

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION/SUBDIVISION COMMITTEE REGULAR MEETING

Wednesday, May 27, 2020 – 7:00 PM

SAFETY ALERT –NOTICE REGARDING COVID-19

Due to COVID-19, the City of Los Alamitos Planning Commission Meeting on May 27, 2020 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: 831-1937-9157. 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 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 **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 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.

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 Cuijty
Commissioner DeBolt
Commissioner Loe
Commissioner Riley
Commissioner Sofelkanik

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

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5. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of April 22, 2020

ROLL CALL VOTE

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

6. CONSENT CALENDAR
None.

7. PUBLIC HEARING

A. Conditional Use Permit (CUP) 20-01

Alcoholic Beverage Service and Outside Seating/Dining for a New Restaurant in the Commercial Professional Office (C-O) Zone

Consideration of a Conditional Use Permit for onsite alcoholic beverage sales and outside seating for a new restaurant at 5262 Katella Avenue in the Commercial/Professional Office (C-O) Zoning District (Applicant: Blair Pietrini), APN 222-021-13.

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 20-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-01 TO ALLOW A FULL SERVICE RESTAURANT WITH 300 SQUARE FEET OR LESS OF OUTSIDE SEATING/DINING AND SERVING ALCOHOL (BEER AND WINE) AT A 2,801 SQUARE FOOT UNIT AT 5262 KATELLA AVENUE IN THE COMMERCIAL/ PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, APN 222-021-13 (APPLICANT: BLAIR PIETRINI)."

ROLL CALL VOTE

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

8. STAFF REPORT
None.

9. DISCUSSION

None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
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 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 the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.



Maria Veronica Enríquez
Department Secretary

5/21/2020

Date

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

REGULAR MEETING – April 22, 2020

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:02 p.m., Wednesday, April 22, 2020, in a video conference, Chair Andrade presiding.

2. ROLL CALL

Present: Commissioners: Chair Andrade, Vice Chair Grose
Culity, Debolt, Loe, Riley (7:07 p.m.), and
Sofelkanik

Staff: Leslie Roseberry, Interim Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary
Windmera Quintanar, MMC, City Clerk

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Andrade.

4. ORAL COMMUNICATIONS

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

6. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of January 22, 2019

Motion/Second: Grose/Art

Carried 6/0 (Andrade abstained): The Planning Commission approved the minutes of the Regular meeting of January 22, 2020.

ROLL CALL VOTE

Chair Andrade	Abstained
Vice Chair Grose	Aye
Commissioner Culity	Aye
Commissioner Debolt	Aye
Commissioner Loe	Aye
Commissioner Riley	Aye
Commissioner Sofelkanik	Aye

7. CONSENT CALENDAR

None.

8. PUBLIC HEARING

A. ZOA 19-02 & 19-03

State Mandated Updates to Family Daycare Homes and Accessory Dwelling Unit (ADU) Regulations

Consideration of a Planning Commission resolution recommending that the City Council adopt a draft ordinance to amend Los Alamitos Municipal Code chapters 17.08, 17.22, 17.28 & 17.74 as required to address recent changes in state law concerning the regulation of: (1) Large Family Daycare Homes (ZOA 19-03), and (2) Accessory Dwelling Units (ZOA 19-02) (Citywide).

Associate Planner Oliver summarized the staff report.

Chair Andrade opened public hearing.

Department Secretary Enciso shared that there were no requests received to speak during the public hearing.

Chair Andrade closed public hearing.

Commissioner Debolt and City Attorney Daudt discussed the differences between the City ordinances and State law.

Commissioner Riley asked about the spacing requirement precluding attached garage to an ADU and received clarification from City Attorney Daudt that this is in regards to new detached ADU.

Commissioner Sofelkanik and City Attorney Daudt discussed the following:

- The City currently has an existing ADU law that conflicts with the current state law and the need to either update it or rescind the current provisions.
- Suggestion that the ordinance be narrow to keep the density low.

Commissioner Debolt suggested to follow the state law in regards to the setbacks and spacing.

Chair Andrade agreed to leave the distance to 10-feet as well as leaving the 1,000 square feet [as stated in the state law] (in regards to the unit size and height).

Commissioner Sofelkanik shared that if 1,000 square feet were to be used, it would discourage the development of two bedrooms. He suggested the Planning Commission use this opportunity to tackle the density issue.

The Planning Commission discussed the following in regard to the unit size and height that was present in the drafted ordinance (Section 4E 5a).

- Commissioner Sofelkanik shared that the ordinance would diminish the quality of life, safety, and welfare of the neighborhood.

- Commissioner Andrade shared that the drafted ordinance was not ideal, but something needs to be done.

Commissioner Debolt asked and received clarification from City Attorney Daudt regarding the bedroom count of a 1,000 square foot unit and the three findings listed on page 2 of the drafted ordinance.

Commissioner Debolt shared his opinion to scrap the existing ADU and adopt the state code.

The Planning Commission and City Attorney Daudt discussed the ADU law mentioned in the staff report (page 3 of 4).

- Commissioner Culty expressed that she does not agree with the summary stating the maximum size may not be less than 850 square feet.

The Planning Commission discussed the Family Daycare Homes item in the staff report (page 4 of 4).

- Commissioner Sofelkanik shared that he disagrees with the findings listed.

Commissioner Sofelkanik and City staff discussed the appearance of the ADU's (design guidelines) from a different City and suggested to keep the existing language regarding architectural compatibility.

City Attorney Daudt suggested to the Planning Commission to express to the City Council their concerns of the findings in regards to this item.

Interim Development Services Director Roseberry clarified that there is a building code that does require spacing between structures.

Commissioner Loe shared that there are architectural differences between R1 and R3.

Commissioner Riley shared that he cannot agree with the findings presented in the proposed ordinance.

