

CITY OF LOS ALAMITOS

**3191 Katella Avenue
Los Alamitos, CA 90720**

AGENDA PLANNING COMMISSION/SUBDIVISION COMMITTEE REGULAR MEETING

Wednesday, July 22, 2020 – 7:00 PM

SAFETY ALERT –NOTICE REGARDING COVID-19

Due to COVID-19, the City of Los Alamitos Planning Commission Meeting on July 22, 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: 819-7794-6342. 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 May 27, 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) 20-02

Full Alcoholic Beverage Service for Brew Kitchen Ale House Restaurant in the General Commercial (C-G) zone

Consideration of a Conditional Use Permit for onsite full alcoholic beverage service for an existing restaurant at 10708 Los Alamitos Blvd. in the General Commercial (C-G) Zoning District (Applicant: Joseph Maggione), APN 242-245-01.

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adoption Resolution No. 20-04, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-02 TO ALLOW FULL ALCOHOLIC BEVERAGE SALES AT A 2,118 SQUARE FOOT RESTAURANT WITH A 387 SQUARE FOOT OUTSIDE SEATING AREA IN THE GENERAL COMMERCIAL (C-G) ZONE AT 10708 LOS ALAMITOS BLVD. IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01 (APPLICANT: JOSEPH MAGGIORE, COPPER BELLE, INC.)."

ROLL CALL VOTE

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

8. STAFF REPORT

A. Nomination of a Planning Commissioner for SCAG Active Transportation Plan Grant Community Advisory Committee

This report provides the Planning Commission with information regarding the Southern California Association of Governments (SCAG) Active Transportation Program (ATP) Grant Project. The report also requests input into the nomination and appointment of one commissioner to serve on the Community Advisory Council (CAC).

Recommendation:

1. Discuss the Active Transportation Program (ATP) Grant Project; and,
2. Nominate and appoint a representative from the Planning Commission for the Community Advisory Council (CAC).

ROLL CALL VOTE

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

9. DISCUSSION

None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

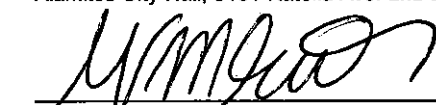
11. COMMISSIONER REPORTS

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 Enciso
Department Secretary

7/16/2020

Date

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

REGULAR MEETING – May 27, 2020

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:05 p.m., Wednesday, May 27, 2020, in a video conference, Chair Andrade presiding.

2. ROLL CALL

Present: Commissioners: Chair Andrade, Vice Chair Grose
Culity, DeBolt, Loe, Riley, and Sofelkanik

Staff: Chet Simmons, City Manager
Leslie Roseberry, Interim Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Andrade.

4. ORAL COMMUNICATIONS

City Manager Simmons quickly addressed the Planning Commission.

Department Secretary Enciso quickly 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 April 22, 2019

Motion/Second: Grose/Andrade

Carried 7/0: The Planning Commission motioned to move the approval of minutes of the Regular meeting of April 22, 2020 to the next Planning Commission meeting upon review from Commissioner Sofelkanik and Debolt.

ROLL CALL VOTE

Chair Andrade	Aye
Vice Chair Grose	Aye
Commissioner Culity	Aye
Commissioner DeBolt	Aye
Commissioner Loe	Aye
Commissioner Riley	Aye
Commissioner Sofelkanik	Aye

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.

Associate Planner Oliver summarized the staff report.

Vice Chair Grose commented that Blair and Gene Pietrini are friends of hers and noted that she has not discussed this project with them nor have they contacted her about the project. Blair and Gene Pietrini did text Vice Chair Grose that they had difficulties joining the meeting, so she texted Department Secretary Enciso to help the applicant join the meeting.

Department Secretary Enciso shared that she was not informed that the applicant wanted to speak during public hearing.

Chair Andrade opened and closed the public hearing.

Commissioner Sofelkanik asked and received clarification from Associate Planner Oliver the hours of operation.

Vice Chair Grose asked if the business were closed on Mondays and Commissioner DeBolt clarified that they were not closed.

