

# CITY OF LOS ALAMITOS

3191 Katella Avenue  
Los Alamitos, CA 90720

## AGENDA PLANNING COMMISSION/SUBDIVISION COMMITTEE REGULAR MEETING

Wednesday, January 27, 2020 – 7:00 PM

### **SAFETY ALERT –NOTICE REGARDING COVID-19**

Due to COVID-19, the City of Los Alamitos Planning Commission Meeting on January 27, 2021 will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to Executive Orders and given the current health concerns, members of the public can access meetings by using your phone to dial +1 (301) 715-8592 and enter the Meeting ID: 875-1622-0482. Your microphone will be disabled upon entry for the duration of the meeting. **Members of the public may not attend the meeting in person.**

The public can submit comments to [planningcommission@cityoflosalamitos.org](mailto:planningcommission@cityoflosalamitos.org) with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 4:00 p.m.** will be compiled and provided to the Planning Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to [planningcommission@cityoflosalamitos.org](mailto:planningcommission@cityoflosalamitos.org) **until the close of the public comment period.** The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three-minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the Planning Commission during the meeting shall become public record and subject to applicable disclosure laws.

### 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 on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted after distribution of the agenda packet are available for public inspection on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org).

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.

**1. CALL TO ORDER**

**2. ROLL CALL**

Chair Andrade  
Vice Chair Grose  
Commissioner Culty  
Commissioner DeBolt  
Commissioner Loe  
Commissioner Riley  
Commissioner Sofelkanik

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATION**

**A. Active Transportation Plan**

**5. ORAL COMMUNICATIONS**

The public can submit comments to [planningcommission@cityoflosalamitos.org](mailto:planningcommission@cityoflosalamitos.org) with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments received by 4:00 p.m. will be compiled and provided to the Planning Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to [planningcommission@cityoflosalamitos.org](mailto:planningcommission@cityoflosalamitos.org) until the close of the public comment period. The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

**6. PLANNING COMMISSION REORGANIZATION**

**A. Annual Planning Commission Reorganization**

This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

Recommendation: It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

**7. APPROVAL OF MINUTES**

**A. Approve the Minutes for the Special Meeting of November 18, 2020**

**ROLL CALL VOTE**

Commissioner Andrade  
Commissioner Grose  
Commissioner Culty  
Commissioner DeBolt  
Commissioner Loe  
Commissioner Riley  
Commissioner Sofelkanik

**8. CONSENT CALENDAR**

None.

**9. PUBLIC HEARING**

**A. Conditional Use Permit (CUP) 20-04**

**Alcohol Sales, Off-site Consumption in the General Commercial (C-G) Zone**  
Consideration of a Conditional Use Permit for the use of "Alcohol Sales, Offsite Consumption" proposed for 10680 Los Alamitos Blvd. in the General Commercial (C-G) Zoning District (Applicant: Matthew Harrison), APN 242-245-01.

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 21-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-04 TO ALLOW ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION AT A 1,180 SQUARE FOOT UNIT IN THE GENERAL COMMERCIAL (C-G) ZONE AT 10680 LOS ALAMITOS BLVD., APN 242-245-01 (APPLICANT: MATTHEW HARRISON)."

**ROLL CALL VOTE**

Commissioner Andrade  
Commissioner Grose  
Commissioner Culty  
Commissioner DeBolt  
Commissioner Loe  
Commissioner Riley  
Commissioner Sofelkanik

**10. STAFF REPORT**

**A. Nomination and Appointment of a Member of the Planning Commission to participate in the Town Center Mix-Use Survey**

This report provides the Planning Commission with information regarding the Town Center Mix-Use (TCMU). The report also requests input into the nomination and appointment of one commissioner to participate in a survey (online and one on one) with the TCMU consultant – PlaceWorks.

Recommendation:

1. Nominate and appoint a representative from the Planning Commission to participate in an interview with PlaceWork.

**ROLL CALL VOTE**

Commissioner Andrade  
Commissioner Grose  
Commissioner Culty  
Commissioner DeBolt  
Commissioner Loe  
Commissioner Riley  
Commissioner Sofelkanik

**11. DISCUSSION**

None.

**12. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR**

**13. COMMISSIONER REPORTS**

**14. 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 ten (10) business 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 17.60 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 City Hall, 3191 Katella Ave., Los Alamitos, CA 90720 and on the City's website at [www.cityoflosalamitos.org](http://www.cityoflosalamitos.org) not less than 24 hours prior to the meeting. Dated this 21<sup>th</sup> day of January, 2021

  
\_\_\_\_\_  
Maria Veronica Endiso  
Department Secretary

1/21/2021  
\_\_\_\_\_  
Date

# City of Los Alamitos PLANNING COMMISSION AGENDA REPORT

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**MEETING DATE: January 27, 2021**

**ITEM NUMBER: 6A**

**To: Chair and Members of the Planning Commission**

**From: Ron Noda, Acting Deputy City Manager**

**Subject: Annual Planning Commission Reorganization**

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## **SUMMARY**

This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

## **RECOMMENDATION**

It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

## **BACKGROUND**

The City's Municipal Code requires that the Traffic Commission select a Chair and a Vice Chair at their regular meeting in January. The City's Municipal Code reads as follows.

