980, they required all commercial property to be served by 6-inch sewer laterals. While the 1980 Standards did not require replacement of previously existing substandard 4-inch laterals, the District does require upsizing sewer laterals to 6 inches when existing developments are demolished and replaced with new developments such as a new convenience store. Therefore, the existing 4-inch lateral serving the current gas station/convenience store will need to be replaced with a new 6-inch lateral connected to the RLAASD sewer main in Katella.

31. Typically, convenience stores do not require the installation of a grease interceptor. However, such a facility might be required if food preparation facilities will be included in the new convenience store. Since it’s not clear from the attached plans whether such food preparation facilities are included in the newly proposed store, the developer should contact the District’s FOG (Fats, Oils and Grease) Consultant Jon Kinley at (949) 481-8826 or at the email address copied above to determine whether a grease interceptor will be required on this project. Depending on the specific circumstances, Mr. Kinley may request additional architectural plans (in PDF or hard copy format) detailing the kitchen facilities (if any) on this project so he can determine whether a grease interceptor will need to be installed.

32. Given the need to upsize the existing 4-inch lateral serving this property, the project developer must submit engineering plans for the District’s review depicting the new 6-inch lateral serving the gas station and newly proposed convenience store. If it is determined that a grease interceptor is required, that facility must also be shown on the improvement plans. The sewer improvement plans must be signed and stamped by a licensed California Civil Engineer. Once the plans are approved, RLAASD will inspect all sewer improvement construction in the public right-of-way (i.e., Katella Avenue to the back of sidewalk) as well as the grease interceptor (if required) and the City of Los Alamitos will inspect all other on-site sewer work.

33. Prior to review and approval of the above-noted plans, the project developer must pay all applicable RLAASD permit, connection, plan-check and inspection fees. The permit fee is a flat $10. The Connection fee is $75 per thousand square feet of gross building square footage. The exact amount of the Connection fee as well as the amount of the Plan Check and Inspection fees will be determined upon submittal of the first set of engineering plans. Those fees must be paid in full before the District can begin reviewing the plans in detail.
BUILDING AND SAFETY DIVISION

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

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

ORANGE COUNTY FIRE AUTHORITY (OCFA)

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

Prior to issuance of a building:

- fire master plan (service code PR145)

Prior to issuance of a building permit:

- tanks storing hazardous materials (service codes PR300-PR305) if applicable.

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.

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

PASSED, APPROVED, AND ADOPTED this 20th day of November 2019, by the following vote:

__________________________________________
Chair Riley

ATTEST:

__________________________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

__________________________________________
PC RESO 19-17
Page 9 of 10
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 20th day of November 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Les Johnson, Secretary
**Archissance Design Group**

Amendments.

NO ALCOHOL (BEER/WINE) SALES IS REQUESTED for review and permitting:

- **Sheet Index:**
  - A0.11 SITE DEMOLITION PLAN
  - A1.00 FLOOR PLAN - CONVENIENCE STORE
  - A1.10 CANOPY FLOOR PLAN & TRASH ENCLOSURE PLAN &
  - A1.20 ROOF PLAN - CONVENIENCE STORE
  - A2.00 ELEVATIONS - CONVENIENCE STORE
  - A2.01 ELEVATIONS - CONVENIENCE STORE

- **Min Setbacks:**

  - Front [Street] Katell Ave 17.10.030 N/A Building = 108'-2"/
  - Side [Street] Sibony St 17.10.030 N/A Building = 65'-3"/
  - Rear: NOT REQUIRED

- **Min Lot Area:**

  - 17.10.030 N/A 22,289 SF

- **Max Structure Height:**

  - 17.10.030 40' Building = 28'-8"/
  - Canopy = 19'-6"
  - Canopy = 9,000 sf

- **Min Site Landscaping:**

  - Curve works shall comply with the City's land development regulations and any other agreements with the City.

- **Max Floor Area Ratio:**

  - 17.20.030 12.5% / 15% = 3,343.35 sf / 3,531 sf

- **Off-street Parking:**

  - 17.20.030 20 sf for each parking space provided on or adjacent to the new site.

- **Landscape Drawings:**

  - 2. Landscape Drawings, adjacent to the New Convenience Store.

- **Zoning:**

  - **Group B II B**

- **Energy Compliance Drawings:**


- **Additional Documents or Drawings:**

  - 1. ALTA Survey.
  - 2. Topographic Survey.
  - 4. Plumbing Drawings, with City of Antioch Amendments.
  - 5. Landscape Drawings, with City of Antioch Amendments.

- **Architectural:**

  - 4.01 SITE DESIGN PLAN
  - 4.02 SITE PLAN

- **Plan Sets:**


---

### VICINITY MAP

![Vicinity Map](image)

---

### ZONING CONFORMANCE MATRIX

<table>
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<th>Lot Description</th>
<th>ACTION</th>
<th>REQUIRED</th>
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<td>Building</td>
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<tr>
<td>17.20.030 12.5%</td>
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<tr>
<td>17.20.030 15%</td>
<td>3,531</td>
<td>sf</td>
</tr>
</tbody>
</table>

---

### ZONING

**Real Property in City of Los Alamitos, County of Orange, State of California.**

- **Subject to Zoning:**
  - Z-0 GENERAL COMMERCIAL

- **Project Address:**
  - 5100 Katella Ave, Los Alamitos, CA 90720

---

### PROJECT INFORMATION - BUILDING DATA - CODE REQUIREMENTS

#### BUSINESS DATA
- Company Name: Eagle Stores, Group M
- Project Name: Convenience Store
- Project Location: 5100 Katella Ave, Los Alamitos, CA 90720

#### Building Data
- **Occupancy Type:** Retail Stores
- **Local Code:** California Building Code

- **Code:** 2015 International Building Code

- **Architect:** H&S ENERGY, LLC
- **Contractor:** "