Commissioner DeBolt asked if there were any discussions about music being played at the patio. Associate Planner Oliver stated that there has not been any discussion on this item.

Commissioner DeBolt shared his concern about allowing amplified music outside and that it may be a future problem.

Interim Development Services Director Roseberry asked for clarification if there is a want to remove one of the conditions that pertains to music. Commissioner DeBolt clarified that amplified music indoors is acceptable and his concern would be amplified music outdoors.

Chair Andrade asked and received an answer from Associate Planner Oliver that the decibel level is 50 at night and 55 during the day for the residential zone.

Commissioner Cuijy asked if the restaurant Mama's has music outside.

Chair Andrade shared that 50 decibels is extremely hard to hit and so if music were playing at 50 decibels outside nobody 250 feet away can hear it. He shared that he does not think that the resolution be amended.

Chair Andrade clarified to Commissioner DeBolt that condition #27 is referring to outside dining.

Vice Chair Grose asked if the applicants had a time frame when they would plan to start.

Chair Andrade reopened the Public Hearing to ask the applicant of Vice Chair Grose' question.

Applicant Gene Pietrini shared that the plan is for a September opening and that there will be a resubmittal of plans [to the Building and Safety Division for review].

Chair Andrade closed the Public Hearing.

Commissioner Cuijy asked Associate Planner Oliver about the fencing at the location and Associate Planner Oliver referred to the applicants to respond.

Chair Andrade reopened the Public Hearing.

Applicant Gene Pietrini shared that the architect is working with the Health Department to figure out what exactly needs to be done with the fencing area.

Chair Andrade closed the Public Hearing.

Motion/Second: Grose/DeBolt

Carried 7/0: 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	Aye
Vice Chair Grose	Aye
Commissioner Cuijy	Aye
Commissioner DeBolt	Aye
Commissioner Loe	Aye

Commissioner Riley Aye
Commissioner Sofelkanik Aye

8. STAFF REPORT

None.

9. DISCUSSION

None.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Interim Development Services Director Roseberry quickly shared that City staff continues to stay on top of the changes due to the COVID-19 and to keep the residents informed too.

Commissioner DeBolt asked about the updated COVID-19 numbers on the City website in regards to the skilled nursing facility cases and Interim Development Services Director Roseberry mentioned that she believes the numbers are broken down directly from the facilities and not from the County.

11. COMMISSIONER REPORTS

Chair Andrade asked if the next Planning Commission meeting would be through zoom or in-person meeting. Interim Development Services Director Roseberry stated consider it as a zoom meeting.

Commission DeBolt shared that in the past, there was a Planning Commission meeting held at the Community Center. Chair Andrade also shared that the Council Chamber has been setup differently to accommodate changes needed.

12. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:41 p.m.

ATTEST:

Larry Andrade, Chair

Leslie Roseberry, Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: July 22, 2020

ITEM NUMBER: 7A

To: Chair Andrade and Members of the Planning Commission

Via: Ron Noda, Acting Development Services Director

From: Tom Oliver, Associate Planner

**Subject: Conditional Use Permit (CUP) 20-02
Full Alcoholic Beverage Service for an Existing Restaurant in the
General Commercial (C-G) zone**

SUMMARY

Consideration of a Conditional Use Permit for onsite full alcoholic beverage service for an existing restaurant at 10708 Los Alamitos Blvd. in the General Commercial (C-G) Zoning District (Applicant: Joseph Maggiore), APN 242-245-01.

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Adoption Resolution No. 20-04, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-02 TO ALLOW FULL ALCOHOLIC BEVERAGE SALES AT A 2,118 SQUARE FOOT RESTAURANT WITH A 387 SQUARE FOOT OUTSIDE SEATING AREA IN THE GENERAL COMMERCIAL (C-G) ZONE AT 10708 LOS ALAMITOS BLVD. IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01 (APPLICANT: JOSEPH MAGGIORE, COPPER BELLE, INC.)."