### ***"2.48.050 Officers—Election and vacancy.***

*A. The officers of the Traffic Commission shall consist of a Chairman, a Vice Chairman and a Secretary. The Chairman and Vice Chairman shall be elected annually at the first regular meeting in the month of January, and shall hold office for a term of one year or until a successor is duly elected and qualified. Election shall be by a majority vote cast by those commissioners present and voting at the meeting at which the election is held. Officers shall assume office immediately."*

## **DISCUSSION**

After convening the item, procedure calls for the Chair to temporarily relinquish the Chair to the Secretary in order that election for the Office of Chair may be conducted.

The newly-elected Chair would then conduct the election for the Office of Vice Chair. A second is not required for nominations and nominations will be considered in the order received if more than one Commissioner is nominated.

<b><u>Members</u></b>	<b><u>Appointment</u></b>	<b><u>Exp. Date</u></b>
Art DeBolt	January 2013	December 2021
Gary Loe	January 2010	December 2021
John Riley	July 2009	December 2021
Mary Anne Cuijly	December 2013	December 2021
Wendy Grose	January 2010	December 2021
Larry Andrade	August 2015	December 2023
Victor Sofelkanik	August 2000	December 2023

**MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING  
OF THE CITY OF LOS ALAMITOS**

**SPECIAL MEETING – November 18, 2020**

**1. CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Special Session at 7:02 p.m., Wednesday, November 18, 2020, in a video conference, Chair Andrade presiding. As a result of the State of Emergency in California due to the threat of COVID-19 and pursuant to Governor Newsom Executive Order N-25-20 issued on March 12, 2020, all members of the Planning Commission/Subdivision Committee attended telephonically.

**2. ROLL CALL**

**Present: Commissioners:** Chair Andrade  
Vice Chair Grose  
Cully, DeBolt, Loe, Riley (absent/excused),  
and Sofelkanik

**Staff:** Ron Noda, Acting Deputy 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 Andrade.

**4. ORAL COMMUNICATIONS**

Department Secretary Enciso shared that there were no public comments received by the 4:00 p.m. cut-off time.

**5. APPROVAL OF MINUTES**

**A. Approve the Minutes for the Regular Meeting of September 23, 2020**

Motion/Second: Grose/Sofelkanik

Carried 6/0: The Planning Commission approved the minutes of the Regular Meeting of September 23, 2020.

**ROLL CALL VOTE**

Chair Andrade	Abstained
Vice Chair Grose	Aye
Commissioner Cully	Aye
Commissioner DeBolt	Aye
Commissioner Loe	Aye



Commissioner Riley (Absent)  
Commissioner Sofelkanik Aye

**6. CONSENT CALENDAR**

None.

**7. PUBLIC HEARING**

None.

**8. STAFF REPORT**

**A. Nomination and Appointment of a Member of the Planning Commission for the Waste Hauler Ad Hoc Committee**

This report provides the Planning Commission with information and timeline of the Waste Hauler Agreement. The report also requests input into the nomination and appointment of one commissioner to serve on the Waste Hauler Ad Hoc Committee.

Acting Deputy City Manager Noda summarized the staff report.

Commissioner DeBolt expressed his interest in being a part of the Waste Hauler ad Hoc Committee. The Planning Commission shared their support for Commissioner DeBolt.

**ROLL CALL VOTE**

Chair Andrade	Aye
Vice Chair Grose	Aye
Commissioner Cuijly	Aye
Commissioner DeBolt	Aye
Commissioner Loe	Aye
Commissioner Riley	(Absent)
Commissioner Sofelkanik	Aye

Carried 6/0 (Riley absent): The Planning Commission appointed Commissioner DeBolt for the Waste Hauler Ad Hoc Committee.

**9. DISCUSSION**

None.

**10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR**

Associate Planner Oliver shared the following:

- The EPSON project is almost completed. The contractors have requested for a final inspection with the Planning Division and passed, but still needs a final inspection with the Building and Safety Division.
- The Marriot Fairfield Inn and Suites have requested for a temporary certificate use of occupancy for staff training. The widening on Briggeman Drive has been completed.

- The Pietrini Pizza business is about to open soon. Staff and the Planning Commission quickly discussed other businesses previously interested in the same location.

Acting Deputy City Manager Noda shared the following:

- Reminded the Commissioners to check their emails due to the commissioners term expiring – Commissioner Andrade and Sofelkanik.
- The Planning Commission will be going dark in December and the reorganization of the commission will be done in January.
- Reminder that the annual commissioner dinner will not be held due to COVID-19.
- Sent an email regarding Winter Wonderland event on December 5 for ticket reservations and deadline is on November 19.
- Greeted the Planning Commission a Happy Thanksgiving and Happy Holidays.