Vice Chair Grose shared that nothing in the ordinance is about the health and safety of the residents.

Interim Development Services Director Roseberry clarified to the Planning Commission that they make a motion that clearly outlines their wants.

Commissioner Sofelkanik and Commissioner Debolt discussed the utilities section of the ADU ordinance.

Chair Andrade suggested to the Planning Commission that there is need to tighten up the language in the ordinances.

The Planning Commission and staff discussed the following:

- Options for the Planning Commission to make their decision to continue this item or advise staff with direction for the ordinances.
- Setbacks and spacing of ADU's.
- The need to update the portions of the City's codes that are not consistent with the General Plan.
- Architectural guidelines.

Motion/Second: Art/Grose

Carried 6/0: Planning Commission voted to recommend adoption of the proposed ordinance to the City Council, with changes to the maximum unit size and architecture standards. Notwithstanding their recommendation for approval of the ordinance, the Planning Commission expressed concern with the required finding that approval of ordinance will not be detrimental to the public convenience, health, interest, safety or welfare of the City

ROLL CALL VOTE

Chair Andrade	Aye
Vice Chair Grose	Aye
Commissioner Cuijty	Aye
Commissioner Debolt	Aye
Commissioner Loe	Aye
Commissioner Riley	Aye
Commissioner Sofelkanik	Nay

9. STAFF REPORT

None.

10. DISCUSSION

None.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Interim Development Services Director Roseberry emphasized that staff is still taking care of business although staff is telecommuting also shared that Public Works Foreman Gary Saldivar is retiring on May 7th.

Chair Andrade asked if there are any reports of the coronavirus in the City, Interim Development Services Director Roseberry and Vice Chair Grose clarified that there are.

12. COMMISSIONER REPORTS

Vice Chair Grose gave a shout out to the Recreation and Community Services Department for the work they are doing.

Commissioner Sofelkanik gave a shout out to Department Secretary Enciso for her assistance in setting up the Zoom meeting.

Chair Andrade thanks the Planning Commission for his or her participation and hopes for everyone to stay safe.

13. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:56 p.m.

ATTEST:

Larry Andrade, Chair

Leslie Roseberry, Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: May 27, 2020

ITEM NUMBER: 8A

To: Chair Andrade and Members of the Planning Commission

Via: Leslie Roseberry, Interim Development Services Director

From: Tom Oliver, Associate Planner

**Subject: Conditional Use Permit (CUP) 20-01
Alcoholic Beverage Service and Outside Seating/Dining for a New
Restaurant in the Commercial Professional Office (C-O) Zone**

SUMMARY: Consideration of a Conditional Use Permit for onsite alcoholic beverage sales and outside seating for a new restaurant at 5262 Katella Avenue in the Commercial/Professional Office (C-O) Zoning District (Applicant: Blair Pietrini), APN 222-021-13.

RECOMMENDATION:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adopt Resolution No. 20-03, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-01 TO ALLOW A FULL SERVICE RESTAURANT WITH 300 SQUARE FEET OR LESS OF OUTSIDE SEATING/DINING AND SERVING ALCOHOL (BEER AND WINE) AT A 2,801 SQUARE FOOT UNIT AT 5262 KATELLA AVENUE IN THE COMMERCIAL/PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, APN 222-021-13 (APPLICANT: BLAIR PIETRINI)."

APPLICANT: Blair Pietrini

LOCATION: 5262 Katella Avenue 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 the Commercial/Industrial Zoning Districts) requires Planning Commission approval of a Conditional Use Permit to allow Alcoholic beverage sales, on- or off-site consumption, in conjunction with an allowed use in the C-O Zoning District. This same code section above requires Planning Commission of approval for any outdoor dining where alcohol is served.

NOTICING: The Public Hearing Notice for this meeting was mailed out on May 13, 2020, to property owners and commercial tenants within 500 feet of the subject parcel. Additionally, the Public Hearing Notice was published in the News Enterprise on May 13, 2020.

PRIOR ACTIONS: A prior action for this particular unit on the parcel is shown below:

SPR 18-04	2018	Construction of the Building
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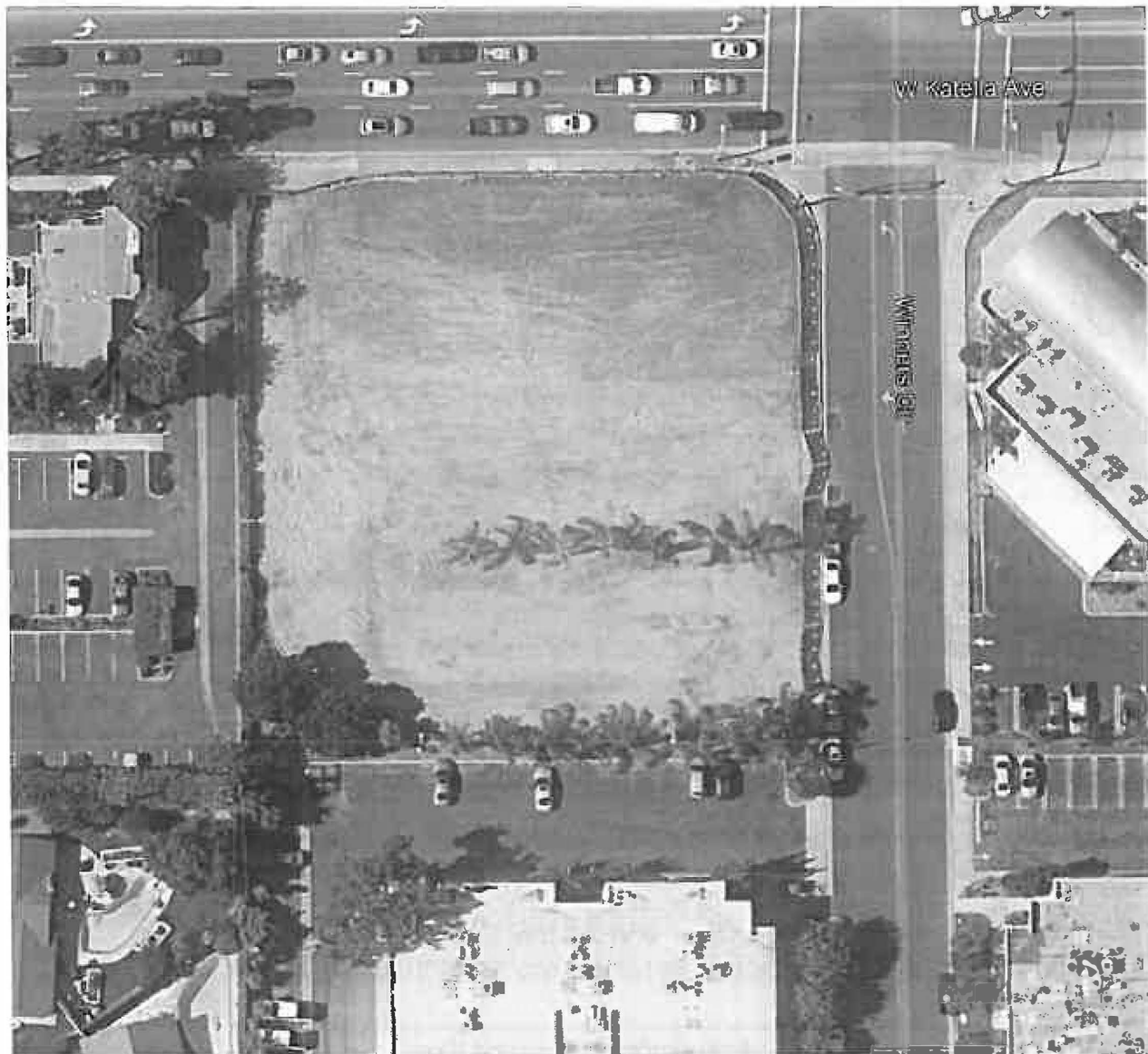
BACKGROUND:

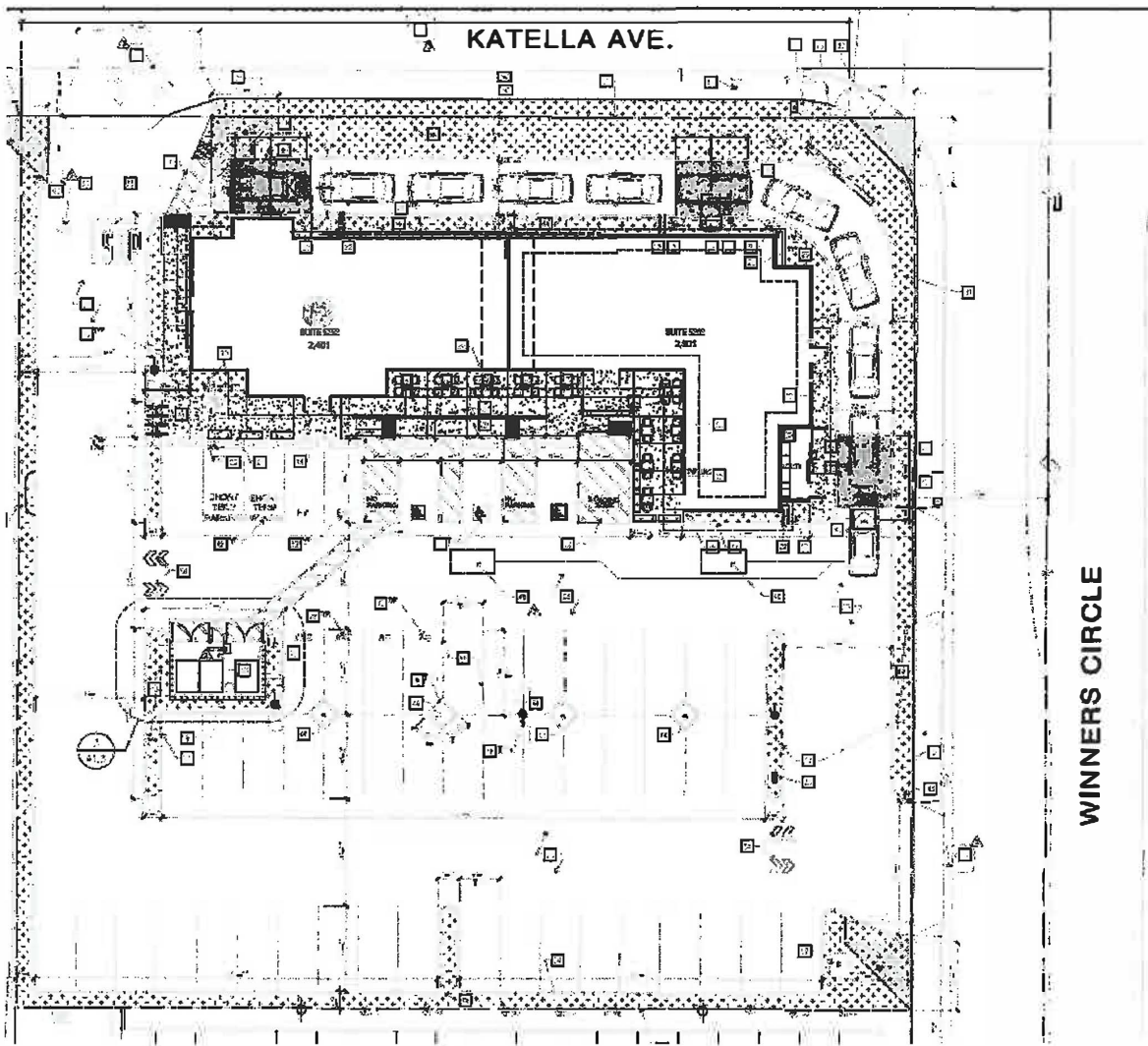
Blair Pietrini has submitted an application for a Conditional Use Permit (CUP 20-01) asking that the City allow on site alcoholic beverage sales and outdoor dining at a new restaurant to be named Pietrini Pizza Napoletana. The subject tenant space, in the unit next to the new Starbucks, is approximately 2,801 square feet, with room on the private sidewalk for an outdoor dining patio. This building is the new 5,200 square foot restaurant building at the southwest corner of Katella Avenue and Winners Circle. The alcohol served would be restricted to beer and wine for this request.