APPLICANT

Joseph Maggiore, Copper Belle, Inc. (Brew Kitchen Ale House)

LOCATION

10708 Los Alamitos Blvd., 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-G Zoning District.

NOTICING

The Public Hearing Notice for this meeting was mailed out on July 8, 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 July 8, 2020.

PRIOR ACTIONS

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

CUP 14-01 2014 Beer/Wine Sales & Outside Dining

BACKGROUND

Mr. Maggiore has submitted an application for a Conditional Use Permit (CUP 20-02) asking that the City allow on site full alcoholic beverage sales (Type #47) for the Brew Kitchen Ale House restaurant, including its outdoor dining area, at 10708 Los Alamitos Blvd. The subject tenant space, a unit in the Center Plaza shopping center, is approximately 2,118 square feet, and the outdoor dining area is 387 square feet. The alcohol served would include all types, beyond the already-approved beer and wine permit that currently exists.

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 Earth view of the parcel.



Location

The restaurant is in the southern building of the Center Plaza shopping area located at the southeast corner of Los Alamitos Boulevard and Serpentine Drive. The property to the north of this parcel, separated by Serpentine Drive, is the new hotel project in the General Commercial (C-G) zone. Properties to the east are industrial businesses within the Planned Light Industrial (P-L-I) zoning district. The property to the south is Ganahl Lumber within the C-G zoning district. To the west, across Los Alamitos Blvd, are offices and shops, in the C-G zone.

Staff Discussion

Brew Kitchen Ale House has operated for the past five years with a type 41 beer and wine license. Mr. Maggoire has applied to the State Alcohol Beverage Control (ABC) to modify this to license to a type 47 full alcohol license. Staff does not have reason to believe there would be problems with allowing sales of all types of alcoholic beverages inside, or within the outside seating area, of the restaurant. The restricted hours for alcohol service are 10:00 a.m. to no later than 12:00 midnight, and can be changed in the resolution if desired. However, the outside dining area is distant (270 feet) from the back yard of a residential property behind the commercial buildings across Los Alamitos

Blvd. from this location. The location of this restaurant is over 1,300 feet from either the High School or Oak Middle School. The restaurant is normally closed on Monday, serves brunch and dinner on Saturday and Sunday, then lunch and dinner on Tuesday through Thursday.

Some nearby Los Alamitos restaurant spaces, such as California Cocina Grill and the old Hof's Hut location, currently have Conditional Use Permits for alcohol in this area, as well as liquor and fast food stores such as 7 Eleven and Tubby's Liquor, and the gift shop Deux Amis I in this center is permitted to sell wine.

RECOMMENDATION

Staff recommends approval of CUP 20-02 and adoption of Resolution 20-04 which includes the findings and conditions, unless additional or contrary information is received during the meeting, and based upon the evidence submitted to the Commission, including the evidence presented in this Staff report, and any oral and written evidence presented at the Public Hearing.

Attachment 1. Draft Resolution 20-04 with Exhibit A Plans

ATTACHMENT 1

RESOLUTION 20-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 20-02 TO ALLOW FULL ALCOHOLIC BEVERAGE SALES AT A 2,118 SQUARE FOOT RESTAURANT WITH A 387 SQUARE FOOT OUTSIDE SEATING AREA IN THE GENERAL COMMERCIAL (C-G) ZONE AT 10708 LOS ALAMITOS BLVD. IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01 (APPLICANT: JOSEPH MAGGIORE, COPPER BELLE, INC.).