- **Project Status:**
  - BUILDING PERMITS ISSUED

---

### LANDSCAPE

- **Site Index:**
  - A0.00

---

### PAGE 1

**Exhibit A**

**Attachment 1**
Sediments and other materials may not be tracked from the site by vehicle traffic.

1. GENERAL CONTRACTOR TO COORDINATE DEMOLITION WITH OWNER/TENANT PRIOR TO THE START OF WORK.
2. IT IS THE GENERAL CONTRACTOR'S RESPONSIBILITY TO VERIFY AND REMOVE DEMOLITION OR CONSTRUCTION FOR ANY ASBESTOS OR OTHER HAZARDOUS MATERIALS ON THE JOB SITE. IF ASBESTOS OR OTHER HAZARDOUS MATERIALS ARE DISCOVERED DURING CONSTRUCTION, THE CONTRACTOR WILL BE RESPONSIBLE FOR ANY REMOVAL AND/OR MITIGATION OF THE ASBESTOS OR OTHER HAZARDOUS MATERIALS.
3. PROVIDE MANDATORY HUD EQUIPMENT, INCLUDING BUT NOT LIMITED TO, TRASH ENCLOSURES, TRASH CANS, TRASH PICKUP, GAS TANKS, WASTE RECYCLING CONTAINERS, AND CLUTCH PANELS.
4. PROVIDE AND MAINTAIN TEMPORARY DRAINAGE AND SWALE GRADING TO PREVENT THE ACCUMULATION OF STORMWATER RUNOFF.
5. REMOVE ABANDONED ELECTRICAL, TELEPHONE, AND DATA CABLING AND ALL ASPHALT PAVING.
6. AFTER DEMOLITION IS COMPLETE, PREPARE SUBFLOORS AND OTHER AFFECTED SURFACES AS REQUIRED FOR NEW MATERIALS AND/OR FINISHES.
7. PATCH WALL AND SLAB AS REQUIRED WHERE DEMOLITION OCCURS. PREPARE THE SUBFLOOR SURFACE AS REQUIRED.
8. COMPLY WITH APPLICABLE LOCAL, STATE AND FEDERAL CODES AND STANDARDS FOR CONSTRUCTION.
9. PROVIDE AND MAINTAIN TEMPORARY AND PERMANENT BARRIERS, LIGHTING, AND SIGNS TO INFORM THE PUBLIC OF THE WORK BEING PERFORMED.
10. IF DEMOLITION IS PERFORMED IN EXCESS OF THAT REQUIRED, RESTORE THE AREA TO THE ORIGINAL CONDITION OF USE TO THE OWNER OR TENANT.

CALIFORNIA, DESCRIBED AS FOLLOWS:
CURVE ON THE EAST LINE OF SAID LOT; THENCE NORTHWESTERLY 47.12 FEET ALONG SAID CURVE AND ALONG THE BOUNDARY OF SAID LOT THROUGH A CENTRAL ANGLE OF A CIRCLE WITH A CENTER AT THE POINT OF BEGINNING.

BEST MANAGEMENT PRACTICES
Storm Water Pollution Control Requirements for Construction Activities
The following is intended as minimum standards as an alternative to building and selling
erosion control, best management practices (BMP), as specified in the Californiastormwater pollution control regulations.

For Construction Activities

1.最好的管理做法手册，2003年1月。
2. www.cabmphandbooks.com

Storm Water Pollution Control Requirements for Construction Activities

Project Status

PROJECT

New Extra Mile C. Store

PROJECT ADDRESS

2301 Kalata Ave., Los Alamitos, CA 90720

OWNER

H&S ENERGY, LLC

2860 N. SANTIAGO BLVD,

SAN GABRIEL, CA 91776

CONSULTANT

ARCHITANCE

3820 S. Atlantic Street

Suite 240

Orange, CA 92869

ABRASION DESIGN GROUP

3820 S. Atlantic Street

Suite 240

Orange, CA 92869

H&S ENERGY, LLC

2860 N. SANTIAGO BLVD,

SAN GABRIEL, CA 91776

ARCHITANCE

3820 S. Atlantic Street

Suite 240

Orange, CA 92869

11/4/2019 4:29:03 PM

1" = 10'-0"
## Exterior Materials, Finishes & Design Elements

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<thead>
<tr>
<th>Item</th>
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<td>Cafe Au Lait</td>
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<td>Primary Color for Cement Plaster Walls</td>
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<tr>
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<td>JONES BLAIR, SEMIGLOSS URETHANE # A3W8006</td>
<td>Accent Color for Cement Plaster Walls</td>
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### Primary Color for Cement Plaster Walls
- Cafe Au Lait: JONES BLAIR, SEMIGLOSS # A3W8006
- Nutmeg: JONES BLAIR, SEMIGLOSS # A3W8006
- Caffeine: JONES BLAIR, SEMIGLOSS # A3W8006
- Chilled Wine: JONES BLAIR, SEMIGLOSS # A3W8006
- Chevron Blue: JONES BLAIR, SEMIGLOSS # A3W8006

### Accent Color for Cement Plaster Walls
- Cafe Au Lait: Nutmeg
- Chilled Wine: Cafe Au Lait
- Chevron Blue: Chilled Wine

### Site Light Fixtures
- Frey Reglet Aluminum - 1/2" Wall Reveal
- 1/2" x 2 1/2" Aluminum Fins 3" O.C.
- 2" x 3" Aluminum Cross Member
- 3" x 4" x 1/4" Plate Lag Bolted to Structural Framing

### Architectural Elements
- Stacked Stone Panel
- Ledger Stone / ST - 1
- Ledger Stone / ST - 2
- Metal Sun Shade System
- Frey Reglet Aluminum - 1/2" Wall Reveal

