

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

April 14, 2014

1. CALL TO ORDER

The Planning Commission met in Regular Session at 7:01 p.m., Monday, April 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 CUILTY
Will Daniel
Wendy Grose
Gary Loe
John Riley
Victor Sofelkanik
Art Debolt

Absent: Commissioners: Victor Sofelkanik

Present: Staff: Community Development Director Steven Mendoza
Planning Aide Tom Oliver
Assistant City Attorney Lisa Kranitz
Part-Time Clerical Aide Dawn Sallade

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

March approved.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

A. Consideration of Conditional Use Permit (CUP) 14-03 to Allow Fitness Classes and Retail Sales at 3902 Cerritos Avenue in the Planned Light Industrial (P-M) Zone.

Consideration of Conditional Use Permit 14-03 to allow indoor recreation establishment (fitness classes) with retail sales at 3902 Cerritos Avenue in the

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Planned Light Industrial (P-M) Zone (Applicant: Jose Torreblanca, S.W.E.A.T. Boutique Fitness).

Planning Aide Oliver summarized the Staff report, referring to the information contained therein, and answered questions from the Planning Commission.

Chair Loe opened the Public Hearing.

There being no one in the audience wishing to speak, Chair Loe invited the applicant to come forward. Mr. Torreblanca described the team-oriented nature of the business and gave some history as to how he decided to start the business. Fitness Center Trainer stated that their business is a boutique training facility. It's individualized training. He invited the Commission to come visit. He indicated they will be offering free classes to members of the fire department and working with the high school athletes.

Commissioner Grose asked what S.W.E.A.T. stands for.

The Mr. Torreblanca responded it was not an acronym. The application should show SWEAT, not S.W.E.A.T.

Commissioner Grose asked if they use equipment.

The Fitness Trainer responded they use light equipment – dumbbells, medicine balls, some TRX straps, but the training mostly involves calisthenics type workouts.

Commissioner Grose asked how many days a week the facility is open.

The Fitness Trainer responded 6 days a week.

Commissioner Grose asked what the hours are.

The Fitness Trainer responded it opens at 8:30 a.m. and the last class ends at 8:00 p.m.

Commissioner Grose asked how long each class is.

The Fitness Trainer responded 50 minutes.

Commissioner Grose asked if clients walk in or sign up ahead of time.

The Fitness Trainer responded it is membership based.

Commissioner Grose asked how many classes are in a day.

The Fitness Trainer responded 8 classes.

Commissioner Grose asked if doctors refer patients to them.
The Fitness Trainer responded no.

Commissioner Grose asked if the facility was open for inspection if she wanted to come in.

The Fitness Trainer responded yes.

Commissioner Riley asked if the business is currently in operation.

Fitness Trainer responded no; he wants to do things by the book.

Commissioner Riley stated it sounded like they were currently operating.

The Fitness Trainer responded he was referring to the business he came from in answering prior questions.

Commissioner Debolt clarified it's a class operation, not people coming and going. There is a start time and end time. He indicated it's different than a typical fitness center.

Jose Torreblanca agreed.

Jan Selleck came forward to speak. She stated her in-laws own a house right behind the high school, and her family is concerned about the traffic impact. She asked if a traffic study had been done, and if there was consideration for a signal at Del Norte and Cerritos.

Planning Aide Oliver responded there will only be up to 20 people per class. It is not being studied for a traffic signal.

Ms. Selleck asked what would have to be done to request a study for a traffic signal.

Community Development Director Mendoza indicated something like this would not cause a high enough influx in traffic to warrant a study for a signal. However, he stated she is welcome to come to a Traffic Commission meeting to state her request for a signal study.

Commissioner Grose asked when they are planning to open.

Applicant responded it is pending approval, and they will open as soon as possible.

Assistant City Attorney Kranitz suggested adding a condition to limit class size to no more than 20 at a time.

The applicant responded he was hoping to allow up to 30 people per class if the business grows that much.

Planning Aide Oliver stated there was currently no limit imposed on the number of people allowed per class.

Community Development Director Mendoza asked if they planned on relocating if the business grows.

The applicant responded they would stay in the proposed facility. He added they would not go over 30 students per class.

After some discussion, the Commission decided to add the condition of no more than 30 students per class.

Community Development Director Mendoza added they may want to condition no more than 20 students per class during business hours, and 30 students for nights and weekends.

The Commission agreed.

Commissioner DeBolt asked if parking spaces were approved for the whole complex.

Staff responded in the affirmative.

Commissioner DeBolt said that how parking is divided up by the landlord among the tenants should be up to them. He indicated the changing uses shouldn't affect the parking requirements. He said the Commission shouldn't be too involved or concerned with parking.

Assistant City Attorney Kranitz stated when the building was built, parking was decided based on it being industrial. Now the use is changing. She said we would have to place limits if the proposed use was commercial.