WHEREAS, an application for a Conditional Use Permit (CUP) was submitted by Joseph Maggiore on June 25, 2020 requesting the Planning Commission to allow full alcoholic beverage service at an existing restaurant with outside seating located at 10708 Los Alamitos Blvd.; 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 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 July 22, 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 20-02 to allow full alcoholic beverage service at an existing restaurant with outside seating located at 10708 Los Alamitos Blvd., 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 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. 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 General Commercial (C-G) 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 all types 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 for this project exists in 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 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 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 unit for the restaurant in this building on this parcel had tenant improvements in 2014 and all access, as well as emergency access were designed to meet that year's 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 restaurant in this space was improved and all utility provisions were designed to meet the current standards in 2014.
- 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 266 feet away from the nearest residential parcel to the west 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) 20-02 subject to the following conditions:

Planning

1. This resolution supersedes all previous conditions from resolution 14-09 and Conditional Use Permit 14-01.
2. Approval of this application is to allow full alcoholic beverage service at an existing restaurant with outside seating located at 10708 Los Alamitos Blvd, with such additions, revisions, changes or modifications as required by the Planning Commission pursuant to approval of CUP 20-02 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.
3. 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.
4. The applicant and the applicant's successors in interest, if any, shall be fully responsible for knowing and complying with all conditions of approval.
5. 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

6. 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.
7. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
8. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department. The property owner/applicant shall be required to record the Acknowledgment of these conditions of approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department prior to issuance of any permits.
9. Applicant shall comply with applicable City, County, and/or State regulations.
10. 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.
11. 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.
12. 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.
13. Prior to permit issuance, the applicant, and applicant's successors in interest, shall be responsible for payment of all applicable fees.

14. The applicant shall comply with applicable City, County, and/or State regulations.

Alcohol Sales

15. Approval of this application is to permit alcohol sales in conjunction through a Type #47 alcohol license within a 2,118 square foot restaurant with a 387 square foot outside seating area at 10708 Los Alamitos Boulevard in conjunction with a bona fide eating establishment.
16. 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*.
17. Hours of alcohol sales operation shall not commence any time 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.
18. 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.
19. The display of alcoholic beverages shall be interior only (no outside display) at any time.
20. 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.
21. Restaurant employees shall prevent alcohol from being carried out of or passed out of the outside seating area.
22. Serving of alcohol to obviously intoxicated individuals is prohibited.
23. 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.
24. Food establishments serving alcoholic beverages shall have a supervisor, at least 21 years of age, on-site at all times of operation.
25. 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.

26. Food establishments serving alcoholic beverages shall also obtain all necessary permits required by the State Alcoholic Beverage Control Department.
27. 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.

Outside Dining (Outside Seating)

28. The outside seating hours of operation shall be limited to the hours of operation of the associated food or beverage establishment, which hours are limited to 10:00 PM unless a conditional use permit for extended hours is approved.
29. 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.
30. The outside seating area must maintain a permanent barrier of at least 3- 1/2 feet in height separating the outside seating area from the Shopping Center property and the public right- of-way.
31. 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.
32. The outdoor dining area shall comply with Americans with Disabilities Act (ADA) and Title 24 accessibility requirements.
33. The outdoor dining area shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition.
34. 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.
35. Lighting shall be required for outside seating areas where food will be consumed during the evening hours. The lighting fixtures must be decorative and complement the architectural character of the existing building and area.
36. Lights mounted on the building shall not cause direct glare or other visual obstruction to pedestrians or vehicle drivers along the street and public walkway, and should illuminate only the sidewalk area.

37. Televisions and banners shall not be permitted in the outside seating area.
38. Amplified music shall not exceed decibel level requirements of Los Alamitos Municipal Code Section 17.20.
39. Portable umbrellas may be permitted provided they do not obstruct foot traffic and do not contain advertising.
40. 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.
41. 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.
42. 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.
43. Permanent live entertainment and outdoor events shall only be permitted through the issuance of a Conditional Use Permit for live entertainment. Occasional live entertainment shall be permitted through the Special Event Permit process.
44. Behavior that disturbs customers or passersby shall constitute grounds for revocation of any permit(s) for the on- premise sale of alcohol.

Police Department

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

Building Department

None.

Orange County Fire Authority

None.

SECTION 3. The approval of the Conditional Use Permit to allow full alcoholic beverage sales a restaurant located at 10708 Los Alamitos Blvd.; 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 22nd day of July, 2020.