This application must be reviewed and approved by the Planning Commission in accordance with Los Alamitos Municipal Code Section 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. 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:

Below is the google view of the parcel prior to the building constructed, and following this view is the site plan for the newly constructed building.





Location

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

Surrounding Zoning and Uses			
Location		Zoning District	Uses
Project Site	Existing	Commercial-Professional Office (C-O)	Vacant
	Proposed	Commercial-Professional Office (C-O)	Pizza Restaurant
North of Site		City of Cypress	Los Alamitos Racetrack
East of Site		Commercial-Professional Office (C-O)	Medical offices across Winner's Circle
West of Site		Commercial-Professional Office (C-O)	Office buildings
South of Site		Planned Light Industrial (P-M)	Industrial office building

Outdoor Dining

The applicant is requesting approval of a Conditional Use Permit to allow an outdoor seating/dining area for the use of this Tenant B space on the east side of the building. The size of this area is less than 300 square feet, which could be considered a small outside seating area. They also ask to serve alcohol in this outdoor area.

The outdoor seating area is intended to provide a comfortable outdoor space for customers of the restaurant with a fence barrier to give a sense of separation of the space from pedestrians, as well as protection from any cars that could jump the curb. The seating area will be sheltered by the building on two sides.

Development Standards

These standards for outdoor seating are repeated from Los Alamitos Municipal Code (LAMC) Section 17.28.200.D. Staff comments concerning the standards are shown below each requirement.

1. The outdoor dining area shall not encroach into any required parking lot area, including areas where vehicles may overhang curbs.

Yes, it does not encroach on parking.

2. The outdoor dining area shall not be located or utilized in a manner which causes an obstruction of a public walkway or interferes with the flow of pedestrian or other traffic.

The sidewalk proposed for this use is a private sidewalk and does not connect to or interfere with a public sidewalk.

3. The proposed outdoor dining activity shall not interfere with the use of any public walkway by neighboring property owners and tenants.

The doorways to the building are unobstructed. This proposed area is not a main entrance for either of the businesses located in this building. The sidewalk is not blocked according to the plans and still provides the appropriate space for access to the individual tables.

4. A minimum setback of 200 feet from residential uses shall be maintained, except as may be otherwise approved for mixed-use projects.

The parking lot for this parcel is next to the backyard fence of a residential property in the R-1 Zoning District, but the outside seating area is over 250 feet from the nearest residential use (home) and 200 feet from the parcel line which meets the code (LAMC 17.28.200.D.4).

5. The outdoor dining area shall maintain the minimum setbacks necessary to maintain the visibility of neighboring businesses to pedestrians and motorists, including visibility of signage.

This outdoor dining would be well within the setbacks for the Commercial/Professional Office Zoning District, and it does not impede the view of another business.

6. A minimum of four feet of totally unobstructed walkway space shall be maintained around the outdoor dining area, and outdoor dining areas shall not interfere with disabled access.

This requirement has been added to the resolution as Condition # 20.

7. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.

This requirement has been added to the resolution as Condition # 21.

8. All fencing, dividers, appurtenances, furnishings, and furniture that occur with an allowed use under this Section shall be reviewed and approved by the Director to ensure that they are in keeping with the aesthetic and architectural character of the area and with all approved design guidelines.

This requirement has been added to the resolution as Condition # 22.

9. The outdoor dining area shall not be allowed within 15 feet of any driveway.

Yes, it is not within 15 feet of any driveway -- which Staff understands to mean a driveway entrance.

10. The hours of operation for incidental outdoor dining areas shall be limited to the hours of operation for the associated indoor dining, unless otherwise authorized in writing by the Director.

The Applicant tells Staff that their proposed hours of operation will be Sunday through Thursday 11:00 a.m. to 10:00 p.m. and Saturday through Sunday 11:00 a.m. to 11:00 p.m. In any event, Condition #33 of the resolution prohibits the sale of alcoholic beverages any time before 10:00 a.m. or after 12:00 a.m.

11. The incidental outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 accessibility requirements.

This requirement has been added to the resolution as Condition # 23.

12. The Director may place additional conditions upon the issuance of the permit to ensure the protection of the public walkway, the rights of all adjoining property owners, and the health, safety, and welfare of the public.

Starbucks is the existing tenant in this building. The building will be fully leased, if this proposed restaurant occupies the remaining space in the building. The

Starbucks has had a similar outside seating area that has existed without incident for a number of months and it would not be disrupted by more outside seating for this restaurant.

Alcohol Service

The Applicant has told Staff that they are applying with ABC (Alcoholic Beverage Control) for a Beer and Wine license only. It may be seen that the section of the municipal code that talks about alcohol beverage sales only refers to those retail establishments that sell alcohol for off-site consumption. However, alcohol, in conjunction with outdoor dining area, has these two additional development standards

1. Barriers are only required if alcohol will be served in the outdoor dining area.

This requirement has been added to the resolution as Condition # 24.