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FLOOR PLAN GENERAL NOTES

1. METAL STUDS MAY BE USED IN PLACE OF WOOD STUDS. PLANS/SPECIFICATIONS ARE BASED ON WOOD STUDS.
2. EXTERIOR WALL DIMENSIONS ARE TAKEN TO FACE OF PLY WOOD SHEATHING. F.O.S.
3. INTERIOR WALL DIMENSIONS ARE TAKEN TO FACE OF STUDS.
4. THIS PROJECT HAS BEEN DESIGNED TO CONFORM TO THE REQUIREMENTS OF CHAPTER 8, INTERIOR FINISHES OF 2016 CBC THIS INCLUDES BUT NOT NECESSARILY LIMITED TO:
   - WALL AND CEILING FINISHES
   - INTERIOR FLOOR FINISH
   - DECORATIVE MATERIALS AND TRIM
   - INSULATION
   - ACOUSTICAL CEILING SYSTEMS
5. ALL MATERIALS AND APPLICATION TO MEET OR EXCEED LOCAL OR STATE REQUIREMENTS.
EXISTING RAISED CONCRETE CURB TO REMAIN, TYP.
EXISTING FUEL DISPENSER TO REMAIN, TYP.
NEW COLUMN SURROUND 4' - 0" ABOVE EXISTING CONCRETE CURB HEIGHT. 12" X 12" STEEL COLUMN TO REMAIN IN PLACE.
BUMPER GUARD BOLLARD TYP.
EXISTING CONCRETE PAD TO REMAIN.
LINE OF EXISTING CANOPY, NO WORK TO EXISTING CANOPY.

CANOPY FLOOR PLAN
SCALE: 1/8" = 1'-0"

TRASH ENCLOSURE PLAN
SCALE: 1/8" = 1'-0"

CANOPY PLAN KEYNOTES
1. EXISTING RAISED CONCRETE CURB TO REMAIN, TYP.
2. EXISTING FUEL DISPENSER TO REMAIN, TYP.
3. NEW COLUMN SURROUND 4' - 0" ABOVE EXISTING CONCRETE CURB HEIGHT. 12" X 12" STEEL COLUMN TO REMAIN IN PLACE.
4. BUMPER GUARD BOLLARD TYP.
5. ASSISTING CONCRETE PAD TO REMAIN.
6. LINE OF EXISTING CANOPY, NO WORK TO EXISTING CANOPY.
ROOF PLAN - CONVENIENCE STORE

1/4" = 1'-0"

1. ROOF PLAN
2. CONV CONVEINCE STORE
3. SHEET TITLE
4. PROJECT NO.
5. DRAWN BY
6. CHECKED BY
7. SCALE
8. DATE:
9. SHEET NUMBER

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Project Status
New Extra Mile C. Store

DRAWN BY
CHECKED BY
PROJECT ADDRESS
5100 Katella Ave, Los Alamitos, CA 90720

H&S ENERGY, LLC
2860 N. SANTIAGO BLVD, ORANGE, CA 92867

Project Status

1/4" = 1'-0"

1. ROOF PLAN
2. CONV CONVEINCE STORE
3. SHEET TITLE
4. PROJECT NO.
5. DRAWN BY
6. CHECKED BY
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Project Status
New Extra Mile C. Store

DRAWN BY
CHECKED BY
PROJECT ADDRESS
5100 Katella Ave, Los Alamitos, CA 90720

H&S ENERGY, LLC
2860 N. SANTIAGO BLVD, ORANGE, CA 92867

Project Status
EXTERIOR MATERIALS & FINISHES

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ENTRY PORTAL
- M1 Factory Tan Mix (F.F. Aluminum) (Cr Lawrence)

CONVENIENCE STORE
- ST-1 Stone Veneer
- ST-1 Stone Veneer Wall Base
- ST-1 Stone Veneer Pilaster with Steel Beam and Trellis (Paint to Match Storefront Wall)
- ST-1 Stone Veneer Top Molding
- ST-1 Standing Seam Metal Roof Color
- ST-1 T.O.W.

STOREFRONT GLAZING SYSTEM
- Glazed Slab Finish
- Storefront Mullions
- Internally Illuminated Panel Sign "Extra Mile" by Sign Contractor

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EXTERIOR MATERIALS & FINISHES

NOTE: THE EXISTING CANOPY, COLUMNS, FUEL DISPENSERS, AND ACCESSORIES TO REMAIN IN PLACE. THE ONLY NEW WORK IS NEW STONE VENEERED COLUMN SURROUNDS TO MATCH CONVENIENCE STORE STONE.
4" THICK CONCRETE SLAB ON GRADE W/ REINFORCING PER STRUCTURAL DRAWINGS O/ 2" CLEAN SAND W/ 15 MIL STEGO WRAP VAPOR RETARDER CENTERED IN SAND O/ COMPACTED ENGINEERED FILL PER GEOTECHNICAL RECOMMENDATIONS

1. REINFORCED CONCRETE FOOTING, SEE STRUCTURAL DWGS.

2. SUSPENDED T-BAR CEILING SYSTEM W/ 2X LAY-IN ACOUSTICAL PANELS

3. INTERNALLY ILLUMINATED PANEL SIGN "EXTRA MILE" BY SIGN CONTRACTOR

4. ALUMINUM STOREFRONT SYSTEM AS MFG'D BY Kawneer MODEL TRIFAB451T (FRONT, STICK, SSG). GLAZING SYSTEM AS MFG BY PPG WORLD INDUSTRIES

5. NARROW STYLE ALUMINUM DOORS WITH CLEAR ANNODIZED ALUMINUM FINISH AND 1/4" CLEAR STARPHIRE GLASS AS MFG'D BY PPG WORLD INDUSTRIES, SEE DOOR SCHEDULE

6. WOOD BEAM, SEE STRUCT. DWGS.

7. 6" HIGH CONTINUOUS CONCRETE CURB

8. CLASS A" BUILT UP ASPHALT ROOFING O/ PLYWOOD SHEATHING ON STRUCTURAL FRAMING, SEE STRUCT. DWGS.

7/8" EXTERIOR CEMENT PLASTER, LIGHT DASH FINISH WITH INTEGRAL COLOR TO MATCH PITTSBURGH PAINTS (SEE FINISH SCHEDULE) W/ METAL LATH O/ TYVEK COMMERCIAL WRAP O/ 1/2" EXTERIOR GRADE PLYWOOD SHEATHING O/ WOOD STUDS WITH R-21 BATT THERMAL INSULATION IN STUD CAVITY BETWEEN STUDS. APPLY 1/2" GYP. BD. ON INTERIOR FACE OF WOOD STUDS.

