

**MINUTES OF PLANNING COMMISSION/SUBDIVISION COMMITTEE MEETING
OF THE CITY OF LOS ALAMITOS**

REGULAR MEETING – June 28, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, June 28, 2023 in the Council Chamber located at 3191 Katella Avenue, Los Alamitos, CA 90720, Chair Loe presiding.

2. ROLL CALL

Present: Commissioners: Chair Loe
Andrade (absent), DeBolt, Cuiilty, Grose,
Sofelkanik (absent), Zellmer

Staff: Gabriela Martinez, Department Secretary
Irving Montenegro Jr., Development Services
Manager
Michael Daudt, City Attorney
Michelle Müller, Management Analyst
Ron Noda, Development Services Director
Tom Oliver, Associate Planner

3. PLEDGE OF ALLEGIANCE

Vice Chair Loe led the Pledge of Allegiance.

4. ORAL COMMUNICATIONS

Chair Loe opened oral communication.

Chair Loe closed oral communication.

5. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

A. Approve the Minutes of the Regular Meetings of March 22, 2023 and May 24, 2023

Motion/Second:

Carried 5/0 (Grose/DeBolt): The Planning Commission approved the Regular Meeting minutes of March 22, 2023.

Motion/Second:

Carried 4/0 (Grose/Cuilty) DeBolt abstained: The Planning Commission approved the Regular Meeting of May 24, 2023.

8. STAFF REPORT

A. Discussion of Noise Source Hours for Property Maintenance, etc. on Weekends and Federal Holidays

Development Services Manager Montenegro Jr. introduced the item.

Associate Planner Oliver summarized the staff report.

Associate Planner Oliver clarified that the topic today is intended to discuss construction on Sundays and holidays.

Commissioner Zellmer briefly discussed possible alternatives to the code which could provide the ability for homeowners to work on their homes on Sundays.

City Attorney Daudt provided clarification on the city's municipal code, which is applicable to noise standards and how that is applicable to work being conducted on a Sunday.

Commissioner Zellmer briefly discussed the code section specific to standards regulating noise levels. Additionally, Commissioner Zellmer also expressed interest in making modifications to the current standards.

Development Services Manager Montenegro Jr. briefly discussed the process that the Code Enforcement Division follows when responding to calls received for potential noise violations.

Commissioner Grose asked and received clarification from City Attorney Daudt about the types of occurrences applicable to the referenced noise standard. City Attorney Daudt stated that construction and home maintenance is an exception to the general standards, whereas noise from gatherings is bound by the regulation.

Commissioner DeBolt asked and received clarification from City Attorney Daudt about how noise is measured stating that it is either at the property line or at the affected property.

Commissioner DeBolt asked and received confirmation from Development Services Manager Montenegro Jr. stating that Code Enforcement Officers carry a noise meter to assist with the evaluation of such complaints.

Commissioner DeBolt asked and received clarification from City Attorney Daudt as to whether noise standards can be exceeded between the specified hours for

construction. City Attorney Daudt clarified that construction can occur on a Sunday so long as it is not exceeding the specified noise standards.

Commissioner DeBolt briefly discussed the noise standards and the interpreted distinction between repair and maintenance.

City Attorney Daudt briefly discussed one possible distinction between maintenance and repair to be whether a permit was issued, whereas maintenance can encompass those actions that do not require a permit.

Commissioner Zellmer expressed concern over limiting maintenance by homeowners on a Sunday. Additionally, he suggested exemptions for homeowners from conducting work.

The Planning Commission and staff briefly discussed situations which generate noise levels above the current allowable limits on a Sunday.

Commissioner Zellmer briefly discussed consideration of changes to the code that allows construction, but limits to no more than three people onsite.

Commissioner Grose discussed the possibility of evaluating the current decibel values to provide opportunity for homeowners to complete certain at home projects or hobbies.

Commissioner Cuijty asked and received clarification from Associate Planner Oliver about what the decibel level limits are in other cities, stating that Stanton and others have the same decibel charts. Additionally, Associate Planner Oliver advised that the decibel charts are calculated by sound companies.