Commissioner DeBolt indicated that allowing these recreational uses is equivalent to putting square pegs into round holes. He pointed out that whoever comes into the center first gets a space, and that can cause issues between neighboring businesses.

Commissioner Daniel asked if a tenant can complain to the city about parking issues with the landlord.

Planning Aide Oliver stated a landlord may put a parking agreement in writing.

Commissioner DeBolt said we shouldn't be too restrictive in the parking conditions, especially since the Commission can't enforce it.

Commissioner Grose stated there is a generic amount of parking per complex. The commission identifies there would be a certain amount of parking per unit. She said they don't decide where the tenant's parking spaces are located. Commissioner Daniel indicated that limiting the number of people per class wouldn't necessarily have a direct impact on parking, as people could walk or bike to the class.

Community Development Director Mendoza stated currently there were no specific code requirements for parking related to an exercise facility. He said this business has 20 available spaces, and Staff recommends requiring 16. He said it is up to the Commission to condition it.

A long discussion ensued regarding parking spaces.

Commissioner Grose indicated she would prefer not to put a limit on the business's class size.

The Commission agreed to limit class sizes to no more than 30 students per class, regardless of days or times.

Motion/Second: Grose/Loe

Carried: 6/0/0: The Planning Commission adopted Resolution No. 14-13, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-03 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (FITNESS CLASSES) WITH RETAIL SALES IN A 3,120 SQUARE FOOT UNIT AT 3902 CERRITOS AVENUE IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: JOSE F. TORREBLANCA, S.W.E.A.T. BOUTIQUE FITNESS)."

***With the condition that class sizes will be limited to no more than 30 students per class.

Chair Loe closed the Public Hearing.

B. Consideration of Conditional Use Permit (CUP) 14-04 to Allow Hula and Ukulele Classes at 10555 Bloomfield Street in the Planned Light Industrial (P-M) Zone.

Consideration of Conditional Use Permit 14-04 to allow hula and ukulele classes at 10555 Bloomfield Avenue in the Planned Light Industrial (P-M) Zone (Applicant: Samantha Aguon – Halau Hula O Noelani).

Chair Loe opened the Public Hearing.

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

Commissioner Daniel asked how the business has been operating for 2 years, and what we are fining them for not having a license for the last 2 years.

Community Development Director Mendoza stated they will have to pay for the license fees to cover the past 2 years. He said it was in condition 16.

Commissioner Daniel asked why these uses continue to go into industrial areas.

Community Development Director Mendoza replied the rent is lower, but he indicated he has been concerned about this trend for years. He pointed out, however, that industrial businesses were not coming into the City; these businesses are.

Commissioner Daniel asked what type of businesses were in these industrial buildings when they were originally built.

Community Development Director Mendoza replied that there were manufacturing businesses, as well as shipping and receiving. The businesses were typically those that would need to park or store large vehicles. He indicated that the applicants for these new proposed recreational uses don't escape building code; but the building wasn't designed for an exercise facility. He added that another positive factor for recreational uses is that the buildings are more sound proof than a typical retail building, and that there are high ceilings. He said that was why the batting cage chose an industrial building years ago. He said because Los Alamitos doesn't have a lot of outdoor space, we need recreational areas for children.

Commissioner Daniel asked if the main problem with the proposed use is parking.

Community Development Director Mendoza replied yes, but also the lack of improvements such as sidewalks. He said that we want to make a portion of industrial buildings open for these recreational uses, since there is such a demand.

The Commission discussed businesses operating without a license.

Chair Loe invited the applicant to come forward to speak.

Samantha Aguon of Halau Hula O Noelani came forward to speak. She stated that the number of students per class is typically no more than 8. She indicated that they were having a hard time saving up for a business license. She talked about the various costs associated with opening the business and making improvements to the building. She stated that they had been involved in City events.

Commissioner Grose asked what age children use their services.

Samantha Aguon replied the youngest is 5. She said that the classes are typically divided by age groups.

Unknown business owner stated he owns a business on Cherry St., and that obtaining a business license is standard.

Commissioner Daniel asked if the Commission can waive the penalties.

Community Development Director Mendoza replied no.

Motion/Second: Grose/DeBolt

Carried: 6/0: The Planning Commission adopted Resolution No. 14-12, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP) 14-04 TO ALLOW AN INDOOR RECREATION ESTABLISHMENT (HULA AND UKULELE CLASSES) IN A 1,440 SQUARE FOOT UNIT AT 10555 BLOOMFIELD STREET IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT, APN 242-242-64, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (APPLICANT: SAMANTHA AGUON, HALAU HULA O NOELANI)."

C. Continued Consideration of Zoning Ordinance Amendment (ZOA) 13-05 Relating to Accessory Residential Uses and Accessory Structures.

