

**MINUTES OF PLANNING COMMISSION MEETING
OF THE CITY OF LOS ALAMITOS**

July 14, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:02 p.m., Monday, July 14, 2014, in the Council Chamber, 3191 Katella Avenue; Chair Loe presiding.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Loe.

3. ROLL CALL

Present: Commissioners: Mary Anne Culty
Will Daniel
Art DeBolt
Wendy Grose
Gary Loe
John Riley
Victor Sofelkanik

Staff: Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Part-Time Clerical Assistant Kirsten Spreitzer

Absent: Commissioners: None.

4. ORAL COMMUNICATIONS

Chair Loe opened the meeting for Oral Communications.

There being no persons wishing to speak, Chair Loe closed Oral Communications.

5. APPROVAL OF MINUTES

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Conditional Use Permit (CUP) 13-09

Request to Allow an Outdoor Generator to be Installed at 10851 Portal Drive

Consideration of a Conditional Use Permit to install an outdoor generator for a wireless tower installation in the Planned Light Industrial (P-M) Zone at 10851 Portal Drive.

Associate Planner Oliver summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Commissioner Grose declared a conflict of interest as she owns property within 300 feet of the property and excused herself from the Chamber.

Chair Loe opened the item for public comment.

Commissioner Debolt asked what the decibel level is after the mitigation.

Associate Planner Tom Oliver replied 50 decibels.

Commissioner Debolt asked what decibel level is allowed in the code.

Associate Planner Tom Oliver replied 55 decibels.

Commissioner Culty asked what time the testing will take place each week.

Associate Planner Tom Oliver stated no time has been set and Staff is open to feedback.

Chair Loe invited the applicant to speak.

Al Gamboa, Milestone Wireless, representing Verizon Wireless, came forward to speak. He stated he wants to meet the requirements of the ordinance, and that mitigation efforts have made the noise level acceptable.

Vice-Chair Sofelkanik asked how long construction will take place.

The applicant replied about a week, and that construction will only take place during normal business hours. Once it is constructed, the generator will operate only during diagnostics, during business hours.

Vice-Chair Sofelkanik asked again how long construction will take.

The applicant replied 1-2 weeks.

Vice-Chair Sofelkanik asked what the power source is.

The applicant replied diesel fuel.

Vice-Chair Sofelkanik asked where the fuel tank would be located.

The applicant replied above ground.

Commissioner Debolt asked if the generator will be used in emergencies only.

The applicant responded in the affirmative.

Commissioner Debolt asked if diagnostics will be run just to make sure it functions.

The applicant responded in the affirmative.

Chair Loe inquired as to the height of wall.

The applicant stated the wall is 8 feet tall.

Vice-Chair Sofelkanik pointed out that the noise analysis sites 6 feet tall.

The applicant referred to the report and stated it is 7 feet 4 inches tall.

Chair Loe asked what height of wall was used in the noise study.

The applicant replied 6 feet.

Chair Loe asked if the school is one or two stories.

Associate Planner Oliver stated it is single story.

Chair Loe asked if there were any two story buildings in the area.

Associate Planner Oliver replied there is a two story retirement home nearby, but it was far enough away it did not need any mitigation.

Chair Loe asked how long it would run during an emergency.

The applicant replied however long the emergency lasts.

Vice-Chair Sofelkanik referred to the noise analysis and asked where the study was done. He asked if it was at the western property line. He said the noise analysis shows that the noise is louder further away from the generator, and asked how that is possible.

The applicant referred to page 7 of the noise analysis and stated that the decibel level will not exceed 55 decibels at the property lines.

Vice-Chair Sofelkanik referred to page 6 of the noise analysis and again asked how the noise level can be higher at a further distance from the generator. He also asked if the wall height is 7' 4".

The applicant responded in the affirmative regarding the wall height.

Commissioner Cuiilty referred to a letter received by Staff opposing the generator. She asked which property the letter writer occupies in relation to the location of the generator.

Associate Planner Oliver pointed to the point on the map indicating the letter writer's location.

Community Development Director Mendoza stated the letter writer is closer to the cell tower than the generator.

Chair Loe indicated the senior center is two stories, and the study was done with a 6' wall. He asked if the senior center will be more affected by noise.

Community Development Director Mendoza pointed to various effected sites.

Chair Loe reiterated concern for the senior center, and stated that the 7 foot high wall will possibly not protect the second story from noise.

