

RESOLUTION NO. 09-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE LOS ALAMITOS MUNICIPAL CODE SECTION 17.16.150(A)(2), PERMITTING MECHANICAL POOL EQUIPMENT TO BE LOCATED LESS THAN THE REQUIRED 20 FEET FROM ANY DWELLING UNIT WITH THE APPROVAL OF A CONDITIONAL USE PERMIT

WHEREAS, Zoning Ordinance Amendment ZOA09-06 to amend Section 17.16.150(A)(2) to allow heating and filtering equipment for pools to be placed less than 20 feet from any dwelling unit with the approval of a conditional use permit has been considered by the Community Development Director and has been submitted to the Planning Commission; and,

WHEREAS, the Planning Commission held a duly noticed Public Hearing concerning this Zoning Ordinance Amendment on November 9, 2009; and,

WHEREAS, the property owner and the property owner's realtor requested a text amendment due to a pending code enforcement action against the property regarding the pool equipment and the Community Development Director concurred with the request and brought it to the Planning Commission; and,

WHEREAS, after consideration of all applicable staff reports and all public testimony, and evidence presented at the Public Hearing, the Planning Commission does hereby make the following findings of fact for a Zoning Ordinance Amendment as required by Los Alamitos Municipal Code Section 17.70.050:

1. For modification to Los Alamitos Municipal Code Section 17.16.150(A)(2) Swimming Pools:
 - a. A Categorical Exemption, section 15305, has been prepared for the modification to Section 17.16.150(A)(2), in accordance with the California Environmental Quality Act (CEQA) and the City's Environmental Review Procedures; and,
 - b. The proposed Zoning Ordinance Amendment modifying, LAMC Section 17.16.150(A)(2), *Swimming pools*, ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code in that distance requirements

in Section 17.16.150(A)(2) have been maintained, and any deviation from the distance requirement in Section 17.16.150(A)(2) shall require approval of a conditional use permit; and,

c. That the proposed Zoning Ordinance Amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City because any adverse impacts to neighboring properties in placing pool filtering and heating equipment closer than 20 feet from a dwelling unit shall be reviewed under a conditional use permit process.

NOW, THEREFORE BE IT RESOLVED THE LOS ALAMITOS PLANNING COMMISSION DOES HEREBY RECOMMEND TO THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS AS FOLLOWS:

SECTION 1: The Planning Commission hereby recommends to the City Council of the City of Los Alamitos the adoption of a Zoning Ordinance Amendment ZOA09-06 modifying Section 17.16.150(A)(2) of the Los Alamitos Municipal Code.

PASSED AND APPROVED this 14th day of December 2009, by the following vote:

AYES:	Andrade, Loe, Riley, Sutherlin, and Daniel
NOES:	None
ABSENT:	None
ABSTAIN:	None

ATTEST:

Steven A. Mendoza, Secretary
LOS ALAMITOS PLANNING COMMISSION