2. All areas where alcoholic beverages are served outside must comply with the standards established by the State Department of Alcoholic Beverage Control. Any perimeter fence and/or landscaped planter(s) shall be designed to clearly suggest that alcohol is not allowed outside the seating area.

This requirement has been added to the resolution as Condition # 43.

Parking

Vehicle access is provided from the northwest corner of the property on Katella Avenue and from the southeast corner on Winner's Circle. This building required 54 parking spaces with it was constructed. With outdoor dining areas that are less than 300 square feet, there is no extra parking required. The seating area has been conditioned in the resolution to remain at less than 300 square feet (Condition #19).

CONCLUSION:

Alcohol sales are an expected amenity for a dine-in restaurant business such as this request. Staff does not have reason to believe there would be problems with allowing sales of alcoholic beverages inside, or within the outside seating area, of the restaurant. The closest residential parcel is a sufficient distance from the restaurant, and the restaurant is also not near a school. Unless restricted by the Commissioners, this request would be approved for serving alcohol during all business hours and within those hours permissible by the California department of Alcoholic Beverage Control.

Conditions of approval are included in the proposed resolution to support that alcohol consumption does not become problematic. Commissioners are reminded that any approval will "run with the land" and the structure could become another restaurant other than this proposed one in the future.

In the conditions of approval, Staff has added Condition #18 requiring Applicant to meet all the design standards listed in LAMC Section 17.28.200 which concern outdoor dining

areas with their fencing and furniture. Further, Staff has conditioned that the outside dining/seating area shall not exceed 300 square feet in area, measured to the operational edges of the fencing that will enclose the outside dining area (Condition #19).

The findings of approval for a Conditional Use Permit (LAMC 17.32.070) are noted in the resolution of approval attached to this report. Through these findings, Staff believes that this Conditional Use Permit application meets the requirements established within chapter 17.32 (Administrative Use Permits and Conditional Use Permits). Therefore, Staff recommends approval of CUP 20-01.

Attachments 1. Draft Resolution 20-03 with Exhibit A Plans

RESOLUTION 20-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-01 TO ALLOW A FULL SERVICE RESTAURANT WITH 300 SQUARE FEET OR LESS OF OUTSIDE SEATING/DINING AND SERVING ALCOHOL (BEER AND WINE) AT A 2,801 SQUARE FOOT UNIT AT 5262 KATELLA AVENUE IN THE COMMERCIAL/ PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, APN 222-021-13 (APPLICANT: BLAIR PIETRINI).

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted by Blair Pietrini on March 5, 2020 requesting the Planning Commission to allow outside seating and alcoholic beverage sales of beer and wine at a new restaurant to be located at 5262 Katella Avenue; and,

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

WHEREAS, a full-service restaurant that serves alcohol and has outside seating is a use permitted by a CUP in the Commercial/Professional Office (C-O) 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 May 27, 2020; 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 20-01 for the sale of alcoholic beverages, specifically beer and wine, and outside seating, is hereby approved based upon the following findings as required by LAMC Section 17.32.070 and subject to the conditions listed in SECTION 2 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 Professional Office, which is consistent with the Commercial/Professional Office Zone. While not specifically mentioned in the General Plan, it is complimentary to the current General Plan. This approval maintains the General Plan goal for outdoor dining options under which code changes were enacted with the support of Land Use Element that states, "Action 1.11 Outdoor dining. Amend the zoning ordinance to incentivize and encourage outdoor dining."
- 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; On-site alcohol sales and permanent outside seating are conditionally permitted

uses in the Commercial/Professional Office (C-O) zone. The outdoor consumption of alcohol will be contained by fencing that surrounds the outside dining area in particular as directed by the conditions of approval in SECTION 2. The sale of alcohol in conjunction with a restaurant 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 in this project will lease in a recently built structure with this type of use 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 recently constructed and all of the previously mentioned characteristics were designed to meet current standards. As well, there is fencing between this and the 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 building on this parcel was constructed recently and all access, as well as emergency access were designed to meet any current access standards.

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.). The building on this parcel was recently constructed and all utility provisions were designed to meet current standards.

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 and outside dining, in conjunction with a restaurant, are a common occurrence. The outdoor dining is located 175 feet away from the nearest residential parcel to the southwest and this residential parcel does not have a common property line with this parcel. The project will not foster circumstances that tend to generate nuisance conditions such as noise, glare, odor, or vibrations because it is a commercial development that is consistent

with the surrounding industrial and commercial uses. Further, conditions have been added to help insure that the alcohol sales and the outside dining do not become problematic.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby approves Conditional Use Permit (CUP) 20-01 subject to the following conditions:

Planning

1. Approval of this application is to allow on-site sales and consumption of alcoholic beverages, specifically beer and wine, as well as outside seating, at a new restaurant to be located at 5262 Katella Avenue with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 20-01 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 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 action must be established within such time period or such approval shall be terminated and shall thereafter be null and void.
11. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of the approval of the alcohol sales.
12. Prior to permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.
13. The applicant shall comply with applicable City, County, and/or State regulations.