2X WOOD JOISTS, SEE STRUCT. DWGS.

PACKAGED HVAC UNIT ON PRE-MANUFACTURED PLATFORM

CORRUGATED METAL ROOFING, CLEAR ANODIZED COLOR

CONVENIENCE STORE CROSS SECTION
**PROPOSED TREES**

- **ACACIA DEALBATA / SILVER WATTLE**
  - 24" BOX
  - 2

- **ACACIA DECURRENS / GREEN WATTLE**
  - 24" BOX
  - 1

- (** ACACIA EERIOLOBA / CAMEL THORN **)
  - 15 GAL
  - 12

**PROPOSED SHRUBS**

- **ELAEAGNUS P. "FRUITLANDII" / FRUITLAND SILVERBERRY**
  - 5 GAL / 36" O.C.

**PROPOSED GROUND COVER & VINES**

- **SEDUM "BLUE SPRUCE" / BLUE SPRUCE STONECROP**
  - 1 GAL / 18" O.C.

- **ROSMARINUS "HUNTINGTON CARPET" / HUNTINGTON CARPET ROSEMARY**
  - FLATS / 12" O.C.

- **GAZANIA REGENS / GAZANIA**
  - 1 GAL / 12" O.C.

- **FICUS REPENS / CREEPING FIG**
  - 5 GAL / PLAN

- **FRAGARIA CALIFORNICA / ORNAMENTAL STRAWBERRY**
  - PLATS / 12" O.C.

(*) **ACACIA EERIOLOBA / CAMEL THORN**

As required [At least one minimum 15 gallon tree shall be provided for every 5 parking spaces = \( \frac{13}{5} = 2.6 \)]. In addition, [one minimum shall be provided in the interior portion of parking area for each 1500 sf of parking area = \( \frac{9 \times 19 \times 13}{1500} = 1.48 \)]. That means as a total of requirement \( 2.6 + 1.48 = 4.08 = 5 \) trees. And the landscape plan presents 15 trees as provided.
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 ("Applicant"), on April 26, 2019, requesting approval for 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 17.42.040 (Conditional Use Permits) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission reviewed the application for Conditional Use Permit 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, at this meeting the Planning Commission discussed and deliberated over the application, unanimously directing staff to prepare a resolution of denial for the Conditional Use Permit for a car wash (and a denial of a Site Plan Review for the gas station with the proposed car wash) for the October 23 Planning Commission meeting; and,

WHEREAS, at its October 23, 2019 meeting, the Planning Commission heard more testimony from the Applicant, as he asked the Planning Commissioner to consider the project without the car wash; and,

WHEREAS, The Planning Commission directed the Applicant to redesign the plans for the station without a car wash; and,

WHEREAS, Staff drafted this separate resolution of denial for the Conditional Use Permit for the car wash; and,

WHEREAS, the Planning Commission considered this resolution of denial at a duly noticed public hearing on November 20, 2019, at which time it considered all of the evidence presented, both written and oral.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES RESOLVE AS FOLLOWS:
SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct.

SECTION 2. The Los Alamitos Municipal Code recognizes that not all uses requiring conditional use permits are appropriate in all circumstances and gives the Planning Commission the discretion to disapprove such proposed uses. Conditional Use Permit 19-02 for a 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 car wash 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 3. Based upon such findings and determinations, and substantial evidence in view of the record as a whole, the Planning Commission hereby denies Conditional Use Permit 19-02.

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 20th day of November 2019, by the following vote:

PC RESO 19-15
Page 2 of 3
ATTEST:

Les Johnson, Secretary

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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 20th day of November 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Les Johnson, Secretary

PC RESO 19-15
Page 3 of 3
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></td>
<td></td>
</tr>
<tr>
<td>Existing</td>
<td>General Commercial (C-G)</td>
<td>Gas Station/Convenience Store</td>
</tr>
<tr>
<td>Proposed</td>
<td>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>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>None Required</td>
<td>58 ft.</td>
</tr>
<tr>
<td>Side</td>
<td>None, unless abutting residential</td>
<td>East 60+ ft.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West 4+ ft.</td>
</tr>
<tr>
<td>Rear</td>
<td>None, unless abutting residential</td>
<td>18+ ft.</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 carwashes 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 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 unreceptive 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
MEETING DATE: November 20, 2019
ITEM NUMBER: 7B

To: Chair Riley and Members of the Planning Commission
Via: Les Johnson, Development Services Director
From: Tom Oliver, Associate Planner

Subject: General Plan Amendment (GPA) 19-01
Zoning Ordinance Amendment (ZOA) 19-01
(Applicant: Perry Banner of Michael Baker Intl., on behalf of CGM Katella, LLC).

SUMMARY:

A General Plan Amendment (GPA 19-01) and Zoning Map Amendment (ZOA 19-01) requesting approval to change the General Plan land use designation from Planned Industrial to Professional Office and to change the Zoning designation from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) for the property located at 4281 Katella Avenue.