**11. COMMISSIONER REPORTS**

Chair Andrade wished the Planning Commission a Happy Thanksgiving and Happy Holidays. He also shared that he hopes to apply and reappointed to the Planning Commission.

Vice Chair Grose stated to the Planning Commission to have a Happy Thanksgiving and to stay safe.

**12. ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:17 p.m.

ATTEST:

\_\_\_\_\_  
Larry Andrade, Chair

\_\_\_\_\_  
Maria Veronica Enciso, Department Secretary

# City of Los Alamitos

## PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

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**MEETING DATE: January 27, 2021**

**ITEM NUMBER: 9A**

**To: Chair and Members of the Planning Commission**

**Via: Ron Noda, Acting Deputy City Manager**

**From: Tom Oliver, Associate Planner**

**Subject: Conditional Use Permit (CUP) 20-04  
Alcohol Sales, Off-site Consumption In the General Commercial (C-G) Zone**

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### **SUMMARY**

Consideration of a Conditional Use Permit for the use of "Alcohol Sales, Offsite Consumption" proposed for 10680 Los Alamitos Blvd. in the General Commercial (C-G) Zoning District (Applicant: Matthew Harrison), APN 242-245-01.

### **RECOMMENDATION**

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 21-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-04 TO ALLOW ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION AT A 1,180 SQUARE FOOT UNIT IN THE GENERAL COMMERCIAL (C-G) ZONE AT 10680 LOS ALAMITOS BLVD., APN 242-245-01 (APPLICANT: MATTHEW HARRISON)."

### **APPLICANT**

Matthew Harrison

### **LOCATION**

10680 Los Alamitos Boulevard, Los Alamitos CA 90720

### **ENVIRONMENTAL**

The proposed use is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general

rule that the California Environmental Quality Act (CEQA) applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**APPROVAL CRITERIA**

Los Alamitos Municipal Code (LAMC), Section 17.10.020, Table 2-04 (Allowed Uses and Permit Requirements for Commercial and Industrial Zones) requires Planning Commission approval of a Conditional Use Permit to allow Alcohol Sales, Off-site Consumption use in the C-G zoning district.

**NOTICING**

The Public Hearing Notice for this meeting was mailed out on January 13, 2021, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the Event News Enterprise on January 13, 2021.

**PRIOR ACTIONS**

Any prior discretionary action for this particular unit on the parcel is shown below:

None in this unit.

**BACKGROUND**



The Applicant, Matthew Harrison, has submitted an application for a Conditional Use Permit (CUP 20-04) asking that the City allow an "Alcohol Sales, for Off-site Consumption" use, at the Center Plaza, at 10680 Los Alamitos Boulevard. The business is proposed to be called Roadrunner Spirits. The 1,180 square foot tenant space, a unit in the Center Plaza shopping center, is the past location of "Rascals to Rebels," a children's clothing store.

This application must be reviewed and approved by the Planning Commission in accordance with Los Alamitos Municipal Code Chapter 17.32 (Conditional Use Permits) and Section 17.28.060 (Alcoholic Beverage Retail Sales). In order to approve a CUP for the sale of alcoholic beverages for off-site consumption, the Planning Commission must hold a public hearing and make findings of support for the proposed project. Staff has reviewed the application for consistency with the City's Municipal Code, as well as assessed potential impacts, and believes the findings to approve the proposed CUP application can be made.

## **DISCUSSION**

Here is how the applicant describes the business:

"To create a point of community where those passionate about spirits, wine, and beer can go to purchase hard to find products, discuss techniques, and meet other like-minded people. In the same way that bakers have a place like Sur La Table to fulfill all their needs. Roadrunner Spirits aims to satisfy cocktail enthusiasts, from hobbyists to professional bartenders."

CUP 20-04 – Alcohol Sales Off-site Consumption  
January 27, 2021  
Page 3 of 6

Below is the Google Earth view of the parcel.



### Location

The proposed unit is noted by the arrow on the above picture in the Center Plaza shopping area located at the southeast corner of Los Alamitos Boulevard and Serpentine Drive, at 10680 Los Alamitos Boulevard. The property to the north of this parcel, separated by Serpentine Drive, contains the new hotel in the General Commercial (C-G) zone. Properties to the east are a parking lot and industrial building in Planned Light Industrial (P-L-I) zoning district. The property to the south contains Ganahl Lumber within the C-G zoning district. To the west, across Los Alamitos Blvd, are Southland Credit Union and shops in the C-G zone.

### Staff Discussion

To open a business that sells alcohol for off-site consumption, the applicant must obtain a Conditional Use Permit from the Planning Commission. In addition to the CUP, the applicant will also be required to obtain a type 21 (Off-sale General) liquor license from the California Alcoholic Beverage Control (ABC) and is subject to the development standards set forth in Section 17.28.060 (Alcoholic Beverage Retail Sales), and the regulatory provisions of Chapter 5.08.010 (Alcoholic Beverages Warning Signs) of the Los Alamitos Municipal Code (LAMC).

