

City of Los Alamitos

Agenda Report Ordinances

November 16, 2009
Item No: 9A

To: Mayor Troy Edgar and Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Steven A. Mendoza, Director of Community Development

Subject: Second Reading of Ordinance No. 09-09 - Amending Chapter 17.10.020, Table 2-04, in the Business and Professional Use Section of the Los Alamitos Municipal Code, Related to Non-Medical Office as a Conditional Use in the Planned Light Industrial (P-M) Zone

Summary: At its regular meeting of November 2, 2009, the City Council conducted a first reading of Ordinance No. 09-09, Amending Chapter 17.10.020, Table 2-04, in the Business and Professional Use Section of the Los Alamitos Municipal Code, Related to Non-Medical Office as a Conditional Use in the Planned Light Industrial (P-M) Zone.

Recommendation:

1. Adoption of Ordinance No. 09-09, second reading of an Ordinance entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT Z09-05 AMENDING CHAPTER 17.10.020, TABLE 2-04 IN THE BUSINESS AND PROFESSIONAL USE SECTION IN THE LOS ALAMITOS MUNICIPAL CODE RELATED TO NON-MEDICAL OFFICE AS A CONDITIONAL USE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT."
2. Adopt Ordinance No. 09-09 by roll call vote.

Background

Bay Harbor Management, owners of the 8.55 acre Los Alamitos Business Park, at the northwest corner of Cerritos Avenue and Los Alamitos Boulevard, have filed a request to amend the City's Zoning Ordinance to conditionally permit non-medical office uses within the Planned Light Industrial (P-M) Zoning District. The Planning Commission held a public hearing on September 12, 2009, regarding the issue and passed a Resolution recommending the amendment.

The Los Alamitos Zoning Ordinance does not permit, nor conditionally permit, office use within the Planned Light Industrial (P-M) Zoning District unless incidental (secondary) to

a permitted use. For example, a printing company could have their accounting offices in a P-M Zone, but an independent accounting office would not be permitted.

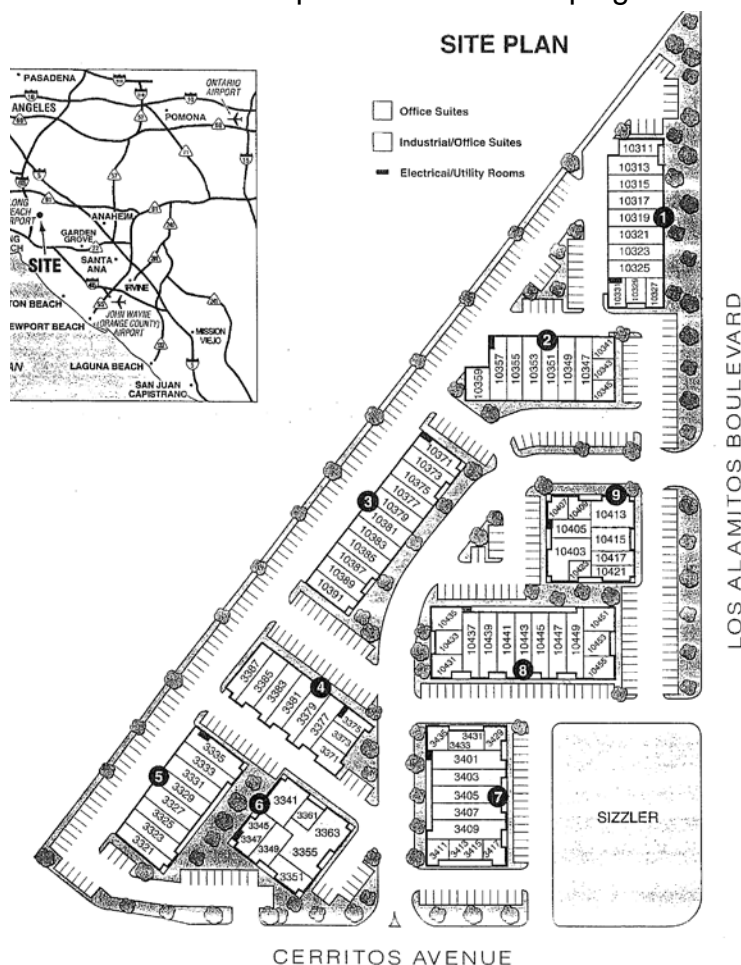
When Bay Harbor purchased the property in 2003, the City's Zoning Ordinance allowed office use at the site. The applicant noted that the site has been used for offices since 1975, and there was sufficient parking for the office, retail and industrial tenants. The applicant sees this Amendment as a solution to a problem that has plagued their property for years. Since the implementation of the City's current Zoning Ordinance (adopted December 2005), it has been staff's interpretation that office uses are not permitted at the site unless the office use is incidental to the allowed primary use. The applicant feels that two of the buildings on the site are clearly office buildings and have been so for a long period of time. Additionally, there are various suites throughout the site that are being used as office.

The practice of City staff has been to allow an office use to replace an existing non-conforming office use, if the property management advised the City in writing prior to the abandonment of the use. Therefore, the City considers the office use not abandoned.

This practice has been in place to facilitate the timely lease-up of vacant space, but has been burdensome to implement, requiring letters to be written by property management and City staff to monitor when permitting non-conforming uses at the site. The non-conforming section of the City's Code states – "should a non-conforming use be discontinued, a same or more restrictive use could be allowed via a CUP". Furthermore, Section 17.64.070 of the City's Zoning Ordinance allows for the continuance of a non-conforming through the CUP process.