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. Adoption of Resolution No. 19-18, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT (GPA) 19-01 TO CHANGE THE GENERAL PLAN DESIGNATION...
FROM PLANNED INDUSTRIAL TO PROFESSIONAL OFFICE AND ZONING ORDINANCE AMENDMENT (ZOA) 19-01 TO CHANGE THE ZONING DISTRICT FROM PLANNED LIGHT INDUSTRIAL (P-M) TO COMMERCIAL PROFESSIONAL OFFICE (C-O) FOR FOUR PARCELS AT 4281 KATELLA AVENUE (APNS 241-241-20, 241-241-21, 241-241-25 & 241-241-26) (APPLICANT: PERRY BANNER OF MICHAEL BAKER INTL., ON BEHALF OF CGM KATELLA, LLC).

APPLICANT: Applicant: Perry Banner of Michael Baker Intl., on behalf of CGM Katella, LLC


ENVIRONMENTAL: The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 and Section 15061(b)(3).

APPROVAL CRITERIA: Section 17.70.030 of the Los Alamitos Municipal Code (LAMC) requires that any proposed General Plan Amendment or Zoning Ordinance Amendment be recommended by a resolution to the City Council.

NOTICING: The Public Hearing Notice of this meeting was mailed out on November 6, 2019, to property owners and tenants within 500 feet. Additionally, the notice was published in the November 6, 2019 issue of the News Enterprise.

PRIOR ACTIONS:

1985 Site Plan Review 216-85 Build Industrial Complex
1985 Conditional Use Permit 240-85 Condominium Plan

BACKGROUND

Perry Banner has submitted an application for both a General Plan Amendment (GPA 19-01) and Zoning Map Amendment (ZOA 19-01) requesting approval to change the General Plan land use designation from Planned Industrial to Professional Office and the zoning designation from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) for the property located at 4281 Katella Avenue. The subject site is developed with an 81,216 square foot office building and associated parking areas encompassing four parcels (APN 241-241-20, 241-241-21, 241-241-25 & 241-241-26), which comprise 3.9 acres.
This building's history is somewhat unclear. The office building and associated parking was developed in 1987. The zoning at that time was the same as today, being Planned Light Industrial (P-M). The P-M zoning district provides appropriate areas for light-industrial uses and related activities; and to promote the concentration of those uses in a manner that will foster mutually beneficial relationships with each other, as well as with those areas of the city zoned for other development. (LAMC § 17.10.010). Administrative or professional offices are allowed in the P-M zoning district subject to the issuance of a Conditional Use Permit, but may not exceed thirty (30) percent of each P-M zoned parcel. Medical clinics and offices are permitted in the P-M zone only if incidental to an allowed industrial use (e.g., medical or dental laboratories). (LAMC § 17.10.020, Table 2-04). As identified below, the development was found to be in compliance with all applicable codes and a certificate of occupancy was granted in 1987. The original Certificate of Occupancy below identifies the structure as an "office building."

A variety of business offices occupy almost all of the building, as it was constructed solely as an office building. This is likely because this building was a part of a larger industrial park at one time, with this as the office portion -- and then it was sold separately. The existing offices are more than the 30% non-medical office allowed in the industrial zone on one parcel.

There are a couple of laboratories in the building that are considered non-office industrial, but laboratories can also be in the Commercial Professional Office Zone as well. Also, a number of the businesses are not industrial in nature or incidental to an industrial business, and some do not have business licenses on record. In addition, a small number of medical offices also occupy (approximately 24%) the building with medical office use occurring for a number of years.
These medical uses are not incidental to an allowed industrial use. Since 2012, staff has allowed medical office uses to continue and be replaced by similar uses only where medical offices had previously existed in the building. Staff has not allowed the expansion or intensification of medical uses at the property.

The Applicant filed the two applications for General Plan and Zoning designation changes and desires to rezone the property to Commercial Professional Office (C-O). The C-O zoning district is established to provide for administrative and professional offices, limited retail commercial and other related uses and facilities. (LAMC § 17.10.010). Administrative or professional uses may be established in the C-O zoning district without need for a Conditional Use Permit, and there is no limitation on the percentage of such uses that may occupy a C-O zoned parcel. In addition, medical clinics and offices are permitted in the C-O zoned and need not be incidental to another allowed use.

**DISCUSSION**

The site (four parcels) is located north of Katella Avenue with parcels on both sides of Noel Street, bound to the east by Arrowhead Products and to the west by multi-tenant office buildings. 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 Planned Light Industrial (P-M)</td>
<td>31-unit office building</td>
</tr>
<tr>
<td></td>
<td>Proposed Commercial-Professional Office (C-O)</td>
<td>31-unit office building</td>
</tr>
<tr>
<td>North of Site</td>
<td>Planned Light Industrial (P-M)</td>
<td>Industrial Buildings</td>
</tr>
<tr>
<td>East of Site</td>
<td>Planned Light Industrial (P-M)</td>
<td>Industrial Buildings (Arrowhead)</td>
</tr>
<tr>
<td>West of Site</td>
<td>Planned Light Industrial (P-M)</td>
<td>Industrial Buildings</td>
</tr>
<tr>
<td>South of Site</td>
<td>Commercial-Professional Office (C-O)</td>
<td>Retail and Restaurant (OC Mattress &amp; Adelberto's Restaurant)</td>
</tr>
</tbody>
</table>
General Plan Land Use Amendment

General Plan Amendments may include revisions to actions, goals, land use designations, policies, or text. This amendment requests a revision to the land use designation from Planned Industrial to Professional Office. The first step in the process requires a resolution of the Planning Commission recommending City Council approval of the proposed amendment. The City Council would then have the option to approve the General Plan designation change through an approving resolution.