The hours of operation for the business are proposed to be 2:00 p.m. to 10:00 p.m., Monday through Friday, and noon to 10:00 p.m., Saturday & Sunday. In the beginning, there will be two employees working at once, and then after that, as business dictates.

The Applicant has not owned or managed a liquor store before, but he has managed bars, and was in the hospitality industry for 13 years. His approach for this business is to bring that experience to the space and create a hybridized hospitality/retail store. The floor plan is attached to this report.

The application being considered tonight is for the off-site alcohol sales CUP and whether it is an appropriate use at 10680 Los Alamitos Boulevard. A CUP must be reviewed and approved by the Planning Commission in accordance with LAMC Chapter 17.32 (Conditional Use Permits). In order to approve a CUP, the Planning Commission must hold a public hearing and make findings of support for the proposed project. These findings include: consistency with the General Plan, consistency with the Zoning Code, compatibility with existing and future land uses in the vicinity, physical suitability of the proposed site, and impacts to the public convenience, interest, health, safety, and general welfare. Staff has reviewed the proposal for consistency with the General Plan and LAMC, as well as potential impacts, such as parking and compatibility with surrounding land uses, and believes the findings to approve the proposed CUP can be made.

In addition to the findings required for approval of a CUP under LAMC Chapter 17.32, the retail sale of alcoholic beverages for off-site consumption may only be approved in accordance with LAMC Section 17.28.060 where it is determined that:

- 1) **The requested use at the proposed location will not adversely affect the use of a school, park, playground, religious institution, temple, or other place used primarily for religious worship, or similar uses within a 500-foot radius of the property, in or outside the City. None of these types of uses are within 500 feet of the parcel.**
- 2) **The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect the area. The nearest residential property is 322 feet to the south. Commercial uses, including the Ganahl Lumber site, and Catalina Street serve as a buffer between the residential property and the proposed use.**

The requested use at the proposed location will not result in an undue concentration of similar premises. A separation of not less than 500 feet, from property line to property line, in or outside the City, shall not be construed as undue concentration. The applicant shall bear the burden of proof that a separation of less than 500 feet does not create an undue concentration of facilities for the sale of alcoholic beverages for off-site consumption within the community. **Other than alcohol sales that are an ancillary use, in shops**

such as “Deux Amls,” or in restaurants, such as Brew Kitchen Alehouse, the property line for this unit is 321 feet from the nearest other alcohol sales retail store, which is “Tubby’s Liquor.” With the other off-site alcohol retailers within less than 500 feet of this project the California ABC will need to make a determination if there is undue concentration. The Applicant is in the application process with ABC currently and ABC has not mentioned anything about undue concentration at the time this was written.

- 3) The requested use at the proposed location will not adversely affect the economic welfare of the community. **It supports economic vitality as it encourages distinctive shopping that attracts consumer spending by residents, workers, and regional visitors.**
- 4) The exterior appearance of the structure will be consistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood. **The Shopping Center building looks well-kept and has recently been repainted. It has a uniform appearance between all of the shops and a Planned Sign Program.**

### Parking

This retail use known as “Alcohol Sales, Off-Site” requires one parking space per 250-square feet of unit square footage. At 1,180 total square feet, the proposed use requires 5 parking spaces. The center has 106 spaces altogether. Through past parking studies, it has been shown that this shopping center has already planned for retail store parking on the parcel. Therefore, no additional parking demand will be created by the use being approved with the existing shared parking lot.

### RECOMMENDATION

The proposed use is harmonious with the other uses in the building as well as in the general neighborhood. Staff recommends approving the CUP with the understanding that the Applicant must obtain a type 21 (Off-sale General) liquor license from the California ABC and comply with all applicable state regulations and conditions imposed by the ABC, and must also obtain any required building permits for tenant improvements.

#### *Attachments*

- 1) *Draft Resolution 21-01 with Exhibit A Plans*
- 2) *ABC Zoning Affidavit*



**RESOLUTION 21-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-04 TO ALLOW ALCOHOLIC BEVERAGE SALES FOR OFF-SITE CONSUMPTION AT A 1,180 SQUARE FOOT UNIT IN THE GENERAL COMMERCIAL (C-G) ZONE AT 10680 LOS ALAMITOS BLVD., APN 242-245-01 (APPLICANT: MATTHEW HARRISON).**

**WHEREAS**, a complete application for a Conditional Use Permit (CUP) was submitted by Matthew Harrison on December 15, 2020 requesting the Planning Commission to allow alcoholic beverage sales for off-site consumption at a unit located at 10680 Los Alamitos Boulevard; and,

**WHEREAS**, the application constitutes a request under Section 17.32.030 (Application Requirements) of the Los Alamitos Municipal Code (LAMC); and,