Commissioner Riley reiterated Chair Loe's concern.

The applicant replied the engineer was aware of the multi-story building, and had based the findings on actual conditions surrounding the property. The second story was addressed by the engineer.

Commissioner Riley pointed out residential property is addressed on page 4. He asked if the applicant is responsible if noise standards are not met.

Community Development Director Mendoza responded yes, but the City want to be more proactive to ensure that the generator is not exceeding noise limits. He stated residents could be invited to a noise testing. We can bring the item back with conditions.

Commissioner Daniel asked if the Public Hearing is still open.

Community Development Director Mendoza answered in the affirmative.

Commissioner Daniel asked if it is supposed to be.

Community Development Director Mendoza answered in the affirmative.

Commissioner Daniel inquired if the generator will run for 15 minutes per week.

Community Development Director Mendoza answered in the affirmative.

Commissioner Daniel pointed out that the Commission might be over-thinking the issue if it is only running for 15 minutes per week.

Chair Loe closed the Public Hearing.

Commissioner Daniel asked if a roof can be installed over the generator.

Associate Planner Oliver replied the City has one with bars across the top because it needs ventilation.

Vice-Chair Sofelkanik stated the zoning code talks about property lines, not a second story. Decibel level requirements are only for property line. He stated he would like to see the resolution amended to include language regarding limiting testing to 15 minutes, recommending testing on Saturday to avoid interrupting school, and addressing frequency and duration of testing.

Chair Loe agreed.

Commissioner Debolt stated testing should not occur while classrooms are being utilized. He said that the sound is being tested at ground level, and something should show how noise expands going up and how high would the wall need to be to send the sound over a two story building.

Chair Loe asked how staff interprets "property line" concerning height.

Community Development Director Mendoza replied wherever the tester is standing holding the meter.

Commissioner Debolt reiterated he would like the height issue addressed for the benefit of residents who can't move.

Chair Loe stated he is happy with the fact that the generator will only run 15 minutes a week. He opened Public Hearing again and invited the applicant to return and speak.

The applicant stated the level of sound in Exhibit 3 is a minor level of sound, equal to a conversation, not loud spikes of sound. With mitigation and certification that the 55 decibel requirement is met at the property line in the study, that should be adequate.

William Phillips came forward to speak. He stated the noise at the intersection where the generator will be located is loud all the time. The generator running for 15 minutes could not possibly disturb residents more than the traffic.

There being no further speakers, Chair Loe closed the Public Hearing and brought it back to the Commission for their comments and action.

Chair Loe stated he is OK moving forward.

Vice-Chair Sofelkanik pointed out the ambient noise is between 50 and 60 decibels, and the Commission is requiring that the generator noise level come in under the ambient noise level.

Following a discussion with regard to excluding school hours for testing, the Commission took the following action:

Motion/Second: Cuijly/Sofelkanik

Carried: 7/0: The Planning Commission adopted Resolution No. 14-16, entitled, "A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (CUP) 13-09 FOR THE INSTALLATION OF AN OUTDOOR GENERATOR FOR A WIRELESS TELECOMMUNICATIONS FACILITY AT 10851 PORTAL DRIVE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 241-241-19 (APPLICANT: AL GAMBOA - MILESTONE WIRELESS, ON BEHALF OF VERIZON WIRELESS)," with the addition of a condition as stated below:

18. Testing shall be limited to 15 minutes a week and not during the hours of 8:00 am to 3:00 pm while school is in session.

Grose re-joined the dias at 7:36 pm.

B. Conditional Use Permit (CUP) 14-05

Consideration of a Conditional Use Permit to allow an Athletic Attribute Development and Training Service (Indoor Recreation) at 3831 Catalina Street, Units B & C, in the Planned Light Industrial (P-M) Zone, APN 242-151-18 (Applicant: Preston A. Rawlings – PARperformance).

Associate Planner Oliver summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Vice-Chair Sofelkanik pointed out most support is from the applicant's clients. He asked if proper notice was given.

Associate Planner Oliver responded in the affirmative.

Vice-Chair Sofelkanik asked if there was any feedback from the notices.

Associate Planner Oliver responded no.

Commissioner Daniel asked who is in suite A.

Associate Planner Oliver replied an orthotics manufacturer.

Commissioner Daniel asked who is across the street.

Associate Planner Oliver replied Deft Touch, an indoor soccer facility.

Commissioner Daniel asked what they do.