Since this project requires a change of General Plan designations it also required notification of the local Native American Tribes by mail and allowed them 90 days to respond to the City to ask for a consultation on the project. None of the tribes contacted requested a consultation during or after this time period.
Zoning Map Amendment

A Zoning map amendment has the effect of rezoning property from one zoning district to another. This application requests a rezoning of the parcel from the Planned Light Industrial (P-M) Zoning District to the Commercial Professional Office (C-O) Zoning District. The requested change does not involve a zoning text amendment. This process also requires a resolution of the Planning Commission recommending to the City Council their approval of the change. The City Council would then have the option to approve a Zoning Ordinance Amendment through an approving ordinance.

Development Standards

The proposed General Plan Land Use and Zoning Map amendments do not involve any new structure(s)/building(s), nor propose any amendments to the existing built environment. However, compliance with the parcel standards for the Commercial Professional Office (C-O) zoning district is necessary, which the parcel is shown to meet in the table below. The site(s) is/are physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

C-O Property Development Standards

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing Development</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parcel Area</td>
<td>No requirement</td>
<td>Not Required</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-20 = .39 ac</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-21 = .38 ac</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-25 = 1.33 ac</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-26 = 1.78 ac</td>
<td></td>
</tr>
<tr>
<td>Parcel Width</td>
<td>No requirement</td>
<td>Not Required</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-20 = 60 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-21 = 60+ ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-25 = 268+ ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-26 = 177+ ft.</td>
<td></td>
</tr>
<tr>
<td>Parcel Depth</td>
<td>No requirement</td>
<td>Not Required</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-20 =270 ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-21 = 215+ ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-25 = 215+ ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>241-241-26 = 270 ft.</td>
<td></td>
</tr>
<tr>
<td>Parcel Coverage</td>
<td>50%</td>
<td>24%</td>
<td>Yes</td>
</tr>
<tr>
<td>Maximum Height Limit – Main Structures</td>
<td>3 Stories or 40 ft.</td>
<td>2 stories</td>
<td>Yes</td>
</tr>
</tbody>
</table>
### Setbacks:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing Development</th>
<th>Requirement Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>15 ft.</td>
<td>100 ft.</td>
<td>Yes</td>
</tr>
<tr>
<td>Side</td>
<td>None, unless near residential</td>
<td>Not required West 37° 9'</td>
<td>Yes</td>
</tr>
<tr>
<td>Rear</td>
<td>10 ft., unless rear parcel abuts a C-G or P-M zoning district, then no setback is required</td>
<td>None Required</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Parking and Access

Vehicle access is provided through the center of the four parcels by way of Noel Street. The building has 288 existing parking spaces, and the building size is 81,216 square feet, with 68,856 sq. ft. of leasable space (per applicant), which is one space per 241 square feet. As set forth in the table below, this amount of existing parking would satisfy multi-tenant industrial, or standard, office parking requirements.

The Applicant had identified their intention to increase the amount of medical office use in the existing office building. Attached to this report is a spreadsheet showing the current use of the office space. In accordance with the current municipal code parking requirements, the current office use requires 283 parking spaces. This amount of parking appears to be sufficiently serving the existing office use as the numerous visits conducted by staff over the past few weeks has yet to witness the on-site parking at capacity.

If the subject building were to be exclusively medical offices, the City's parking standards would require a minimum of 345 spaces (1 space per 200 square feet). If the building were to be all standard professional office a minimum of 276 spaces would be required (1 space per 250 square feet). The Applicant is fully aware of the requirement to comply with all applicable development standards, including off-street parking, should the requested amendments be approved.

<table>
<thead>
<tr>
<th>Type</th>
<th>Leasable Square Footage</th>
<th>Ratio</th>
<th>Required Spaces</th>
<th>Existing Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>If all Regular Office</td>
<td>68,856 sq. ft.</td>
<td>1 per 250 sq. ft.</td>
<td>276</td>
<td>288</td>
</tr>
<tr>
<td>If all Medical Office</td>
<td>68,856 sq. ft.</td>
<td>1 per 200 sq. ft.</td>
<td>345</td>
<td>288</td>
</tr>
<tr>
<td>If all Multi-tenant Industrial</td>
<td>68,856 sq. ft.</td>
<td>1 per 300 sq. ft.</td>
<td>230</td>
<td>288</td>
</tr>
</tbody>
</table>
Recommendation

Staff recommends adoption of Resolution No. 19-18 recommending that the City Council approve GPA 19-01 to change the General Plan designation from Planned Industrial to Professional Office, and ZOA 19-01 to change the Zoning District from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) for the parcels in question.

Attachments: 1) Planning Commission Recommendation Resolution No. PC 19-18  
2) Draft City Council General Plan Resolution No. TBD  
3) Draft City Council Zoning Ordinance Amendment Resolution No. TBD  
4) Project Description from Applicant  
5) Parcel Layout  
6) Parking Spreadsheet
RESOLUTION NO. PC 19-18


WHEREAS, Perry Banner, on behalf of CGM Katella, LLC, submitted an application to change the zone from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) and the General Plan designation from Planned Industrial to Professional Office for 4281 Katella Avenue (APNs 241-241-20, 241-241-21, 241-241-25 & 241-241-26); and,

WHEREAS, Section 17.70.030 of the Los Alamitos Municipal Code (LAMC) requires that any proposed General Plan Amendment or Zoning Ordinance Amendment be recommended by a resolution to the City Council; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Resolution on November 20, 2019; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission hereby recommends that the City Council adopt Resolution No. TBD and Ordinance No. TBD (ZOA 17-TBD), attached hereto as Exhibits A and B respectively.

SECTION 2. In making this recommendation, the Planning Commission makes the following findings:

1. The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the general plan, and would not create any inconsistencies with this zoning code. The proposed amendments are consistent with the General Plan Land Use Element Policy 3.2 Economic viability: Preserve the economic viability and continuity of existing commercial and industrial businesses. These General Plan
designation and Zoning Code changes concern an industrial office building that has been used as an office building for all categories of offices for many years, to include medical offices. The building has not attracted enough industrial office tenants through the years to be profitable for the property owner.