Police Department

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

Building Department

16. The Applicant shall provide separate restrooms/toilet facilities for each sex, per CPC 422.2.
17. Plans are required to be submitted to the Orange County Health Care Agency, including the outdoor seating area, prior to opening.
<http://www.ocfoodinfo.com/plancheck>

Outside Dining (Outside Seating)

18. The Applicant is responsible to follow all Los Alamitos Municipal Codes ("LAMC") concerning Outdoor Dining, and in particular Chapter 17.28.200 *Outdoor Dining* shall be followed as a checklist for the Outdoor Dining area.
19. The outside dining/seating area shall not exceed 300 square feet in area measured to the operational edges of the fencing that will enclose the outside dining area.
20. A minimum of four feet of totally unobstructed walkway space shall be maintained around the outdoor dining area, and outdoor dining areas shall not interfere with disabled access.
21. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
22. All fencing, dividers, appurtenances, furnishings, and furniture that occur with an allowed use under this Section shall be reviewed and approved by the Director to ensure that they are in keeping with the aesthetic and architectural character of the area and with all approved design guidelines.
23. The incidental outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 accessibility requirements.
24. Barriers are only required if alcohol will be served in the outdoor dining area.
25. Televisions and banners shall not be permitted in the outside seating area.
26. The applicant shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements. (Building Division)

27. Amplified music shall not exceed decibel level requirements of Los Alamitos Municipal Code Section 17.20.
28. Portable umbrellas may be permitted provided they do not obstruct foot traffic and do not contain advertising.
29. Establishments are required to maintain all areas in and around the outside seating area in a manner which is clean and free of litter and debris.
30. The outside seating area shall be operated in a manner that meets all requirements of the Health Department of Orange County and all other applicable regulations, laws, ordinances and standards.
31. Any runoff from washing and/or rinsing of restaurant equipment, including floor mats, food preparation utensils and other coverings in the outside seating area shall drain to the sewer system only; under no circumstances shall gray water from the site drain to the storm water system.

Alcohol Sales

32. 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*.
33. Hours of alcohol sales operation shall not commence anytime before 10:00 a.m. and no later than 12:00 a.m. Any extension of business hours with a modification to the permitted hours of alcohol sales shall require approval of the Planning Commission.
34. 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.
35. The display of alcoholic beverages shall be interior only (no outside display) at any time.
36. Consumption of permitted alcoholic beverages in the outside eating area shall take place only in the area delineated by the barrier or fence which must completely enclose the designated alcohol consumption area except for ingress and egress.
37. Restaurant employees shall prevent alcohol from being carried out of or passed out of the outside seating area.
38. Serving of alcohol to obviously intoxicated individuals is prohibited.
39. Applicant shall provide a reasonable number of signs indicating that drinking alcoholic beverages is prohibited on city streets and public ways, and that City Ordinances prohibit carrying out open containers containing alcohol from designated areas.

40. Food establishments serving alcoholic beverages shall have a supervisor, at least 21 years of age, on-site at all times of operation.
41. Any alcohol-induced behavior that disturbs customers or passersby shall constitute grounds for revocation of any permit(s) for the on-premise sale of alcohol.
42. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.
43. All areas where alcoholic beverages are served outside must comply with the standards established by the State Department of Alcoholic Beverage Control. Any perimeter fence and/or landscaped planter(s) shall be designed to clearly suggest that alcohol is not allowed outside the seating area.

Orange County Fire Authority

44. Contingent upon approval of the CUP by the Planning Department/Planning Commission, the conditions listed below are applicable to this project; please provide them in the resolution issued to the applicant. If you need additional information or clarification, please contact me by phone or email: (714) 573-6126, rubencolmenares@ocfa.org.

CONDITIONS OF APPROVAL

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 permit:

- architectural (service codes PR204)
- hood and duct extinguishing system (service code PR335)

Specific submittal requirements may vary from those listed above depending on actual project conditions identified or present during design development, review, construction, inspection, or occupancy. Portions of the project that are deferred shall be subject to the codes, standards, and other applicable requirements in force on the date that the deferred plan is submitted to OCFA. Standard notes, guidelines, informational bulletins, submittal instructions, and other information related to plans reviewed by the OCFA may be found by visiting ocfa.org on the Planning & Development Services homepage.

Rossmoor Los Alamitos Area Sewer District (RLAASD)

45. The Applicant shall develop and provide FOG plans to the RLAASD so they can determine what kitchen fixtures will/wont discharge to the grease interceptor.

SECTION 3. The approval of the Conditional Use Permit to allow outside seating and alcoholic beverage sales of beer and wine at a new restaurant to be located at 5262 Katella Avenue; is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b) (3) – the project is covered by the general rule that the California Environmental Quality Act (CEQA) applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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

PASSED, APPROVED, AND ADOPTED this 27th day of May, 2020.

Larry Andrade, Chair

ATTEST:

Leslie Roseberry, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

I, Leslie Roseberry, 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 May 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Leslie Roseberry, Secretary

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Project: 2018-040
Plan Check Number: 2018-361
2019-01-02 CONSTRUCTION SET

Consultant

JH Properties, Inc.

