

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

REGULAR MEETING – July 26, 2023

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:01 p.m., Wednesday, July 26, 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, Culty, 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 June 28, 2023

Motion/Second:

Carried 5/0 (Grose/DeBolt) Andrade absent, Sofelkanik abstained: The Planning Commission approved the Regular Meeting minutes of June 28, 2023.

6. PUBLIC HEARING

A. Site Development Permit (SDP) 23-01 - Continuance to a future meeting for a Three-Story, Four Unit, Multiple-Family Residential Project

Commissioner Grose recused herself due to living within 500 feet of the project location.

Associate Planner Oliver summarized the staff report.

Chair Loe opened the public hearing.

Resident Bruce Murphy of 10951 Walnut Street expressed concern over parking challenges due to the Ju-Jit-Su gym along with the possible development of this project.

Chair Loe closed the public hearing.

Motion/Second:

Carried 4/0 (DeBolt/Sofelkanik) Grose recused: The Planning Commission approved the continuation of this item to the August 23rd Planning Commission Meeting.

8. STAFF REPORT

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

Development Services Manager Montenegro Jr. summarized the staff report and presented what was requested by the Commission at the June meeting. In his summarization, he spoke on the following the items:

- Presented a 6-month review of noise complaints.
- The process of how Code Enforcement responds to noise complaints.
- Touched on the difference between homeowner and contracted noise complaints.
- Briefly discussed that most noise responses are initiated by complaints from reporting parties.
- Briefly described the Standard Operating Procedures (SOP) followed by the Code Enforcement Division.
- Demonstrated the use of the noise meter utilized by Code Enforcement.

Commissioner Zellmer asked and received additional clarification from Development Services Manager Montenegro Jr. about the presented history of reports.

Commissioner Zellmer requested clarification on the Standards of Operations (SOP) and the distinction between what may drive anonymous tips.

In response to the inquiries from Commissioner Zellmer, Development Services Manager Montenegro Jr. briefly discussed the following:

- Occurrences in which work is conducted prior to the permitted hours of construction.
- The intended mission for the preservation of quality of life through the Code Enforcement Division's enforcement efforts.
- Construction related activities described in the Los Alamitos Municipal Code (LAMC) section 17.20.020.
- The process followed by the Code Enforcement Division when a Notice of Violation (NOV) is issued.

Commissioner Zellmer briefly discussed the code sections which describe that construction being done on Sundays is allowed if it falls under the allowed decimal noise level.

City Attorney Daudt briefly discussed the noise standards applicable to code section 17.20.020.

Commissioner Zellmer briefly discussed the following:

- Concern over incorrect verbiage written on a NOV issued by Code Enforcement.
- The need for accurate code references and details on issued NOVs.
- Observed neighborhood noises which are potential noise violations per the code, including air conditioning units and pool pumps.
- Possible consideration for exemptions for homeowners to be able to perform limited construction on Sundays.

Commissioner DeBolt briefly discussed the noise standards applicable to construction including:

- The absence of prohibited times in the code to do construction on your property at any time.
- The applicable code governing noise and not the activity.
- The exceptions in the code that identify permitted decibel levels.
- Temporary exceedances of noise allowable by the code.
- Needed clarification in the code.
- Noise regulations should be the driving criteria.
- Needed clarification in the code to differentiate between repair and maintenance.

- The data presented on related code enforcement violations.

Commissioner Grose stated she has a hard time understanding the decibel level and what actions are allowed to be done within that level.

Commissioner Zellmer expressed concern of the subjectivity in the code affecting homeowners partaking in normal non-construction noises such as generators for party jumpers. Additionally, he briefly expressed concern over the process for complaints and whether there is merit illustrating impacts.

Commissioner DeBolt briefly discussed different scenarios that potentially generate noise levels exceeding noise standards.

Development Services Manager Montenegro Jr. briefly discussed the process and protocol followed by code enforcement officers when responding to noise complaints, and the use of subjectivity when issuing notice of violations and citations.

Commissioner Zellmer asked for clarification on the process of code enforcement issuing a citation. Development Services Manager Montenegro Jr. reiterated the described code enforcement process.

Commissioner DeBolt asked and received clarification on repeat offenses for a property from Development Services Manager Montenegro Jr., briefly describing scenarios for these types of situations.

Commissioner DeBolt stated he would like to see the following be eliminated:

- The requirement for a permit.
- Define repair and maintenance in the code.

City Attorney Daudt clarified that changes to the code would require that the Planning Commission direct staff to return with a resolution recommending a code amendment to City Council to address the following:

- Concerns regarding the code amendment.
- Eliminating the requirement for a permit to quality for code exemption pertaining to construction noise exceedances.
- Add definition and clarify to what constitutes a repair, construction, and maintenance of real property.

Commissioner DeBolt provided clarification that this does not call for restriction of activities, but rather it is about the exceedance of allowable noise.