2. The proposed amendments would not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The use of the subject property for office uses, to include medical offices, promotes the public convenience, health, safety and welfare of the city's residents by permitting the continued provision of desired services from an existing development. 3. The proposed amendments have been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

4. Additional Finding for Zoning Map Amendments: The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s). The parcel and already existing structure on the parcel meet the development standards of the Commercial Professional Office (C-O) Zone, have had existing utilities, and no compatibility or physical restraint issues.

PASSED, APPROVED, AND ADOPTED this 20th day of November 20, 2019.

____________________________
John Riley, Chair

ATTEST:

____________________________
Les Johnson, Secretary

APPROVED AS TO FORM:

____________________________
Michael Daudt, City Attorney
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 20th day of November, 2019, by the following vote, to wit:

AYES:

NOES:
ABSENT:
ABSTAIN:

Les Johnson, Secretary
RESOLUTION NO. 2019-TBD


WHEREAS, Perry Banner, on behalf of CGM Katella, LLC, submitted an application to change the zone and General Plan designation from Planned Industrial to Professional Office for 4281 Katella Avenue (APNs 241-241-20, 241-241-21, 241-241-25 & 241-241-26); and,

WHEREAS, Section 17.70.030 of the Los Alamitos Municipal Code (LAMC) requires that any proposed General Plan Amendment or Zoning Ordinance Amendment be recommended by a resolution to the City Council; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Resolution on November 20, 2019; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing; and,

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted a resolution recommending that the City Council approve GPA 19-01; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Amendment on November 20, 2019; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the public hearing.

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

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

SECTION 2. General Plan Amendment GPA19-01 is hereby approved to change the land use designation for the subject property from Planned Industrial to Professional Office.

SECTION 3. In making this recommendation the City Council makes the following findings:
1. GPA 19-01 ensures and maintains internal consistency with the actions, goals, objectives, and policies of the general plan, and will not create any inconsistencies with the zoning code. The proposed amendment is consistent with the General Plan Land Use Element Policy 3.2 Economic viability: Preserve the economic viability and continuity of existing commercial and industrial businesses. GPA 19-01 concerns an industrial office building that has been used as an office building for all categories of offices for many years, to include medical offices. The building has not attracted enough industrial office tenants through the years to be profitable for the property owner.

2. GPA 19-01 will not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The use of the subject property for office uses, to include medical offices, promotes the public convenience, health, safety and welfare of the city's residents by permitting the continued provision of desired services from an existing development.

3. GPA 19-01 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

SECTION 4. The following conditions shall apply to this project:

Planning Department

1. Approval of this application is to change the General Plan Designation for four parcels on 3.9 acres from Planned Industrial to Professional Office at 4281 Katella Avenue (APNs 241-241-20, 241-241-21, 241-241-25 & 241-241-26), with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of GPA 19-01 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 by the Planning Commission and/or City Council of this approval.

3. The Applicant and the Applicant’s successors, in interest, 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.

5. 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

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

7. The Applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers of the subject application. The City will promptly notify the Applicant of any such claim, action or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City’s associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant’s consent, but should it do so, the City shall waive the indemnification herein, except the City’s decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
8. The Property Owner/Applicant shall file an Acknowledgment of Conditions of Approval with the 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.

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

SECTION 4. The City Council has determined that the above reference findings, in conjunction with all written and oral evidence presented to the City Council at the hearing, including staff reports, public testimony, and Council deliberation, constitutes substantial evidence for approval of General Plan Amendment (GPA)19-01.

SECTION 5. This Resolution shall take effect and become effective concurrently with Ordinance No. _____.

SECTION 6. The City Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF __________, 2019.

Warren Kusumoto, Mayor

ATTEST:

Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

GPA 19-01/ZOA 19-01
November 20, 2019
Page No. 4
I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___th day of ______, 2019 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of __________, 2019, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS: 

Windmera Quintanar, City Clerk, CMC
ORDINANCE NO. TBD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 19-01 TO CHANGE THE ZONING DISTRICT FOR FOUR PARCELS ON 3.9 ACRES FROM PLANNED LIGHT INDUSTRIAL (P-M) TO COMMERCIAL PROFESSIONAL OFFICE (C-O) AT 4281 KATELLA AVENUE, (APNS 241-241-20, 241-241-21, 241-241-25 & 241-241-26) (APPLICANT: PERRY BANNER)

WHEREAS, Perry Banner, on behalf of CGM Katella, LLC, submitted an application to change the Zoning District from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) for 4281 Katella Avenue (APNs 241-241-20, 241-241-21, 241-241-25 & 241-241-26); and,

WHEREAS, Section 17.70.030 of the Los Alamitos Municipal Code (LAMC) requires that any proposed General Plan Amendment or Zoning Ordinance Amendment be recommended by a resolution to the City Council; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning ZOA 19-01 on November 20, 2019; and,

WHEREAS, the Planning Commission considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing; and,

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted a resolution recommending that the City Council approve ZOA 19-01; and,

WHEREAS, the City Council held a duly noticed Public Hearing concerning this Amendment on ____, 2019; and,

WHEREAS, the City Council considered all applicable staff reports and all public testimony and evidence presented at the public hearing.

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

SECTION 1. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and incorporates them by reference herein.

SECTION 2. In approving this ordinance, the City Council makes the following findings:

1. ZOA 19-01 ensures and maintains internal consistency with the actions, goals, objectives, and policies of the general plan, and will not create any inconsistencies with the zoning code. The proposed amendment is
consistent with the General Plan Land Use Element Policy 3.2 Economic viability: Preserve the economic viability and continuity of existing commercial and industrial businesses. ZOA 19-01 concerns an industrial office building that has been used as an office building for all categories of offices for many years, to include medical offices. The building has not attracted enough industrial office tenants through the years to be profitable for the property owner.