Associate Planner Oliver replied indoor soccer. He added that the applicant has clients who he trains and works with them building confidence.

Commissioner Daniel asked if the applicant has different clientele than the soccer facility.

Associate Planner Oliver replied his current clients are from Deft Touch.

Chair Loe opened the item for public comment.

The applicant came forward to speak. He noted that the purpose of a CUP is to allow a business to operate that does not fit in with zoning. He provided statements from neighboring businesses and clients in support of his application. He stated that he puts safety first, and children are not running freely. He will not have large groups of people, and often will work one-on-one. There will not be a lot of traffic. He referred to the comment from concerned citizen and stated he is not sure what the purpose of the statement was. He stated the program will be similar to what is across the street, but on a smaller scale. He wants to keep the business close to Deft Touch and close to the schools.

Vice-Chair Sofelkanik asked the applicant if he has tried to look anywhere else in the city, and if he is seeking this space because of the proximity to Deft Touch.

The applicant responded he has two reasons for choosing this location: one, the size and the cinder block walls; and two, the proximity to Deft Touch.

Vice-Chair Sofelkanik inquired whether there is a rule that children cannot walk, and must be picked up and dropped off.

The applicant responded no.

Commissioner Grose asked about the age of the clients.

The applicant responded age 5 to 72.

Commissioner Grose asked about the hours of operation.

The applicant responded primarily evenings.

Darby Kaiser came forward to speak. She stated she is a business owner and a client at Deft Touch. Her 3 children train with Preston and have been visiting Deft Touch for at least 5 years. She said there are never children running around. It is completely safe, she feels safe with her children there, and does not think it will be different across the street. Her kids have walked from McAuliffe to the facility and she does not see any concern. She thinks it is an excellent idea to have the business across the street from Deft Touch.

Jennifer Burrell came forward to speak. She has a 15 year-old who trains with Preston, who has been attending Deft Touch for several years. Preston teaches kids respect and will not let them do anything unsafe.

Angel McLean came forward to speak. She is a trainer at Deft Touch. She stated Preston has a huge support staff who will support him in keeping kids safe in the area. The kids listen to him, and this will help more people in the community.

Tony DeMarco came forward to speak. He stated that his whole family is here to support Preston. He said his kids have been working out with Preston for a few years. He drops his kids off at the corner at Deft Touch, and there have not been any issues there. Preston has secured parking which will make a big difference. He pointed out that kids don't have energy to wander around after their time with Preston; they just get in the car and go home.

William Phillips came forward to speak. He stated he has never seen a kid running into the street there. He pointed out that Trend Offset Printing has crosswalks, and that people are already cautious when driving there. He said he thinks the project will be a positive addition to the community.

Al Smith came forward to speak. He said his son has trained with Preston for 3 years. He said Preston does a great job of managing the kids and not letting them stray outside. He stated that as a parent, he is the one responsible for watching his own child. He pointed out that the hours and the structure will limit safety concerns. He said there are several training facilities in the area, but the responsibility is with the parents. He said that as a responsible and caring parent, he thinks this facility is good.

Commissioner Grose asked what time the business will close.

The applicant replied no later than 9:00 p.m.

Chair Loe asked Staff how late the business can stay open.

Associate Planner Oliver replied that the Commission can set a time. In the industrial zone, it's 24 hours a day.

Chair Loe asked what time would be approved.

Associate Planner Oliver replied a time was not set because Staff recommended denial.

Vice-Chair Sofelkanik asked if there were written agreements for the parking spaces.

The applicant responded in the affirmative.

Vice-Chair Sofelkanik asked what time the parking spaces are available.

The applicant responded after 5:00 p.m., and added that he also works with employees from Trend Offset Printing.

Vice-Chair Sofelkanik inquired if the hours will depend on the hours of the other businesses.

The applicant responded 5:00 pm and later.

Commissioner Debolt asked what hours of operation are.

The applicant replied he will be open during the day, but most of the business is after 5:00 p.m.

Commissioner Debolt asked if training is one-on-one during the day.

The applicant replied it is one on one or sometimes 3 or 4 students in a class.

Vice Chair Sofelkanik asked the applicant if he is aware the City is trying to carve out a zone where recreational uses will be in one area, where there are existing sidewalks and crosswalks. He asked if the applicant has looked at those areas. He stated there is a safety issue with children being in an industrial zone.

The applicant replied the reason for the location is the close proximity to Deft Touch, and being able to work with smaller groups.