KATELLA & WINNER CIRCLE
5252 & 2562 KATELLA AVENUE, LOS Alamitos, CA 90720

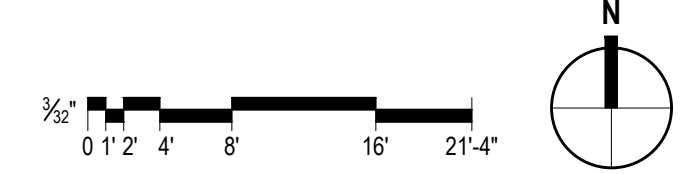
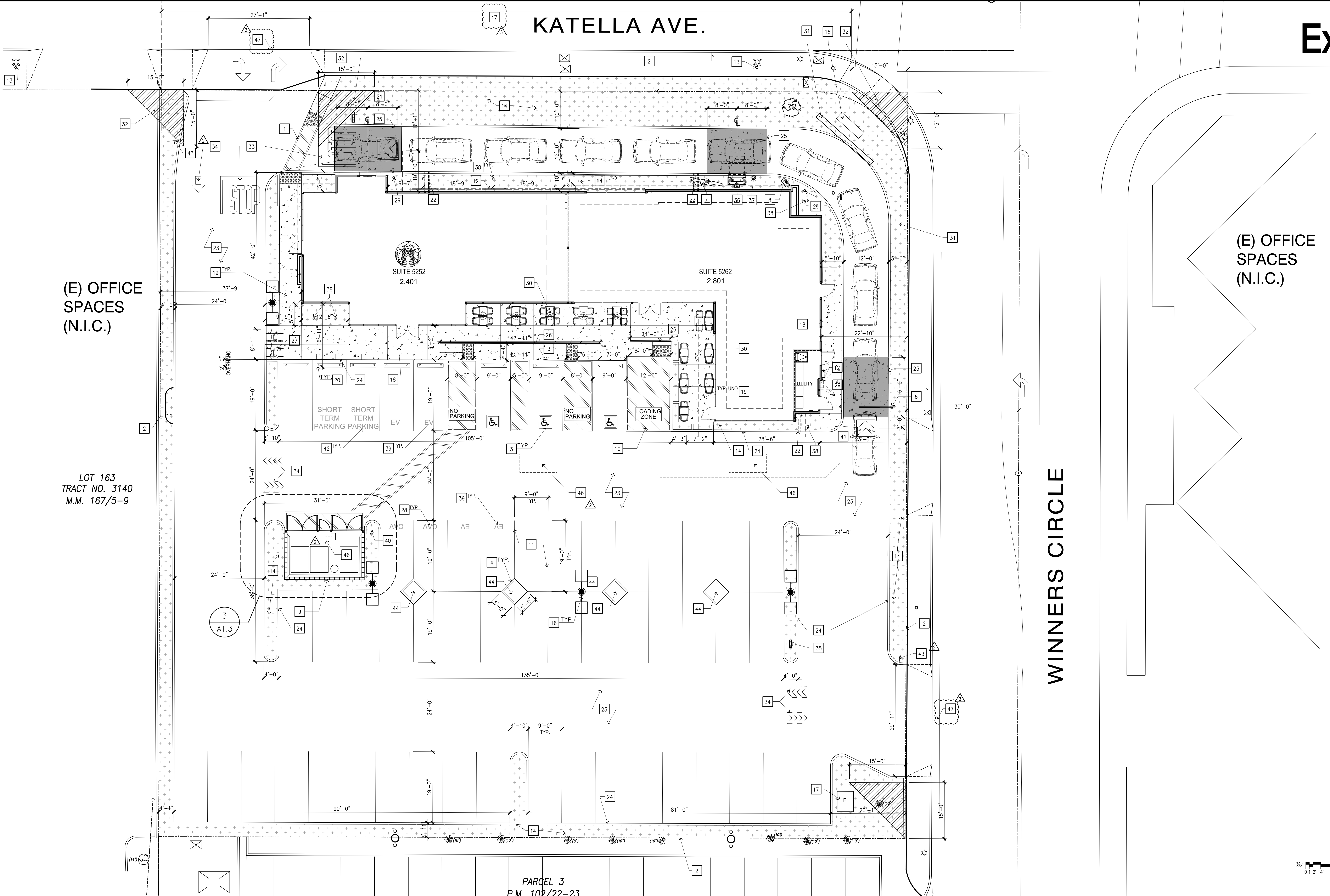
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SITE PLAN

01-03-2019	BULLETIN 1
01-25-2019	BULLETIN 2
02-29-2019	BULLETIN 3

SHEET
A1.1

Exhibit A



- 1 ADA CONNECTION TO PUBLIC RIGHT OF WAY

2 PROPERTY LINE

3 ADA ACCESSIBLE PARKING (TYP. FOR 3 STALLS) SEE DET. 1/A1.2

4 TREE WELL POCKET. SEE LANDSCAPE AND CIVIL PLANS FOR MORE INFO.

5 TENANT INSTALLED DRIVE THRU DIRECTIONAL SIGN. CONTRACTOR TO PROVIDE ELEC. SEE ELEC. PLANS - GC TO PROVIDE FOUNDATIONS PER SIGNAGE PLANS ON SEPARATE PERMIT.

6 TENANT INSTALLED DRIVE THRU CLEARANCE HEIGHT BAR CONTRACTOR TO PROVIDE FOUNDATION PER SIGNAGE PLANS IN SEPARATE PERMIT. SEE DET. 20/A1.3

7 TENANT INSTALLED 5 PANEL MENU BOARD. CONTRACTOR TO PROVIDE ELEC. SEE ELEC. PLANS - GC TO PROVIDE FOUNDATIONS PER SIGNAGE PLANS ON SEPARATE PERMIT. SEE DET. 17, 21 & 25/A1.3

8 TENANT INSTALLED PRE MENU BOARD. CONTRACTOR TO PROVIDE ELEC. SEE ELEC. PLANS - GC TO PROVIDE FOUNDATIONS PER SIGNAGE PLANS ON SEPARATE PERMIT. SEE DET. 17, 21 & 25/A1.3

9 TRASH ENCLOSURE SEE DETAIL 3/A1.3

10 STRIPED LOADING ZONE

11 TYPICAL PARKING STALL SEE DET. 8/A1.2

12 LOCATION OF GAS METERS SEE PLUMBING DRAWINGS FOR MORE INFO.

13 LOCATION OF (E) FIRE HYDRANT

14 LANDSCAPE AREA
- 15 PROPOSED MONUMENT SIGN - UNDER SEPARATE SUBMITTAL. GC TO PROVIDE POWER TO SIGN LOCATION PER ELEC. PLANS.