2. ZOA 19-01 will not be detrimental to the public convenience, health, interest, safety, or welfare of the city. The use of the subject property for office uses, to include medical offices, promotes the public convenience, health, safety and welfare of the city’s residents by permitting the continued provision of desired services from an existing development. 3. ZOA 19-01 is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

4. The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s). The parcel and already existing structure on the parcel meet the development standards of the Commercial Professional Office (C-O) Zone, have had existing utilities, and no compatibility or physical restraint issues.

SECTION 3. The following conditions shall apply to this project:

Planning Department

1. Approval of this application is to change the zoning district of four parcels on 3.9 acres from Planned Light Industrial (P-M) to Commercial Professional Office (C-O) for 4281 Katella Avenue (APNs 241-241-20, 241-241-21, 241-241-25 & 241-241-26) with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of ZOA 19-01 noted thereon, and on file in the Development Services Department (Exhibit A). 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.

November 20, 2019
Page No. 2
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 by the Planning Commission and/or City Council of this approval.

3. The Applicant and the Applicant’s successors, in interest, 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 permits fees and park development fees, are not included under this notifying 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

5. The Applicant has 90 days from the date of adoption of this Ordinance 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 of 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

GPA 19-01/ZOA 19-01
November 20, 2019
Page No. 3
proof of such recordation shall be submitted to the Development Services Department prior to issuance of any permits.

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

SECTION 4. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 5. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF __________, 2019.

______________________________
Warren Kusumoto, Mayor

ATTEST:

______________________________
Windmera Quintanar, City Clerk, CMC

APPROVED AS TO FORM:

______________________________
Michael Daudt, City Attorney

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

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ___ th day of __________, 2019 and that thereafter, said
Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of __________, 2019, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

________________________________________
Windmera Quintanar, City Clerk, CMC
PROJECT DESCRIPTION & EXISTING USE OF PROPERTY

The Katella Corporate Center, located at 4281 Katella Avenue, is an existing two-story, 81,216 SF office/medical building constructed in 1987. The site on which the Katella Corporate Center sits is comprised of four parcels of land with a combined lot size of approximately 3.9 acres. Noel Street bisects the site, separating a west parking lot from the office building.

![Map of Site](image)

The site is zoned Planned Light-Industrial (P-M), which is a zoning district established to provide appropriate areas for light industrial uses and related activities. As well, the 2035 General Plan (certified March 23, 2015) resulted in a change in the land use designation for the site from Business Park to Planned Industrial.

Although the P-M Zone allows a wide range of office uses, the Zoning Code outlines certain restrictions on medical services such as medical offices and physical therapy facilities within the P-M Zone. Medical offices, for example, are permitted only as an incidental use to an allowed industrial use. However, according to City records, medical services/uses began to be allowed at the Katella Corporate Center in 1996 without any restrictions regarding incidental uses. As a result, approximately 64,317 SF (79.2%) of the facility is currently being used for medical services, including either a direct medical use (doctor's office, dentist, therapist/psychiatrist) or a medical office use specific to the medical industry (healthcare firm, clinical research firm, sleep lab).

More recently, the existing medical uses have been identified as legal, nonconforming and no new medical use is being permitted unless the new medical use replaces an existing medical use.
within a specified time period (180 days per LAMC § 17.64.080(A)). The nonconforming status of
the tenant spaces and the shift in how medical uses are treated at the site have created
uncertainty for the property owner/manager. For the majority of the 32 years that the Katella
Corporate Center has been in operation it has primarily functioned as a medical office.
Furthermore, the building is a relatively young structure and far from the point of being considered
obsolete, and therefore, it is unreasonable to think that the structure will be demolished or
repurposed for light industrial use even in the medium to long-term.

For these reasons the project entails a request for (1) a General Plan Amendment (GPA) to
change the land use designation from Planned Industrial to Professional Office, and (2) a
Zoning Ordinance Amendment (ZOA) to change the zoning designation from Planned
Light-Industrial (P-M) to Commercial-Professional Office (C-O). These amendments would
essentially allow the Katella Corporate Center to continue operating in the same manner that it
had been since medical uses were first permitted in 1996.

Figures 2-4. Front Views of Building
With regard to the proposed General Plan land use designation and the proposed zoning designation, the existing development on the site is a natural fit for both the Professional Office land use designation and Commercial-Professional Office zone. In fact, the property directly to the south has identical designations and also fronts onto Katella Avenue. Moreover, as a well-maintained office/medical use the Katella Corporate Center acts as a nice transition between the city’s principal thoroughfare – Katella Avenue – and the light industrial uses tucked behind the project site. Therefore, the existing use of the facility as primarily a medical office and the proposal to allow the Katella Corporate Center to essentially continue operating as such by way of the GPA and ZOA are compatible with the surrounding land uses and zoning designations.
<table>
<thead>
<tr>
<th>Suite(s)</th>
<th>Lease</th>
<th>Usable SF</th>
<th>Use</th>
<th>Parking Ratio, in P-M</th>
<th>Parking Required in P-M</th>
<th>Parking Ratio, if In C-O</th>
<th>Parking Required in C-O</th>
<th>Business License</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>David A. Rosenberg, M.D., Inc.</td>
<td>1,039.44</td>
<td>Medical</td>
<td>1/200</td>
<td>5.2</td>
<td>5.2</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>Discovery Practice Management, Inc.</td>
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Sub-Total: Sub-Total Useable Suite(s) Only, Usable SF | 68,856.97 | Suites Only | 94.76% | 282.3 | 293.35 | 81,216.00 | 100.00% |