Heather Paige came forward to speak. She stated she trains with Preston, and it would be helpful if her daughter can go to Deft Touch at the same time she trains with Preston. He trains kids at 3:00 p.m. and 4:00 p.m., so the kids have to get there right after school.

Chair Loe asked Assistant City Attorney Kranitz whether this presents a liability for the city.

Assistant City Attorney Kranitz replied there should not be a liability for the City. Chair Loe asked Staff if there had been any feedback from neighboring businesses.

Associate Planner Oliver replied no.

Vice-Chair Sofelkanik stated he has heard much testimony about Preston's character, all positive, but said the Commission is losing the sight of the fact that the issue is location. That is the focus. The City is trying to carve out a zone where these facilities can be located in a safer area. He pointed out that other business owners could come in and not be as safety conscious as Preston. He

said industrial businesses are a revenue producer, and this space should be reserved for industrial business. It's not about Preston; it's about where the business should be located. He added that Preston has been there since 2007 without incident. He stated he was there today and it appears that the Deft Touch location is more dangerous than this proposed location. He said the building for the proposed business is in bad shape and Preston's business would likely have a positive effect. He said the Commission does not want to change the use from industrial to recreational. Whatever the decision, there will be good reason for it. He added that the hours of operation should be concrete.

Commissioner Grose stated that with the hospital's new entrance for ambulances, Kaylor will be shut down, and ambulances will enter on Kyle and Catalina. She stated that we have to think about the future: ambulances will be traveling on Catalina, which increases current traffic and causes concern for that location. She added that the General Plan shows this area is zoned for medical. We have an expanding hospital and we have to think of what's best for everyone and what fits with the General Plan.

Commissioner Debolt asked where parking structure is located.

Commissioner Grose replied it is on Kaylor, and the next phase includes a tower and another parking structure.

Commissioner Debolt stated it is not a good idea for ambulances to have to take a longer route in emergencies. He said getting back to the issue tonight, he drives in that area and knows there are kids there. He thinks this is a dangerous area for this type of business, but has never seen a child running into the street. He said the CUP runs with the property, not with the person operating it, and that we are stuck with the use if we approve it. He said he's not concerned about the parking structure. He stated he is leaning toward approval with more definition of hours. He said he understands the nature of the area, but that building has been empty for a long time.

Commissioner Daniel asked whether there was a CUP for Deft Touch. Community Development Director Mendoza responded in the affirmative.

Commissioner Daniel asked if Community Development Director Mendoza was present at the time it was approved.

Community Development Director Mendoza replied no.

Commissioner Daniel stated just because one business is here that shouldn't be here, doesn't mean the new one shouldn't go in, and two wrongs don't make a right. He asked the applicant how long the lease is at Deft Touch.

The applicant replied that he doesn't own Deft Touch; he runs a business in Deft Touch.

Commissioner Daniel reiterated his prior statement.

Chair Loe stated if Deft Touch applied today, it would be declined. He said we are trying to take away hodge-podge areas now. He added it is a hard decision, and that Deft Touch poses more risk than the proposed business. This business has the parking required. He said he likes this project.

Commissioner Daniel asked if we can limit the amount of time that the CUP is approved.

Assistant City Attorney Kranitz replied we have done it before in a couple of cases. Case law indicates it's possible, but it could be challenged.

Commissioner Daniel stated if Deft Touch vacated, we would not allow another similar business there. He said it is hard to say no, and it is hard to say yes, but Deft Touch is a bigger problem.

Commissioner Grose stated we have a positive role model and great potential, and some conflicts. She said that the applicant is trying to reduce safety risks. She pointed out there are no days and hours of operation, and asked if the applicant can work with staff to work something out that would reduce safety concerns based on the operating hours and traffic.

Commissioner Daniel stated it won't matter what the hours of operation are. It won't have an impact. The issue is the use.

Commissioner Debolt stated the responsibility lies with the parents. He said if safety was a real issue, the business' clientele would suffer. He said it is a bit safer than Deft Touch and fits with what Commissioner Grose was talking about. He added that Deft Touch would be pushed out before this business because of its proximity to the hospital and the ambulances. He stated he does not think the use is totally incompatible and that he is inclined to approve it.

Vice-Chair Sofelkanik called the applicant back up for questions. He stated he was under the impression the applicant owns Deft Touch. He asked the applicant if he would still work at Deft Touch if his project is approved.