**WHEREAS**, alcoholic beverage sales for off-site consumption is a use permitted by a CUP in the General Commercial (C-G) zone in accordance with Section 17.10.020, Table 2-04 of the Los Alamitos Municipal Code (LAMC); and,

**WHEREAS**, the Planning Commission considered said application at a duly noticed Public Hearing on January 27, 2021; and,

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

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

**SECTION 1. Conditional Use Permit 20-04 to allow alcoholic beverage sales for off-site consumption in a unit located at 10680 Los Alamitos Boulevard, is hereby approved based upon the following findings as required by LAMC Section 17.32.070 and subject to the conditions listed in SECTION 3 below:**

- A. The proposed use is consistent with the General Plan and any applicable specific plan; there are no Specific Plans containing this parcel. The Los Alamitos General Plan designates this site for General Commercial, which is consistent with the General Commercial Zone. While not specifically mentioned in the General Plan, it is complimentary and does not contradict the current General Plan. While this approval is not a clear goal of the General Plan, it does maintain the mix of retail businesses in the City and in particular the retail in Center Plaza. It does support the economic vitality spoken of in the General Plan such as Goal 3 of the Economic Development Element that encourages, "Distinctive shopping and entertainment corridors**

and districts that attract consumer spending by residents, workers, and regional visitors.”

- B. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Code and the Municipal Code; alcoholic beverage sales for off-site consumption are conditionally permitted uses in the General Commercial (C-G) zone. The alcoholic beverage sales for off-site consumption will be directed by the conditions of approval in SECTION 3. The sales through a type #21 alcohol permit is harmonious with the other uses in the building as well as in the general neighborhood.
- C. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity; this unit for this project exists in structure with retail types of uses in mind, and has been designed to be compatible with the uses in the vicinity.
- D. The site is physically suitable in terms of:
  - 1. Its design, location, shape, size, and operating characteristics of the proposed use to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood; The building on this parcel was constructed years ago, and all of the previously mentioned characteristics were designed to meet the standards that were current at the time. As well, there are no nearby residential properties.
  - 2. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access; the unit for this business in this shopping center was originally built to meet the codes of the time. All access, as well as emergency access were designed to meet that year’s current access standards, and have been upgraded from time to time through the years.
  - 3. Public protection services (e.g., fire protection, police protection, etc.); this resolution contains conditions added by the Orange County Fire Authority and the Los Alamitos Police Department concerning any concerns they may have.
  - 4. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.). This unit and shopping center have been continuously served by adequate utility services without interruption.
- E. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a

nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located. Alcohol sales are a common occurrence. The use will not foster circumstances that tend to generate nuisance conditions such as noise, glare, odor, or vibrations because it is a commercial shopping center that is consistent with the surrounding industrial and commercial uses. Further, conditions 13 through 19 have been added to help insure that the alcohol sales do not become problematic.

**SECTION 2.** This alcohol sales application is also hereby approved based upon the following findings as required by LAMC Section 17.28.060 and subject to the conditions listed in SECTION 3 below:

- A. The requested use at the proposed location will not adversely affect the use of a school, park, playground, religious institution, temple, or other place used primarily for religious worship, or similar uses within a 500-foot radius of the property, in or outside the City; none of these types of uses are within 500 feet of the parcel.
- B. The requested use at the proposed location is sufficiently buffered in relation to residentially zoned areas within the immediate vicinity so as not to adversely affect the area; the nearest residential property is 322 feet to the south. Commercial uses, including the Ganahl Lumber site, and Catalina Street serve as a buffer between the residential property and the proposed use.
- C. The requested use at the proposed location will not result in an undue concentration of similar premises. A separation of not less than 500 feet, from property line to property line, in or outside the City, shall not be construed as undue concentration. The applicant shall bear the burden of proof that a separation of less than 500 feet does not create an undue concentration of facilities for the sale of alcoholic beverages for off-site consumption within the community; Other than alcohol sales that are an ancillary use, in shops such as "Deux Amis," or in restaurants, such as Brew Kitchen Alehouse, the property line for this unit is 321 feet from the nearest other alcohol sales retail store, which is "Tubby's Liquor." With the other off-site alcohol retailers within less than 500 feet of this project the California ABC will need to make a determination if there is undue concentration. The Applicant is in the application process with ABC currently and ABC has not mentioned anything about undue concentration at the time this was written.
- D. The requested use at the proposed location will not adversely affect the economic welfare of the community; it supports economic vitality as it encourages distinctive shopping that attracts consumer spending by residents, workers, and regional visitors.

- E. The exterior appearance of the structure will be consistent with the external appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to not cause blight, deterioration, or substantially diminish or impair property values within the neighborhood; The Shopping Center building looks well-kept and has recently been repainted. It has a uniform appearance between all of the shops and a Planned Sign Program.