Continued consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City initiated).

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

Assistant City Attorney Kranitz spoke regarding the changes to the Code.

Commissioner Daniel asked what homeowners can build in their backyards under the new amendment.

Community Development Director Mendoza stated if it is under 120 square feet and has no electrical or plumbing, then it can be built with no permit. If you want to put someone in it, it must be called a second dwelling unit.

Chair Loe asked if a parking spot would be required for a second dwelling regardless of whether there are bedrooms. He said the code should state that there is a minimum of one parking spot required.

Community Development Director Mendoza repeated Chair Loe's statement.

The Commission discussed the minimum parking requirements.

Commissioner Debolt asked why a half bath was being allowed.

Assistant City Attorney Kranitz stated that the size limitation for an accessory structure is 640 square feet or 30% of the size of the main house, whichever is less.

Planning Aide Oliver added that the above is true unless a site plan is reviewed.

A Commissioner asked if most cities have both accessory structures and guest houses in their code.

Community Development Director Mendoza replied that some cities have both and even mention granny flats.

Assistant City Attorney Kranitz clarified that the size limit for second residential units is 640 square feet or 30% of the size of the main house, whichever is less. For guest houses, it is limited to 640 square feet.

Chair Loe asked if a patio cover is an accessory structure.

Community Development Director Mendoza replied no.

Assistant City Attorney Kranitz stated there would be some changes to the draft ordinance. If they are approved tonight, it will not have to be brought back to the Commission. The parking table will need to be amended.

Chair Loe asked for the definition of an accessory structure.

The definition was located and read.

Commissioner Daniel asked what would happen if the resident stated that the second residential unit is temporary.

Community Development Director Mendoza replied that we can't make the code perfect.

Chair Loe asked if the intent is to prohibit someone from building a house and renting it out.

Community Development Director Mendoza responded in the affirmative.

Commissioner Daniel asked if we have a lot of second residential units in the City.

Community Development Director Mendoza responded no, but a couple of things have come up lately. He said an unpermitted garage had recently been brought to Staff's attention.

Assistant City Attorney Kranitz discussed whether units can be permanently grandfathered in.

Community Development Director Mendoza added that there is a property that was legally approved under an ordinance that has since been changed. He said there must be evidence that it was legally permitted at one time.

Motion/Second: Grose/DeBolt

Carried: 6/0: The Planning Commission adopted Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

Chair Loe closed the Public Hearing.

8. STAFF REPORTS

A. Resolution of Intention 14-11

A Zoning Ordinance Amendment to allow commercial type uses along major thoroughfares 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.

Commissioner DeBolt stated when Crossfit came before the Commission, the Commission worked with them. He said it was blurring the lines of the uses, and it would be appropriate to expand the uses in certain industrial zones. He added that the demographics are changing, and there are not as many machine shops coming in. He said that the property owner should be engaged in the decision process. He discussed possible limitations to size and parking.

Commissioner Riley stated there would likely be some industrial parks where the Commission would not want to approve a recreational use.

Commissioner Grose asked where we are at with the General Plan.

Community Development Director Mendoza replied that is next on the agenda.

A discussion ensued regarding how to possibly limit the number of these types of businesses in industrial areas based on square footage of the building, or available parking, or other factors.

Assistant City Attorney Kranitz stated that many cities have a problem with landlords of vacant industrial units leasing out the units to massage businesses.

Commissioner Daniel stated there should be guidelines regarding which industrial complexes can have recreational uses.

Assistant City Attorney Kranitz suggested the guidelines be based on other uses.

Motion/Second: Cuijly/Debolt

Carried: 6/0: The Planning Commission adopted Resolution No. 14-11, entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION TO REEVALUATE LOS ALAMITOS MUNICIPAL CODE CHAPTER 17.10.020, CONCERNING COMMERCIAL USES IN THE PLANNED LIGHT INDUSTRIAL (P-M) ZONING DISTRICT (ZOA 14-03) (CITYWIDE) (CITY INITIATED)."

9. ITEMS FROM THE COMMUNITY DEVELOPMENT DIRECTOR

Community Development Director Mendoza stated the goals and implementation for the General Plan are near finalization for land use. He asked if the Commissioners are available for a special joint meeting on May 14th in lieu of the regularly scheduled May 12th meeting. The Traffic, Planning, and Parks and Recreation Commissions will all be present. The Commissioners responded that they are available on May 14th.

10. COMMISSIONER REPORTS

None.

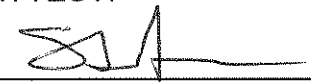
11. ADJOURNMENT

The Planning Commission adjourned at 8:50 p.m.



Gary Loe, Chairman

ATTEST:



Steven Mendoza, Secretary