The applicant responded in the affirmative. He stated he is there all day and he trains groups off site throughout the day as well. He said he would like the hours of operation to be as extensive as possible. He added he works with employees from Trend Offset Printing at all hours of the day or night.

Commissioner Grose pointed out there is the hospital across the street that is open 24 hours too.

Vice-Chair Sofelkanik asked Staff if Deft Touch is located in an industrial zone. He asked where specifically the industrial zone is located.

Community Development Director Mendoza responded it is located in an industrial zone, and described the limits of that zone.

Commissioner Daniel asked Community Development Director Mendoza for his opinion of the project.

Community Development Director Mendoza replied his opinion is in the staff report. It is an assessment of the site. If this project is approved, there will be another person wanting a similar approval next month.

Commissioner Riley asked if other locations were looked at.

Community Development Director Mendoza replied applicants are already hooked on a certain site in every CUP application.

Commissioner Riley asked if there is a precedent for a CUP to be approved because a similar one was approved in the past.

Assistant City Attorney Kranitz replied no; each CUP is unique.

Commissioner Riley stated this is not intended to be a family-friendly area, and a machine shop would not be approved in a residential area. Just because the Commission approved it in the past does not mean it should be approved now. He said we are all on the fence, because the owner brings value, but we are trying to do the right thing. He advised the Commissioners need to think with their heads, not their hearts. He stated this does not fit with the general plan, and it is difficult to say, but it should be denied.

Commissioner Daniel agreed.

Vice-Chair Sofelkanik stated he was on the commission in 2007. He said he did not recall whether he voted for or against Deft Touch, but the decision is based on what is presented.

Chair Loe stated someone wants to use the site, no one has spoken against it, and there have been no safety issues there. He said if they can contain their patrons and their parking on their parcel, then the use is fine. He said that today he would not approve Deft Touch, but he would approve this use.

Commissioner Cully asked if the CUP could be tied to the length of the lease.

Assistant City Attorney Kranitz replied that was done with Cross Fit. She said that condition should not be done on all CUPs because the law is not clear. She added that land use cases have gone in several different directions.

Vice-Chair Sofelkanik asked if the property owner's consent would be needed to put the condition on the CUP.

Assistant City Attorney Kranitz responded in the affirmative.

Commissioner Debolt asked if the property owner could be asked to agree to the condition.

Assistant City Attorney Kranitz responded yes; that would help, however, in that case the decision is not based on the land use, but the character of the applicant.

Commissioner Riley stated it would not be a land use decision then.

Assistant City Attorney Kranitz stated she is more cautious to use that condition.

Vice-Chair Sofelkanik asked if the City can impose the condition that the CUP lasts only as long as it takes to establish a recreational zone.

Commissioner Daniel stated if the Commission is not comfortable having the business there long term, then they are not comfortable having the business there.

Vice-Chair Sofelkanik stated we are hearing information on the character of the applicant, not the land use.

Commissioner Daniel stated the land use is the issue. Even though the applicant is a respected business owner, that should not be an issue.

Commissioner Grose asked if there anything else available in that area.

Community Development Director Mendoza replied not now, but there may be something with potential.

Commissioner Debolt asked if the same concerns would be here if there was an application for medical use.

Commissioner Riley stated he had asked himself that same question, since the same age group of people would be traveling in and out of the area.

Commissioner Debolt stated that the area is going to be zoned for medical use with the new General Plan.

Community Development Director Mendoza clarified the area is an industrial zone with approved medical overlay.

Commissioner Debolt asked if that preclude other uses.

Community Development Director Mendoza stated that a medical business would not have to go through a CUP process.

Commissioner Debolt stated the applicant is a destination and he would succeed anywhere he located.

Chair Loe stated the Commission should approve the application if the applicant returns with agreements regarding the parking and the lease. He asked for a motion.

Vice-Chair Sofelkanik asked what the motion is.

Commissioner Daniel asked if we want this business there.

Vice-Chair Sofelkanik stated the resolution is to deny the application.

The Commission engaged in discussion regarding whether the application should be denied, approved, or continued.

Motion/Second: Sofelkanik/Debolt

Carried: 4/3: The Planning Commission continued Resolution No. 14-17, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING CONDITIONAL USE PERMIT (CUP) 14-05 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (ATHLETIC ATTRIBUTE DEVELOPMENT AND TRAINING SERVICE) IN A 961 SQUARE FOOT UNIT IN A 15,114 SQUARE FOOT BUILDING AT 3831 CATALINA STREET, UNITS B & C, IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-151-18 (APPLICANT: PRESTON A. RAWLINGS – PARPERFORMANCE); and directed Staff to draft a Resolution recommending approval of CUP 14-05 for the next meeting.