An observation of the property demonstrates that the area:

- does not act exclusively as an industrial park
- does have office tenants
- does have office structures



- has retail uses (conditionally approved)

To understand how the General Plan describes the industrial zone, staff has provided the following excerpts from the General Plan as it discusses the **Planned Industrial Category**:

The Planned Industrial Category contains light industrial uses. The purpose of the Planned Industrial Category is to provide areas for light industrial and manufacturing uses. As of January 1997, the Planned Industrial Category comprised 248 acres or 18 percent of the City's non-AFRC land area. Examples of uses permitted in the Planned Industrial Category include manufacturing of aircraft parts and accessories, boat building, carpet cleaning plants, appliance repair and service, plastic fabrication, and printing plants. Other uses appropriate in the Industrial category are permitted subject to special review procedures. During 1997, a survey was made of Los Alamitos' industrial areas. The following is a general description of these areas:

The Catalina Street/Kyle Street/Florista Street Industrial Area - The Catalina Street/Kyle Street/Florista Street industrial area contains some of the heaviest industrial uses in the City. These uses include Trend Offset Printing, a bathtub manufacturer (plastics and fiberglass), two automobile towing and storage yards, an aircraft windshield manufacturer, a machine shop, Safety-Kleen Hazardous Waste Transfer Facility, Barr Lumber's storage yard, and Briggeman Solid Waste Disposal and Storage Facility. The Los Alamitos Post Office is also located in the Catalina Street/Kyle Street/Florista Street Industrial Area. Currently, there are approximately 2.83 vacant acres in this area.

*Southeast Corner of Cerritos Avenue and the Coyote Creek - This industrially-zoned area is occupied by a mixture of land uses: a church (Cottonwood Christian Center); light industrial retail shops fronting on Cerritos Avenue (glass repair, plumbing supplies, flooring supplies, and **offices**); two vacant lots, and an electrical substation. The two heavy industrial land uses in this area include Harbor Patterns (a manufacturing/fabricating facility for aircraft parts) and Collins Heavy Equipment Storage yard and repair. In addition, there is an automobile repair shop located at the southeast corner of Sausalito and Chestnut Streets.*

Arrowhead Products (Katella Avenue) - Arrowhead Products is a large-scale parts manufacturer for the aerospace industry. Due to the chemicals and processes used by Arrowhead Products, it is classified as a heavy industrial land use.

*Business/Industrial Parks - There are thirteen business/industrial parks in Los Alamitos. The land uses, visual appearance, and age characteristics of Los Alamitos' business/industrial parks vary. Most, if not all of the business/industrial park areas contain a mixture of **office** and industrial (light to medium) land uses and unit sizes. Some of the parks along Cerritos Avenue, (Alamitos Business Center and Los Alamitos Business Park South) contain retail uses.*

Business/industrial rental units in Los Alamitos range in size from smaller office and light industrial units (10,000 sq.ft. and less), to the mid-size light to heavy industrial user (10,000 sq.ft. to 20,000 square feet), and finally, to the larger scale industrial user (20,000 sq. ft. and more).

As represented above, the General Plan actually discusses office use within two areas of the Planned Light Industrial (P-M) Zone. The issue at hand is that the property owner does not have zoning compatible with the property. Since the Zoning Code Update of 2005, office use has not been allowed and keeping the office uses existing non-conforming has been problematic for the property owner.

Although brought forward by one property owner, it is important to consider how this would impact other Planned Light Industrial Zoned Properties within Los Alamitos.

The risk of such a Code Amendment is that there becomes a proliferation of office uses in the industrial zone. There are ways to prevent a proliferation. First, any office use shall be subject to a Conditional Use Permit which entails a full review by the Planning Commission prior to approval. Second, the evaluation of a Conditional Use Permit would include a review of parking. Office parking is more intense than a standard industrial use and could preclude offices from proliferating within the Planned Light Industrial Zone; one parking space is required for every 250 sq. ft. of office space, while one space per 500 square feet is required for typical industrial use. And third, the Commission has recommended establishing a footnote capping office uses on each Light Industrial Zoned lot/parcel to not exceed thirty percent.

Allowing less than one-third of the project to contain non-medical office space enables a mixed-use business park to be consistent with typical mixed-use business parks in Southern California which contain office uses to complement the tenant mix while not changing the character of the business park to resemble an office park. A project will still need to meet the other restrictions in the Zoning Code such as parking and landscaping in order to be consistent.

With the proliferation of medical offices in the City, office uses are a sensitive issue in Los Alamitos. To avoid such confusion, "medical office" has been separated out for the purpose of this Ordinance. All references are to Non-Medical Office.

To address the issue of the footnotes, staff has removed the footnote added in 2005 that required that office be located further than 300 feet from a school in the Planned Light Industrial (P-M) zone. Staff added footnote No. 20 and footnote No. 21 to clarify the intent.

(20) Non-Medical Office shall not exceed 30% of Light Industrial Zoned (P-M) Parcels.

(21) Excludes Medical Office.

An amendment to the Zoning Code may be approved only if findings can be made in a positive manner, as applicable to the type of amendment. It is the responsibility of the

applicant to establish evidence in support of the required findings. Staff is confident that the appropriate findings can be made that will provide internal consistency and avoid being detrimental to public convenience, health, interest, welfare and safety of the community.

In noticing the proposed amendment, staff mailed notices to all PM zoned property owners and published the item in a 1/8th page advertisement in the News Enterprise.

A Categorical Exemption pursuant to Section 15305 has been prepared for this project in accordance with the California Environmental Quality Act and the City's local guidelines for implementing the California Environmental Quality Act.

Fiscal Impact

None

Submitted By:

Approved By:

Steven A. Mendoza
Community Development Director

Jeffrey L. Stewart
City Manager

Attachments: 1) Ordinance No. 09-09