Larry Andrade, Chair

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

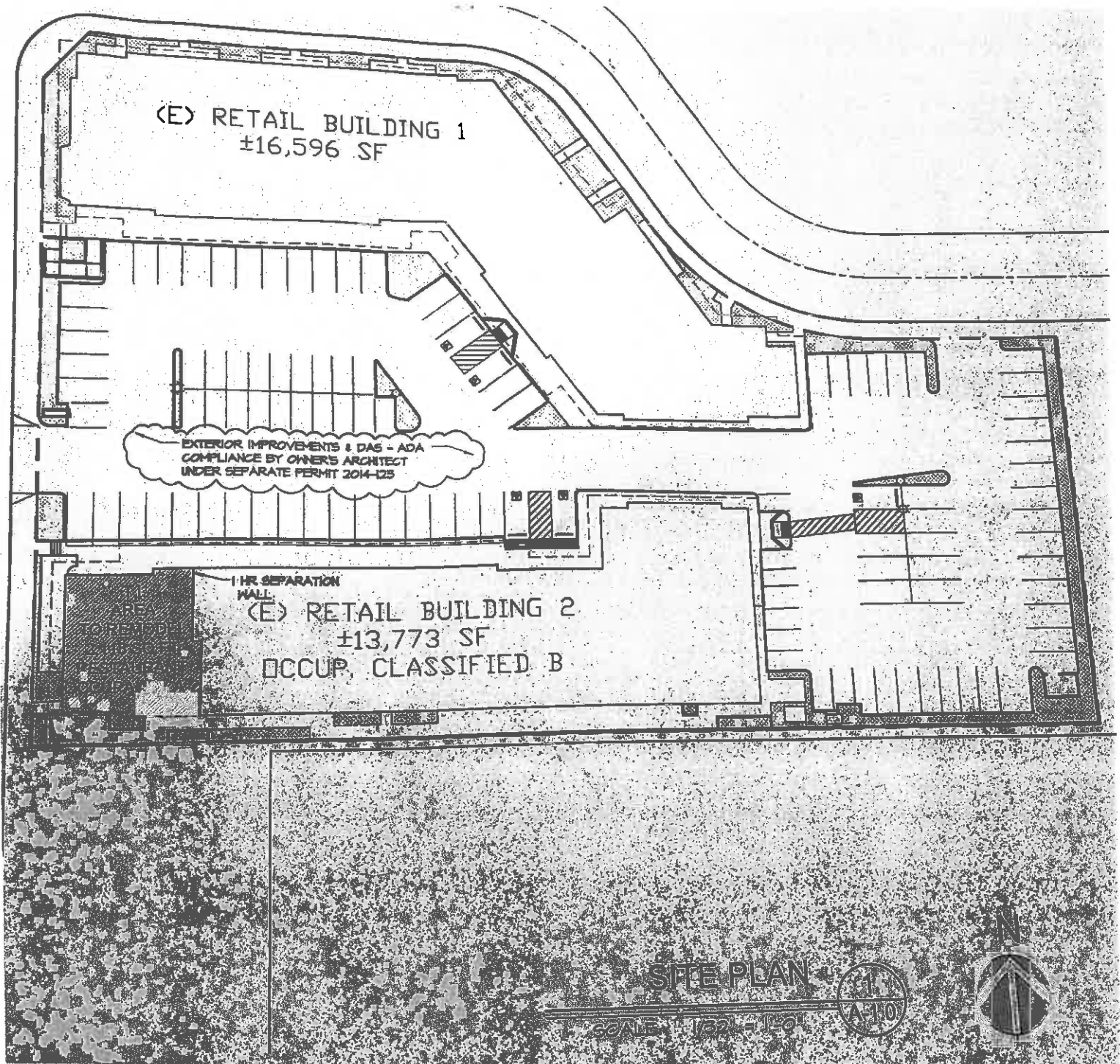
STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

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 22nd day of July 2020, by the following vote, to wit:

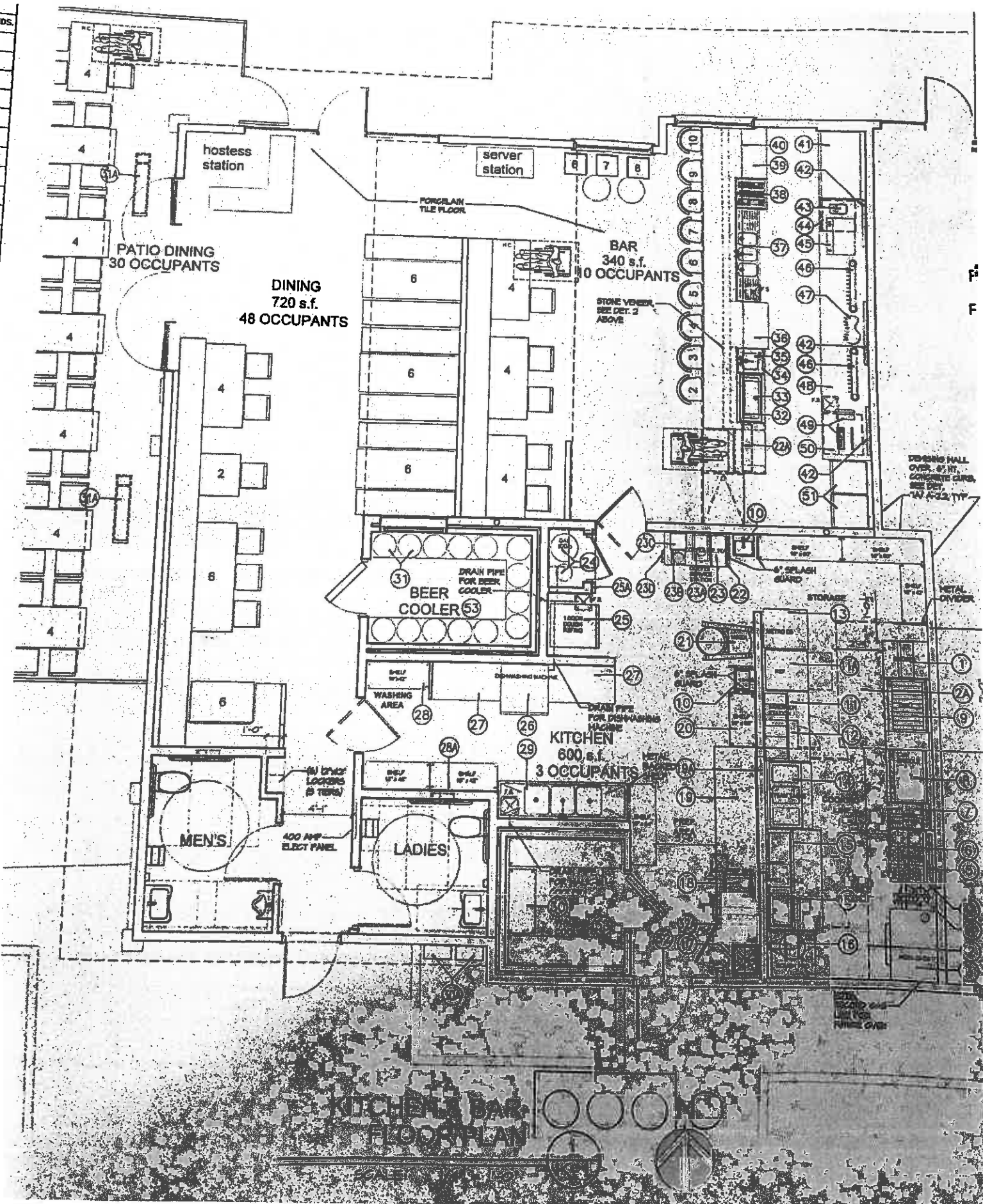
AYES:
NOES:
ABSENT:
ABSTAIN:

Ron Noda, Secretary
PC Reso 20-04
Page 8 of 7

EXHIBIT A



NDS.
S



KITCHEN & BAR
FLOOR PLAN

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: July 22, 2020

ITEM NUMBER: 8A

To: Chair Andrade and Members of the Planning Commission

Presented By: Ron Noda, Acting Development Services Director

Subject: Nomination of a Planning Commissioner for SCAG Active Transportation Plan Grant Community Advisory Committee

SUMMARY

This report provides the Planning Commission with information regarding the Southern California Association of Governments (SCAG) Active Transportation Program (ATP) Grant Project. The report also requests input into the nomination and appointment of one commissioner to serve on the Community Advisory Council (CAC).