RECESS

The Planning Commission took a brief recess at 9:10 p.m.

RECONVENE

The Planning Commission reconvened in Regular Session at 9:20 p.m.

C. Zoning Ordinance Amendment 14-05

The Planning Commission has been asked by City Council to draft the appropriate Zoning Code amendments to facilitate "Remote Caller Bingo" within the Community Facilities (C-F) Zone (Zoning Ordinance Amendment 14-05) (City initiated). The Ordinance also clarifies that regular Bingo is allowed in the CO, CG, PM, and C-F zones.

Community Development Director Mendoza summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Assistant City Attorney Kranitz discussed zoning ordinance wording. She stated hours of operation should be in sections 5.16 and 5.18.

Commissioner Daniel asked if the Commission is choosing a location for remote caller bingo.

Assistant City Attorney Kranitz stated the Commission is putting remote caller bingo in CF zone as permitted use.

Community Development Director Mendoza stated there are currently several zones, and said the City does not want to take away the current uses.

Commissioner Debolt asked where bingo is permitted in the code.

Assistant City Attorney Kranitz replied section 5.16. She read Zoning Ordinance Amendment 14-05.

Commissioner Riley asked what zone is in question.

Community Development Director Mendoza replied the CF zone.

Commissioner Grose asked if remote caller bingo would be allowed during the same hours as regular bingo.

Community Development Director Mendoza replied the hours would be decided by Council.

Commissioner Debolt asked if the groups who can conduct remote caller bingo are non-profit.

Assistant City Attorney Kranitz replied one recommendation is for groups associated with schools would conduct remote caller bingo.

A discussion ensued regarding wording.

Commissioner Riley asked what days of the week are currently approved for bingo.

Assistant City Attorney Kranitz replied the maximum is 5 hours per 24 hours, once every 7 days. Bingo is not allowed between midnight and 10:00 a.m., and no games are allowed before 6:00 p.m. except on weekends or holidays.

Commissioner Daniel asked why there are such limits for remote caller bingo.

Community Development Director Mendoza replied the proceeds are shared with exponentially more people.

Commissioner Riley stated remote caller bingo can be played with more people state-wide, and times are limited because it is a big business in some locations.

Assistant City Attorney Kranitz stated there has recently been talk among City attorneys regarding bingo. Millions of dollars were stolen within a bingo organization, and there are huge sums of money involved in bingo.

Vice-Chair Sofelkanik asked if there is any revenue the City can realize.

Community Development Director Mendoza replied no.

Commissioner Riley stated the intent is for non-profits to make money, but there is potential to make money on renting the space, sales of supplies, etc.

Vice-Chair Sofelkanik asked if the City is requiring a permit.

Community Development Director Mendoza replied yes.

Commissioner Riley stated the organization will have to apply for a permit.

Community Development Director Mendoza stated this is similar to other things the City Manager would approve.

Chair Loe opened the Public Hearing.

Bruce Murphy, President of St. Isidore Historical Plaza, came forward to speak. He stated the State closed down the whole process for about a year and a half due to abuses. He said there are more rules now and the State decides when games can be played.

Assistant City Attorney Kranitz stated tonight's decision is only for zoning.

Commissioner Debolt asked if the Commission can make a distinction between regular bingo and remote caller bingo in regards to location.

Assistant City Attorney Kranitz replied that is what the ordinance says.

Mr. Murphy explained remote caller bingo and stated it should have same zoning as regular bingo.

Commissioner Riley asked how the charities get paid.

Mr. Murphy replied the charity makes 43% of what they bring in.

Commissioner Riley asked if they play all night.

Mr. Murphy replied remote caller bingo is typically played from 4:30 p.m. to 10:00 p.m., but usually no start time is stipulated. The end time is usually stipulated.

Motion/Second: Grose/Cuilty

Carried: 7/0: The Planning Commission adopted Resolution No. 14-15, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-05 TO ADD "BINGO" TO LOS ALAMITOS MUNICIPAL CODE SECTION 17.10.020, TABLE 2-04, AS PERMITTED USE IN THE COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, TO ADD BOTH "BINGO" AND "REMOTE CALLER BINGO" TO LOS ALAMITOS MUNICIPAL CODE SECTION 17.12.020, TABLE 2-06, AS PERMITTED USES IN THE COMMUNITY FACILITIES (C-F) ZONING DISTRICT, AND TO ADD THEIR RESPECTIVE DEFINITIONS TO SECTION 17.76, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITY INITIATED)."