**SECTION 3.** Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 20-04 subject to the following conditions:

**Planning**

1. Approval of this application is to allow alcoholic beverage sales for off-site consumption at an existing retail unit located at 10680 Los Alamitos Boulevard, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 20-04 noted thereon, and on file in the Development Services Department. Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of this use, a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. Failure to satisfy and/or comply with the conditions herein may result in revocation of this approval by the Planning Commission and/or City Council.
3. The applicant and the applicant's successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.
4. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees, are not included under this noticing requirement.

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

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

5. The applicant has ninety (90) days from the date of adoption of this Resolution to protest the impositions described above. The applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.
6. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
7. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department. The property owner/applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department prior to issuance of any permits.
8. Applicant shall comply with applicable City, County, and/or State regulations.
9. Any signs shall comply with the provisions under Chapter 17.26 of the Los Alamitos Municipal Code of any Planned Sign Program that pertains to the subject property and shall be subject to the approval of the Development Services Director.
10. Approval of the Conditional Use Permit shall be valid for a period of Twenty-four (24) months from the date of determination. Each use approved by this

CUP 20-04  
January 27, 2021  
Page 5 of 8

action must be established within such time period or such approval shall be terminated and shall thereafter be null and void.

11. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of the approval of the alcohol sales.
12. Prior to permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.

### **Alcohol Sales**

13. Approval of this application is to permit alcoholic beverage sales for off-site consumption through a Type #21 alcohol license within a 1,180 square foot unit at 10680 Los Alamitos Boulevard.
14. The Applicant is responsible to follow all Los Alamitos Municipal Code ("LAMC") provisions concerning alcoholic beverage sales, and in particular Chapter 5.08 *Alcoholic Beverage Sales*.
15. Hours of alcohol sales operation shall not fall outside of the sales hours required by the Alcoholic Beverage Control (ABC).
16. Signs advertising brands of alcoholic beverages or the availability of alcoholic beverages for sale at the subject site shall not be visible from the exterior of the building.
17. The display of alcoholic beverages shall be interior only (no outside display) at any time.
18. Selling of alcohol to obviously intoxicated individuals is prohibited.
19. Applicant shall provide a reasonable number of signs indicating that drinking alcoholic beverages is prohibited on city streets and public ways, and that City Ordinances prohibit carrying out open containers containing alcohol.

### **Police Department**

20. The Applicant shall contact the California Department of Alcoholic Beverage Control (ABC) for alcohol licensing of this business.
21. Applicant shall comply with the Municipal Code and Alcoholic Beverage Control laws regarding outside alcohol sales.

### **Building Department**

None.

**Orange County Fire Authority**

22. The Applicant or responsible party shall submit the Plans listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified

Prior to concealing interior construction:

- Fire alarm system (service code PR500-PR520), if modified, provided voluntarily, or required by code.
- Fire sprinkler system (service codes PR430-PR455), if the building is currently has a sprinkler system and the system requires modification.

SECTION 4. The approval of the Conditional Use Permit to allow alcoholic beverage sales for off-site consumption located at 10680 Los Alamitos Boulevard; is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

**PASSED, APPROVED, AND ADOPTED** this 27th day of January, 2021.

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Chair

ATTEST:

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Ron Noda, Secretary

APPROVED AS TO FORM:

CUP 20-04  
January 27, 2021  
Page 7 of 8

Michael Daudt, City Attorney

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

I, Ron Noda, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 27th day of January 2021, by the following vote, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