Development Services Manager Montenegro Jr. advised that this item could be brought back to the next Planning Commission meeting, to discuss corrections for items that may be vague and consider adjustments to the decibel values.

Commissioner Zellmer briefly discussed the potential for alternatives to provide a shortened period for construction, rather than limiting it in its entirety. Additionally, he suggested a modification to allow for a homeowner to conduct construction during a specified time frame with a crew of up to two people.

Commissioner DeBolt briefly discussed this code section and how it affects other zones.

Commissioner Zellmer expressed concern over the current standards and limitations imposed on homeowners.

Commissioner Grose inquired about the current statistics for noise complaints on Sundays. Development Services Manager Montenegro Jr. advised that he have

to verify but estimates that about two to five complaints are received on a weekly basis.

Commissioner Grose asked and received clarification from Development Services Manager Montenegro Jr. about the typical basis for the complaints, stating that they are usually based on the noise and the type of work conducted. Additionally, Development Services Manager Montenegro Jr. also advised that most complaints come from contractual services being performed.

Commissioner Grose requested an analysis for the last six months which outlines the types of noise violation, to help identify whether it was homeowner work or crew work.

Chair Loe inquired about the possibility of also identifying whether the reports received are from a singular or multiple individuals.

Commissioner DeBolt asked about the possibility having examples of equipment and their decibel readings, such a nail gun. Associate Planner Oliver advised that staff could present examples.

Commissioner Zellmer requested the inclusion of information about the systematic way of enforcement to include examples, and information about how it is measured.

Development Services Manager Montenegro Jr. advised that arrangements can be made to have a Code Enforcement Officer present at the next meeting.

Associate Planner Oliver advised that there is an [phone] application which can be downloaded for testing decibel readings.

Motion/Second: DeBolt/Grose

Carried 5/0: Continue the item to the next meeting for discussion, and provide a decibel reader, samples of the equipment and noise generated, standard operating procedures (SOP's), and summary of noise violations in the last six months.

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

Development Services Manager Montenegro Jr. briefly discussed the following:

- Short-term rental survey is still available for completion
- Upcoming 3rd of July event at the Joint Forces Training Base (JFTB)
- Distribution of polos and new photos for the City website in September
- Safe and Sane fireworks sales from July 1 through July 4

10. COMMISSIONER REPORTS

Commissioner Zellmer commended the City on the summer concerts.

Commissioner Zellmer inquired about possibility of increased patrol in the area [Pine Street]. Development Services Manager Montenegro Jr. advised that staff will communicate with the Watch Commander following receipt of detailed information via email.

Commissioner Grose invited all to attend the Pink Patch Project on Pine Street and expressed that everyone be safe on 4th of July.

Commissioner DeBolt briefly expressed concern over the allegations, which have risen over compliance with the no-net loss lemon law. Additionally, he expressed concern over how this could impact the zone change on the Lampson housing development.

Development Services Director Noda briefly discussed the standard of the R3 zones as it applies to the Lampson housing development, the housing element, and the no-net lemon law.

City Attorney Daudt briefly discussed the current housing standards, and the no-net loss law and how it impacts development and identified inventory sites in the housing element.

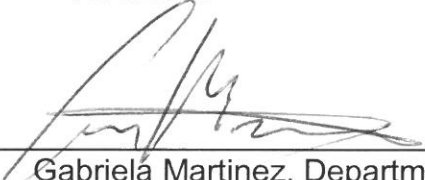
Commissioner Zellmer briefly discussed scenarios in which no-net loss law could be applicable.

City Attorney Daudt advised that this item could be brought back to discuss in detail at a future meeting.

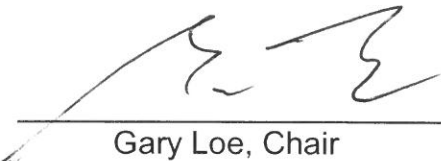
11. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:43 p.m. to June 28, 2023.

ATTEST:



Gabriela Martinez, Department Secretary



Gary Loe, Chair

