

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

REGULAR MEETING – April 22, 2015

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:02 PM, Wednesday, April 22, 2015, in the Council Chambers, 3191 Katella Avenue; Chair Riley presiding.

2. ROLL CALL

Present: Commissioners:

Vice-Chair Mary Anne CUILTY
Will Daniel
Art DeBolt
Wendy Grose
Gary Loe
Chair John Riley
Victor Sofelkanik

Staff:

Community Development Director Steven Mendoza
Associate Planner Tom Oliver
Assistant City Attorney Lisa Kranitz
Dawn Sallade, Department Secretary

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communications.

Mayor Richard Murphy explained that the Planning Commission meetings will be videotaped for YouTube for the next few months to allow the public access to the Commission meetings if they aren't able to attend and then the Council will review the process.

Mayor Richard Murphy thanked the Planning Commission for their hard work with the General Plan and he feels the City has a document to be proud of.

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

5. APPROVAL OF MINUTES

A. Approve the Minutes of the Regular Meeting of February 9, 2015.

Motion/Second: Grose/CUILTY.

Unanimously Carried: The Planning Commission approved the minutes of the Regular meeting of February 9, 2015.

6. **CONSENT CALENDAR**

None.

7. **PUBLIC HEARINGS**

A. **Conditional Use Permit (CUP 15-01) – A Request to Install an Alkaline Water Vending Machine with Outdoor Access in the General Commercial (C-G) Zone.**

Consideration of a Conditional Use Permit to allow an outdoor retail sales use (alkaline water vending machine with outdoor access) in the General Commercial (C-G) Zone (Applicant: Henry Kim, of Anaheim Soft and Alka Pi Water).

Recommendation:

1. Adopt Resolution No. PC 15-01, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 15-01 TO ALLOW AN OUTDOOR RETAIL SALES ESTABLISHMENT (ALKA PI WATER) AT 5014 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: HENRY KIM, OF ANAHEIM SOFT AND ALKA PI WATER)."

Associate Planner Tom Oliver summarized the Staff report, referring to the information contained therein, gave a PowerPoint presentation, and answered questions from the Planning Commission.

Mr. Oliver answered that this business is in the C-G zone which require the hours to be from 6:00 AM to 10:00 PM unless a CUP is to be obtained and allows them to go outside those hours.

Commissioner DeBolt asked that since this machine is going to be located in the window, are there any code requirements in the commercial area that requires so much window area in the business?

Mr. Oliver indicated that businesses are only allowed to cover up to 25% of window space with signage.

Chair Riley asked what the benefits are from drinking alkaline water and asked if it was safe for human consumption.

Chair Riley opened the item for public comment.

Henry Kim, applicant, and his good friend (UNINTELLIGIBLE NAME), responded to the Commission's concerns and said that the water is safe for public consumption. He said their main target is health conscious individuals as it helps with hydration as water absorbs more quickly into the body, the immune system, it's an anti-oxidant, helps with blood flow and there are added minerals as well.

There being no additional speakers, Chair Riley closed the item for public comment and brought it back to the Commission for their comments and action.

Commissioner Grose asked if this is regulated by the Orange County Health Department. She also asked if the water was flavored

Mr. Oliver indicated it is regulated by the Orange County Health Department and they were advised of it and the OCHD passed it.

Mr. Kim indicated the water is not flavored.

Motion/Second: Grose/DeBolt

Motion to adopt Resolution No. PC 15-01, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 15-01 TO ALLOW AN OUTDOOR RETAIL SALES ESTABLISHMENT (ALKA PI WATER) AT 5014 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: HENRY KIM, OF ANAHEIM SOFT AND ALKA PI WATER)", with a change to the hours of operation.

Before a vote could be taken on the above motion, Commissioner Solfelkanik made an amended motion.

Motion/Second: Solfelkanik/DeBolt

Motion to adopt Resolution No. PC 15-01, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 15-01 TO ALLOW AN OUTDOOR RETAIL SALES ESTABLISHMENT (ALKA PI WATER) AT 5014 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: HENRY KIM, OF ANAHEIM SOFT AND ALKA PI WATER)", *with the deletion of Condition #10.*

10. *The hours of operation for the machine shall be limited to 6:00 AM to 10:00 PM, 7 days a week, and shall be regulated by a timer on the power cord and a sign on the machine noting the hours.*

Chair Riley called for discussion of the amended motion.

Commissioner Solfelkanik indicated he didn't understand why there would be a condition attached to this project limiting the hours of operation as he felt this is no different than an ATM machine at a bank which is open 24/7 and there is no restrictions on time. In addition, 7-Eleven stores are allowed to sale beer up to Midnight so he really doesn't see the logic in restricting a business that is selling water.

Chair Riley called for the vote.

The motion carried 6/1 (Commissioner Loe cast the dissenting vote): The Planning Commission approved the adoption of Resolution No. PC 15-01, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 15-01 TO ALLOW AN OUTDOOR RETAIL SALES ESTABLISHMENT (ALKA PI WATER) AT 5014 KATELLA AVENUE IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: HENRY KIM, OF ANAHEIM SOFT AND ALKA PI WATER)", *with the deletion of Condition #10 below:*

10. *The hours of operation for the machine shall be limited to 6:00 AM to 10:00 PM, 7 days a week, and shall be regulated by a timer on the power cord and a sign on the machine noting the hours.*

8. STAFF REPORTS

A. Resolution of Intention #15-02

Consideration of a Resolution of Intention by the Planning Commission to make zoning changes required in the newly adopted Los Alamitos General Plan Update (Citywide) (City initiated).

Recommendation:

1. Adopt Resolution No. PC 15-02, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, TO AMEND LOS ALAMITOS MUNICIPAL CODE CHAPTER 17 AND MAKE CHANGES TO THE ZONING MAP OF THE CITY, TO FULFILL ACTIONS CONCERNING CERTAIN LAND USE CODES AND ZONING CHANGES IN THE CITY AS REQUIRED BY THE 2035 LOS ALAMITOS GENERAL PLAN UPDATE (ZOA 15-01) (CITYWIDE) (CITY INITIATED)."

Community Development Director Mendoza presented a short Staff report and indicated that this is not a Public Hearing; the Resolution is just so Staff can place this item on the agenda for a future meeting.

Motion/Second: Grose/Sofelkanik

Unanimously Carried: The Planning Commission directed Staff to bring this item back to a future Planning Commission meeting.

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Steven Mendoza invited the Commission to attend the General Plan celebration on Thursday, April 23rd at 4:00 PM in the Council Chamber.

10. COMMISSIONER REPORTS

Commissioner Solfelkanik

- Requested that the copy of the Rosenberg's Rules of Order remain in each Commissioner's binder for future reference.
- He felt that it would be a value to the City if we requested or required a copy of the commercial lease to be provided to the City. He said he felt that the City would benefit by knowing what agreements and conditions exist between commercial landlords and their lessees. He said he felt there was valuable information in the leases especially for the properties that don't come before the Commission. Staff was directed to place this item on a future agenda for formal discussion.

Mr. Mendoza said Staff would maybe bring back an example and do a quick survey to see if other cities require it and then bring it back to the Commission.

Commissioner DeBolt

- Requested a discussion at a future meeting to discuss what can be placed in a Staff report other than what they are getting currently.

Commissioner Grose

- Requested Staff to provide photos at the next Planning Commission meeting of completed projects.

11. ADJOURNMENT

The Planning Commission adjourned at 7:31 PM.



John Riley, Chair

ATTEST:



Steven Mendoza, Secretary