Ron Noda, Secretary



## Exhibit A

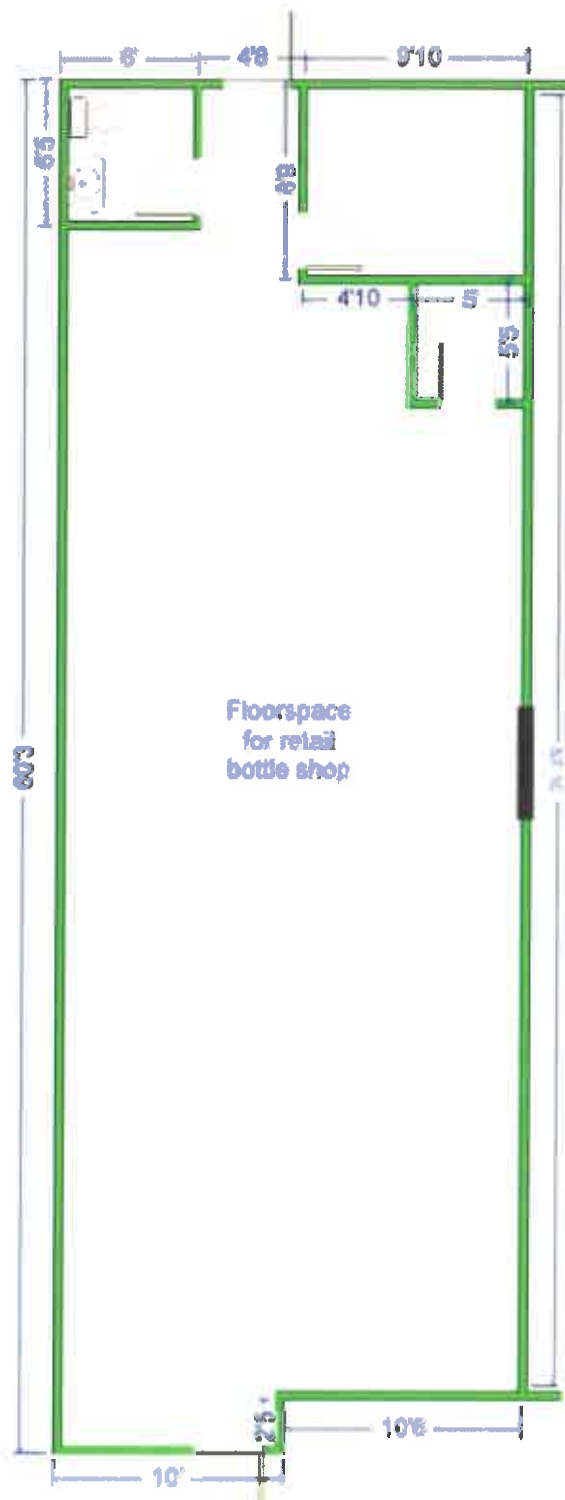
Standard Multi-Tenant Shopping Center Lease - Net  
Xiang Tian Los Alamitos, LLC ("Lessor") &  
Matthew Harrison operating as Minotauros LLC dba Roadrunner Spirits ("Lessee")  
November 6, 2020

### LOS ALAMITOS BOULEVARD



\_\_\_\_\_  
Lessor Initials

\_\_\_\_\_  
Lessee Initials



# ATTACHMENT 2

Department of Alcoholic Beverage Control  
**ZONING AFFIDAVIT**

State of California  
 Governor

*Instructions to the Applicant: Complete Items 1 - 14. Sign and date the form and submit it to ABC.*

1. APPLICANT(S) NAME (Last, first, middle) <b>Harrison, Matthew, Cameron</b>		
2. PREMISES ADDRESS (Street number and name, city, zip code) <b>10680 Los Alamitos Blvd, Los Alamitos CA 90720</b>		3. PARCEL NUMBER OF PROPERTY (Obtain from County Assessor's Office) <b>24,224,501</b>
4. TYPE OF LICENSE APPLIED FOR <b>21</b>	5. UPGRADE OF LICENSED PRIVILEGES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6. CURRENT LICENSE TYPE AT THIS LOCATION, IF ANY <b>None</b>
7. TYPE OF BUSINESS (i.e., restaurant, mini-mart, gas station, etc.) <b>Liquor Store</b>		8. ARE THE PREMISES INSIDE THE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
9. HOW ARE APPLICANT PREMISES ZONED? STATE TYPE (i.e., "C" commercial, "R" residential, etc.)		
10. DOES ZONING PERMIT INTENDED USE? <input type="checkbox"/> Yes <input type="checkbox"/> No	11. IS A CONDITIONAL USE PERMIT (C.U.P.) NEEDED? (If yes, please attach copy of receipt or C.U.P.) <input type="checkbox"/> Yes <input type="checkbox"/> No	12. IF YES, DATE YOU FILED APPLICATION FOR C.U.P.
13. NAME OF PLANNER CONTACTED AT PLANNING DEPARTMENT		14. PLANNER'S PHONE NUMBER

*For answers to Questions 8 - 14, contact your local city OR county planning department (if inside the city limits, contact city planning; if outside, contact county planning.*

Under the penalty of perjury, I declare the information in this affidavit is true to the best of my knowledge.

15. APPLICANT'S SIGNATURE (One signature will suffice)	16. DATE SIGNED
<b>FOR DEPARTMENT USE ONLY</b>	
<input type="checkbox"/> C.U.P. Approved	IF APPROVED, EFFECTIVE DATE
<input type="checkbox"/> C.U.P. Denied	DATE DENIED
	FILE NUMBER

**GENERAL INFORMATION**

•Section 23790 of the Business and Professions Code says that ABC may not issue a retail license contrary to a valid zoning ordinance. This form will help us determine whether your proposed business is properly zoned for alcoholic beverage sales.

•A conditional use permit (CUP) (Item 11) is a special zoning permit granted after an individual review of proposed land-use has been made. CUP's are used in situations where the proposed use may create hardships or hazards to neighbors and other community members who are likely to be affected by the proposed use. The ABC district office will not make a final recommendation on your license application until after the local CUP review process has been completed. If the local government denies the CUP, ABC must deny your license application.

**23790. Zoning ordinances.** No retail license shall be issued for any premises which are located in any territory where the exercise of the rights and privileges conferred by the license is contrary to a valid zoning ordinance of any county or city.