D. Zoning Ordinance Amendment 14-04

A Municipal Code Amendment to allow Affordable Housing in the Residential Zoning Districts (R-1, R-2 & R-3) of the City without a Conditional Use Permit, as required by the State Department of Housing and Community Development (Citywide) (City initiated).

Community Development Director Mendoza summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Loe opened the Public Hearing.

Commissioner Debolt asked if this affects development standards.

Community Development Director Mendoza replied there is no special zoning.

Chair Loe closed the Public Hearing.

Motion/Second: Grose/Sofelkanik:

Carried: 7/0: The Planning Commission adopted of Resolution No. 14-14, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 14-04 TO ALLOW AFFORDABLE HOUSING AS A PERMITTED USE IN THE RESIDENTIAL ZONING DISTRICTS (R-1, R-2 & R-3) OF THE CITY WITHOUT A CONDITIONAL USE PERMIT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITY INITIATED)."

E. Continued Consideration of Zoning Ordinance Amendment (ZOA) 14-03

Continued consideration of a Zoning Ordinance Amendment to allow more flexible uses in the Planned Light Industrial Zone (Citywide) (City initiated).

Community Development Director Mendoza summarized the Staff Report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Loe opened the public hearing. He stated this will make the process easier.

Commissioner Debolt stated there is a change in demographics in applicants, and that we are not getting a lot light industrial. The space is there and we have new uses. We need to start considering different uses.

Commissioner Grose asked if there is a demographic makeup of how businesses are changing.

Community Development Director Mendoza stated the applicants we see are restaurants and Crossfits. He said that is what occupies most of our time, along with massage businesses. In addition, residential applicants want to build everywhere. Nationally, massage parlors, tattoo parlors, vapor shops, and restaurants are the majority of the applicants.

Commissioner Riley asked if industrial zones are suffering.

Community Development Director Mendoza replied no, but the larger ones are lacking. He asked the Commission if the industrial zone is worth protecting.

Several Commissioners stated we should protect the industrial zone.

Community Development Director Mendoza stated Staff will draft a resolution that amends the code to permit retail uses that front Katella or have a Katella address.

A discussion ensued regarding where retail businesses should be located and the different types and definitions of zoning areas. Commission discussed allowing uses other than retail.

Community Development Director Mendoza discussed the recreational uses in an industrial area on Reagan.

Vice-Chair Sofelkanik asked if applicants would have to improve industrial areas with crosswalks and parking.

Community Development Director Mendoza answered in the affirmative.

Commissioner Grose asked if the Commission can define what types of exercise or recreational facilities can go into the industrial area.

Community Development Director Mendoza replies that when an applicant comes to the counter, they look for other CUPs that will support their business going in.

Commissioner Daniel stated we should be discouraging that, and making decisions that support the General Plan.

More discussion ensued regarding definitions and what types of businesses could be allowed in particular areas.

Vice-Chair Sofelkanik asked if applicants are directed to look at areas where their proposed business would fit with the recommended use.

Community Development Director Mendoza responded in the affirmative, but added that when an applicant comes to the counter, it's too late. The applicant has their mind made up about where they want their business to be located.

Associate Planner Oliver added that often, the applicant has already signed a lease.

A discussion ensued regarding the industrial zones, descriptions of the zones, the possible effects of allowing other uses into industrial zones, and the possibility of defining two different industrial zones. Scenarios which would negatively affect neighboring businesses were discussed at length.

Community Development Director Mendoza stated he would like to let applicants know he has the authority to bring a CUP back to the Commission if there are code issues at the business. After much discussion, he stated he would bring back the item next month after splitting it into two different items.

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

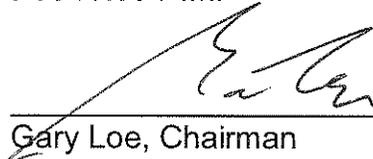
None.

10. COMMISSONER REPORTS

None.

11. ADJOURNMENT

The Planning Commission was adjourned at 10:30 P.M.



Gary Loe, Chairman

ATTEST:



Steven Mendoza, Secretary