RECOMMENDATION

1. Discuss the Active Transportation Program (ATP) Grant Project; and,
2. Nominate and appoint a representative from the Planning Commission for the Community Advisory Council (CAC).

BACKGROUND

Since 2005, the Sustainability Planning Grants Program (formerly known as Compass Blueprint) has strengthened partnerships with cities and local municipalities by providing consultant services as well as financial and technical resources for selected projects, free of charge. The Southern California Association of Governments (SCAG) accepted applications for the Sustainability Planning Grants Program in 2016. City of Los Alamitos Staff and interns applied for this SCAG Grant in November 2016. The City was not immediately awarded the grant and was placed on a waitlist until 2019 when the City was notified that the grant is now funded.

With the grant, the City desires to establish a bike and pedestrian-friendly environment throughout the City through the creation of a Community-wide Active Transportation Plan (ATP). The ATP will support and inform ActiveOC, Orange County's Bike and Pedestrian Plan being developed by the Orange County Transportation Authority

(OCTA). It will address specific issues related to bicycle elements, pedestrian elements, Safe Routes to School (SRTS), and regional connections. Improving conditions for walking and bicycling within the City of Los Alamitos would provide residents with greater access to jobs, goods, and services without the use of an automobile. Increasing the percentage of trips made by bicycling and walking will reduce overall VMT (Vehicle Miles Travelled) and GHG (Greenhouse Gas) emissions.

The SCAG grant award to the City is for \$150,000.00. The City does not receive those funds directly. SCAG pays those monies, as well as a \$15,000.00 match that the City provided, directly to a consultant who will conduct the work under the supervision of City Staff. The Consulting firm selected for this project by SCAG is KTUA, and Latino Health Access assists them. Tonight, KTUA requests that the Planning Commission nominate and appoint a Commissioner as a member of the Community Advisory Committee (CAC) for the SCAG ATP Grant.

DISCUSSION

The City of Los Alamitos, along with the consultant KTUA, has recently launched the planning process for the Los Alamitos Active Transportation Plan (ATP). The goal of the ATP is to evaluate the City's streets so that it can successfully plan for safe and accessible walking, biking, and "rolling" environments.

One member of the Planning Commission is invited to participate in a Community Advisory Committee (CAC) where the Commissioner, on behalf of the Planning Commission will have an opportunity to share their knowledge and experience with anything related to active transportation. The Commissioner will be asked to attend (in-person or virtually pending COVID-19 health guidelines) approximately six (6) meetings during the ATP's 10-month process. Each meeting will cover a different topic and the feedback collected will help shape the final ATP.

The role of CAC members will include:

- Providing feedback at each meeting
- Representing the values and viewpoints of the community
- Sharing ATP-related information to friends, neighbors, and social networks
- Encouraging others to participate in outreach events

Below is the tentative CAC schedule:

CAC #1 Mid/Late July 2020

- Topic: Introductions, ATP Overview/Goals, Outreach Feedback

CAC #2: Mid/Late August 2020

- Topic: Present Existing Conditions Analysis, Outreach Feedback, Walk Audit

CAC #3: Late September 2020

- Topic: Review Potential List of Projects, Outreach Feedback, Walk Audit

CAC #4: Late October 2020

- Topic: Review Design Concepts

CAC #5: Mid November/Early December 2020

- Topic: Review ATP Programs and Implementation Strategies

CAC #6: Mid January 2021

- Topic: TBD

Fiscal Impact

The grant has been provided by SCAG with a City matching fund of \$15,000.