Premises which had been used in the exercise of those rights and privileges at a time prior to the effective date of the zoning ordinance may continue operation under the following conditions:

(a) The premises retain the same type of retail liquor license within a license classification.

(b) The licensed premises are operated continuously without substantial change in mode or character of operation.

For purposes of this subdivision, a break in continuous operation does not include:

(1) A closure for not more than 30 days for purposes of repair, if that repair does not change the nature of the licensed premises and does not increase the square footage of the business used for the sale of alcoholic beverages.

(2) The closure for restoration of premises rendered totally or partially inaccessible by an act of God or a toxic accident, if the restoration does not increase the square footage of the business used for the sale of alcoholic beverages.

# **City of Los Alamitos**

## **PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT**

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**MEETING DATE: January 27, 2021**

**ITEM NUMBER: 10A**

**To: Chair & Members of the Planning Commission**

**Presented By: Ron Noda, Acting Deputy City Manager**

**Subject: Nomination and Appointment of a Member of the Planning Commission to participate in the Town Center Mix-Use Survey**

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### **SUMMARY**

This report provides the Planning Commission with information regarding the Town Center Mix-Use (TCMU). The report also requests input into the nomination and appointment of one commissioner to participate in a survey (online and one on one) with the TCMU consultant – PlaceWorks.

### **RECOMMENDATION**

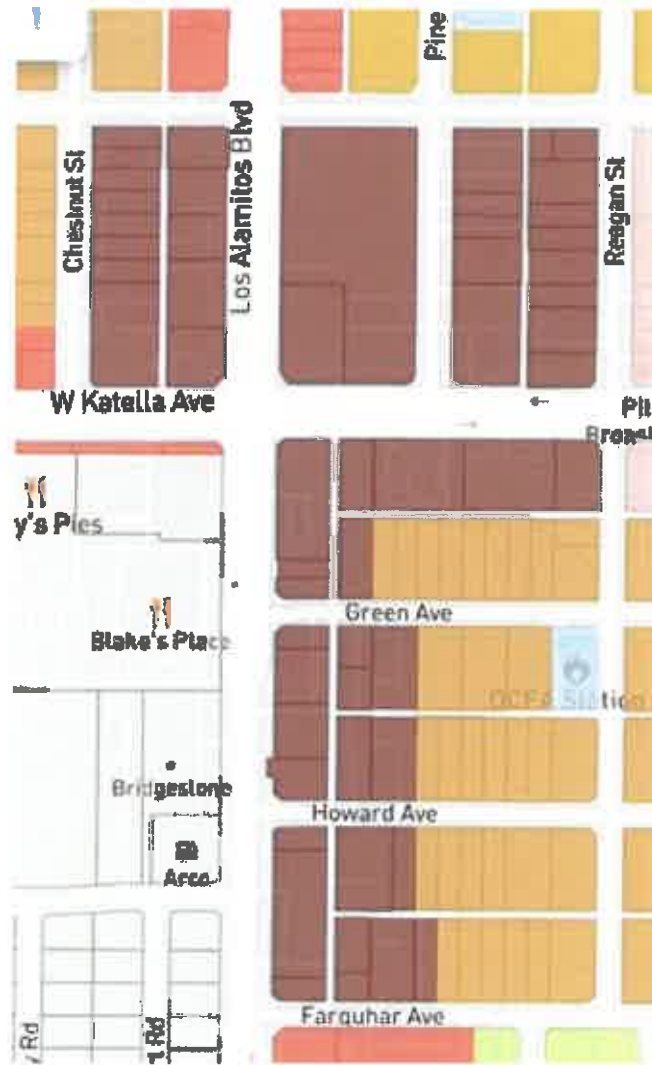
1. Nominate and appoint a representative from the Planning Commission to participate in an interview with PlaceWorks.

### **Background**

The City of Los Alamitos has contracted with PlaceWorks to create a strategic plan and environmental clearance document (CEQA) for the Town Center Mixed-Use (TCMU) zoning district. The work is funded through a grant that the City was awarded by the California and Community Development Department. The intent of the grant work is the planning for a design for the City's Town Center to enable developers with shorten entitlement periods for mixed-use projects. It will also allow the City to designate potential residential sited within the Town Center for the City's Regional Housing Needs Assessment (RHNA) numbers that will be mandated by the State of California.

PlaceWorks will be sending out a survey via emails to property owners (stakeholders) in the Town Center Zone in the upcoming weeks. They will also be conducting one on one interviews with a small sample size of property owners. After the survey and interviews, the consultants will be interviewing City Council members and having them complete a survey as well. PlaceWorks is requesting to interview one member of the Planning Commission but all commissioners will be able to participate in the survey.

The Town Center Mix-Use Zone is below:



City staff would like the Planning Commission to nominate and appoint one member to participate in an interview with PlaceWorks the week of February 8, 2021.

### Fiscal Impact

There is no fiscal impact for the nomination and appointment of a Planning Commissioner to participate in an interview with the City's consultant.