16 PARKING LOT LIGHT FIXTURE. SEE ELECTRICAL FOR MORE INFO SEE DETAIL 10/A1.3

17 NEW TRANSFORMER LOCATION SEE ELECTRICAL FOR MORE INFO.

18 STANDARD GRAY CONCRETE WITH MEDIUM BROOM FINISH

19 PROVIDE SAW CUT CONTROL JOINT SEE LANDSCAPE FOR MORE INFO.

20 PROVIDE WHEEL STOP AT PARKING WHERE SIDE WALK OCCURS IN FRONT OF THE SPACE SEE DETAIL 16/A1.2

21 TENANT SUPPLIED DIRECTIONAL SIGN CONTRACTOR TO PROVIDE FOOTING PER SIGNAGE PLANS AND POWER PER ELECTRICAL PLANS. SEE DET.12/A1.3

22 ROOF AND OVER FLOW DRAINS THRU CURB. SEE DET. 5/AS.2 & 30/AS.3

23 PROVIDE PAVING PER CIVIL GRADING PLANS

24 PROVIDE 6" CONC. CURB. SEE CIVIL DRAWINGS FOR MORE INFO.

25 PROVIDE 6" CONC. SLAB WITH W.W.M. EA. WAY

26 PROVIDE DECORATIVE RAILING PER LANDSCAPE DRAWINGS.

27 LOCATION OF BIKE RACK; OAHU W/STD BEAD BLAST FINISH (WWW.SPORTWORKS.COM 888-661-0555)

28 CAV PARKING SEE DETAIL 12/A1.2

29 PROVIDE BOLLARD PER DETAIL 10/A1.2

30 OUTDOOR SEATING AREA
- 31 EXISTING SIGN TO BE REMOVED

32 SIGHT SAFETY TRIANGLE

33 PAINTED STOP BAR SEE DETAIL 15/A1.2

34 PAINTED DIRECTIONAL ARROW 19/A1.2

35 TENANT SUPPLIED DIRECTIONAL SIGN CONTRACTOR TO PROVIDE FOOTING PER SIGNAGE PLANS AND POWER PER ELECTRICAL PLANS. SEE DET.13/A1.3

36 TENANT SUPPLIED DIGITAL ORDER SCREEN AND CANOPY. CONTRACTOR TO PROVIDE ELEC. SEE ELEC. PLANS. GC TO PROVIDE FOUNDATIONS PER SIGNAGE PLANS ON SEPARATE PERMIT.

37 PROVIDE LIGHTED BOLLARD SEE ELEC. PLANS AND DET. 10/A1.2 FOR FOOTING-SM. SEE DET. 18/A1.3

38 LANDSCAPE UPLIGHT SEE ELEC. FOR MORE INFO.

39 FUTURE EV PARKING SUPPLY ELEC. CONDUIT PER ELEC. PLANS

40 PROVIDE HOSE BIB PER TENANT REQUIREMENTS SEE PLUMBING PLANS

41 WAY-FINDING GRAPHIC SEE DET. 23/A1.3

42 PARKING STALL GRAPHIC PER TENANT REQUIREMENTS

43 PROVIDE SITE ACCESSIBLE SIGN PER DETAIL 5/A1.2

44 EXISTING PALM TREE TO BE REINSTALLED INTO PLANTER- SEE LANDSCAPE DWGS.

45 NEW LIGHT POST

46 FOR UNDERGROUND SITE EQUIPMENT, SEE PLUMBING SITE PLAN SHT. P-1.0

47 REMOVE (E) DRIVEWAY AND REPLACE W/ (N) PERMITTED DRIVEWAY APPROACHES. INSTALL (N) SIDEWALK ON KATELLA AVE. IN FRONT OF ENTIRE SUBJECT PARCEL.

KEYNOTES

ZONE:	APN: 222-021-13
CURRENT: C-O, COMMERCIAL	BUILDING SETBACK REQUIREMENTS:
	STREET FRONT: 15' MINIMUM
	STREET SIDE: 10' MINIMUM
	SIDE: 10' (ABUTTING RESIDENTIAL), ZERO IF NOT
	REAR YARD: 0' (ABUTTING PARCEL IN C-G)
LANDSCAPE REQUIREMENTS	
15% OF SITE / PROPERTY TO BE LANDSCAPED	
BIKE PARKING	
GREEN BUILDING BICYCLE PARKING SECTIONS 5.106.4.1	
SHORT TERM 54 SPACES @ 5% = 3	
TOTAL BIKE PROVIDED	4
BASED ON CIVIL SURVEY	

SITE STATISTICS

SITE AREA:	39866 S.F. 0.9152 ACRES
TOTAL PROPOSED BUILDING AREA:	5200 S.F.
F.A.R.:	0.1304
BUILDING AREA & PARKING SUMMARY:	
TENANT A (Starbucks)	2400 S.F. 10 / 1000 24 STALLS
TENANT B (Restaurant)	2000 S.F. 10 / 1000 20 STALLS
TENANT C (Restaurant)	800 S.F. 10 / 1000 8 STALLS
PATIO	265 S.F. 1 per 150 sf 2 STALLS
LANDSCAPE AREA:	6210 S.F. 15.6% OF SITE
PARKING SUMMARY	
STANDARD	45 STALLS
COMPACT	0 STALLS
ADA	3 STALLS
CAV	2 STALLS
EV	4 STALLS
TOTAL:	54 STALLS
BICYCLE RACK	
SHORT TERM:	4

SITE SUMMARY

	INDICATES LANDSCAPE AREA SEE LANDSCAPE DRAWINGS FOR MORE INFORMATION
	SEE LANDSCAPE FOR CONC. FINISH
	6" THK. CONC. SLAB WITH WELDED WIRE MESH
	LANDSCAPE UP LIGHT
LEGEND	
1.	REFER TO CIVIL DRAWINGS FOR MORE INFO.
2.	REFER TO ELECTRICAL SITE DRAWINGS FOR MORE INFO.
3.	REFER TO LANDSCAPE DRAWINGS FOR MORE INFO.

GENERAL NOTES