City Attorney Michael Daudt advised that action on this matter will require a motion to return to the next Planning Commission meeting with a resolution to propose a zoning

code amendment and a continued discussion on this matter. Once a consensus is reached on the possible new language for the code amendment, it would be taken to City Council for consideration.

Motion/Second:

Not Carried 2/0 (DeBolt/Grose) – direct staff to return with a resolution recommending a code amendment to City Council to address (1) eliminating the requirement for a permit to qualify for code exemptions concerning noise exceedances and, (2) add definition and clarify what constitutes a repair, construction, and maintenance or real property.

Commissioner Zellmer briefly discussed concern on the SOPs followed by Code Enforcement as it relates to subjectivity and enforcement. Additionally, he stated he would like to see a change to the allowed noise decibel level.

Commissioner DeBolt briefly discussed the difference scenarios for noise levels and the current code exemptions.

Development Services Manager Montenegro Jr. briefly discussed the further clarified the baseline standards for exterior noise standards per the code 17.20.050.

Commissioner DeBolt clarified to the Commission that there are no limitations in the exceptions for construction and remodeling if it does not exceed the current allowable noise levels.

Commissioner Zellmer shared he would like to see a change made to the Sunday and Federal Holidays rule, so that homeowners can have an exception to perform minor home improvements during a specified window of time.

Commissioner Zellmer asked and received clarification about the possibility of modifying the SOPs followed by Code Enforcement. City Attorney Daudt informed the Planning Commission that the Code Enforcement SOPs are not codified or falls under the purview of the Planning Commission, as it is internal to the Code Enforcement [Division] in determining the best manner of enforcing the code.

Commissioner Zellmer suggested consideration in clarifying how SOPs can be incorporated within the code to address subjectivity in enforcement as it relates to decibel readings.

Chair Loe expressed concern over the potential issues with incorporating SOPs within the code, as it can potentially create more issues.

Development Services Director Noda addressed the Planning Commission on the following:

- The Director and the Manager will sit down with the Code Enforcement Division to review and clean up the SOPs followed by the Code Enforcement [Division].
- Asked for clarification on the changes being asked to be made to the code to include Sundays 10am - 4pm
- Requested clarification on the baseline for what is the desired modification.

Commissioner Sofelkanik stated that the terms maintenance, repair, and maintenance should have definitions attached to them to better understand the code along with defining the activities that fall under each term.

Commissioner DeBolt asked and received clarification from Development Services Director Noda as to whether a citation would be issued for construction exceeding the allowable exceedances during the prescribed hours, responding with the following:

- Construction sites could be cited.
- Briefly discussed the importance of permits for the completion of construction work, and their intended purpose.
- Briefly described a scenario where the City would require a contractor [for private property construction] to notice the surrounding residential, to advise that operating noise level will potentially be exceeded for a specific time frame.
- Briefly described a scenario where the City would require street projects to notice the surrounding residential of potential noise impacts exceeding allowable standards.

Commissioner DeBolt briefly discussed the verbiage in the noise standards as it relates to the language pertaining to permitted and nonpermitted construction.

City Attorney Daudt briefly discussed the construction noise standards.

Motion/Second:

Carried 5/0 (DeBolt/Grose) – direct staff to return with a resolution recommending a code amendment to City Council that will address (1) eliminating the requirement for a permit to qualify for code exemptions concerning noise exceedances and, (2) add definition and clarify what constitutes a repair, construction, and maintenance or real property, (3) eliminating or replacing the term “permit” within the noise standards.

Motion/Second:

Not Carried 1/0 (Zellmer/none) – the potential for including maintenance of real property and/or construction by a property owner of their real property between the hours of 9am-6pm on Sundays or a Federal Holiday.

9. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

Development Services Manager Montenegro Jr. briefly discussed the following:

- Short-term rental survey is still available through July 30, 2023
- PinestrEATs Grant Program approved by City Council for local business participation at the Celebrate Los Al Event on Saturday, September 16th.
- Commission polo shirt sizes requested.
- Sunset Saturday will take place on Saturday August 12th.
- Transitioning to DocuSign for the approval of minutes

City Planner Oliver identified the handout which was distributed to the Commission with regards to the Regional Housing Needs Allocation (RHNA) numbers.

10. COMMISSIONER REPORTS

Commissioner Grose inquired about having live music at the Celebrate Los Al Event. Development Services Manager Montenegro Jr. clarified that a live band will be present.

Development Services Director Noda briefly discussed the upcoming Celebrate Los Al Event.

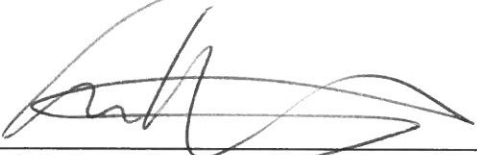
Commissioner Zellmer briefly discussed the handout discussing sites inventory and projected units in the housing element.

Chair Loe expressed support for overriding the Airport Land Use Commission (ALUC) denial of the housing element.

11. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:36 p.m. to June 28, 2023.

ATTEST:



Gabriela Martinez, Department Secretary



Gary Loe, Chair

