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

REGULAR MEETING – March 27, 2019

1. CALL TO ORDER
The Planning Commission/Subdivision Committee met in Regular Session at 7:05 p.m., Wednesday, March 27, 2019, in the Council Chamber, 3191 Katella Avenue, Vice Chair Sofelkanik presiding.

2. ROLL CALL
Present: Commissioners: Vice Chair Sofelkanik
Andrade, Cuity, DeBolt and Grose

Absent: Chair Riley
Commissioner Loe

Staff: Les Johnson, Development Services Director
Maria Enciso, Department Secretary
Michael Daudt, City Attorney
Michelle Müller, Management Analyst
Tom Oliver, Associate Planner

3. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Vice Chair Sofelkanik.

4. ORAL COMMUNICATION
Vice Chair Sofelkanik opened the meeting for Oral Communication for items not on the agenda.

There being no speakers, Vice Chair Sofelkanik closed the public hearing.

5. APPROVAL OF MINUTES
A. Approve the Minutes for the Regular and Special Meeting of February 27, 2019.
Motion/Second: Grose/DeBolt
Carried 5/0 (Loe and Riley absent, Cuity abstained): The Traffic Commission approved the minutes of the Regular and Special meeting of February 27, 2019.

6. DISCUSSION
None.

7. CONSENT CALENDAR

8. STAFF REPORT
Vice Chair Sofelkanik pulled agenda item 9A forward.

9A. Conditional Use Permit (CUP) 08-12M2
Modification of an existing Conditional Use Permit to add 1,260 square feet to a 2,455 square feet “Personal Training and Physical Fitness Use” at 10680 Los Alamitos Boulevard from a second suite (10682 Los Alamitos Boulevard) in the General Commercial (C-G) Zone, APN 242-245-01 (Applicant: Seth Eaker).
Consideration of a Conditional Use Permit to allow a 1200 square feet expansion of the Los Al Gym located in the Center Plaza shopping center.

Speaker Barbara Bharti-Lands and owner of Beach Fitness in Seal Beach, expressed support for the expansion of the gym.

Associate Planner Oliver summarized the staff report.

Vice Chair Sofelkanik opened the public hearing.

Applicant Seth Eaker described the proposed expansion to the location and the available parking on-site. Mr. Eaker also thanked Associate Planner Oliver and City staff for their efforts.

Commissioner DeBolt asked and received clarification from Mr. Eaker as to whether the basic operation of the gym has remained the same. Mr. Eaker stated that it has remained the same, where they only have Crossfit components but have shifted more towards one on one training; whereas, the expansion is conditioned to be only one on one training.

Speaker Bryce Turner and co-owner of Beach Fitness in Seal Beach, expressed support for the expansion of the gym.

Speaker Tina Herron expressed support for the expansion of the gym and stated that she has never had any problems with parking.

Mark Santos thanked the Planning Commission for their time and consideration. Furthermore, Mr. Santos thanked Associate Planner Oliver for his efforts.

There being no further speakers, Vice Chair Sofelkanik closed the public hearing.

Motion/Second: Guilty/Andrade
Carried 5/0 (Loe and Riley absent): Adopt Resolution No. 19-05, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, MODIFYING AN EXISTING CONDITIONAL USE PERMIT (CUP 08-12M2) TO ADD 1,260 SQUARE FEET TO A 2,455 SQUARE
FEET "PERSONAL TRAINING AND PHYSICAL FITNESS USE" AT 10680 LOS ALAMITOS BLVD. FROM A SECOND SUITE (10682 LOS ALAMITOS BLVD.) IN THE GENERAL COMMERCIAL (C-G) ZONE, APN 242-245-01 (APPLICANT: SETH EAKER)."

A. Planned Sign Program (PSP) 19-01
Signage for Southland Credit Union – 10701 Los Alamitos Boulevard
Consideration of Planned Sign Program for Southland Credit Union in accordance with the Los Alamitos Municipal Code (LAMC 17.28.060).

Associate Planner Oliver summarized the staff report.

Vice Chair Sofelkanik asked and received clarification from City Attorney Daudt as to there being no need to recuse himself from the discussion for being a member of the Credit Union. City Attorney Daudt stated that membership with the credit union would not constitute a disqualifying conflict of interest in this case.

Vice Chair Sofelkanik opened the public hearing.

Applicant Tish Scialampo described the proposed signage changes.

There being no further speakers, Vice Chair Sofelkanik closed the public hearing.

Motion/Second: Andrade/Grose
Carried 5/0 (Loe and Riley absent): Adopt Resolution No. 19-07, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING PLANNED SIGN PROGRAM (PSP) 19-01, as CONDITIONED, CONSISTING OF one (1) pole and three (3) WALL SIGNS LOCATED AT 10701 Los Alamitos Blvd. IN THE General COMMERCIAL (C-G) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA. APN 242-233-34, (APPLICANT: Tish Scialampo, of Absolute Sign, Inc., on behalf of Southland Credit Union)."

9. PUBLIC HEARING
B. Conditional Use Permit (CUP) 19-01
Conditional Use Permit (CUP) 19-01 - Expand Operational Hours to Remain Open Until 2:00 a.m. in the General Commercial (C-G) Zone 11272 Los Alamitos Boulevard (Griffins Grill).
Consideration of a Conditional Use Permit to extend operational hours to remain open until 2:00 a.m. at Griffins Grill Restaurant at 11272 Los Alamitos Boulevard, APN 222-081-04 (Applicant: Mike Gadd, Griffins Grill).

Associate Planner Oliver summarized the staff report.
Vice Chair Sofelkanik asked and received clarification from Associate Planner Oliver that the noise violations can be addressed separately.

Commissioner Andrade inquired about the change in the conditions on the staff report, in comparison to what the applicant requested. Associate Planner Oliver advised that the applicant will be bringing that item forward for discussion during the meeting.

Commissioner Grose asked and received clarification from Associate Planner Oliver as to the bar hours for the Fish Company. Associate Planner Oliver advised that the bar is open 10 a.m. to 10 p.m.

Vice Chair Sofelkanik opened the public hearing.

Applicants Michael Gadd and Pat Stafford came forward to discuss the reasoning behind needing extended hours of operation every day of the week to 2 a.m., as opposed to it being limited to only late closures on the weekends.

Commissioner Andrade asked and received clarification from Mr. Gadd as to whether this is being sought, for a salability standpoint. Mr. Gadd advised that this approval does play into the ability to sale the business as it has been put up for sale.

Mr. Stafford described the absences of the noise nuisance towards the rear of the property, abutting to the residences.

Speaker Michael Bullock, owner of 11291 Davenport Road described the nuisance imposed as a result of the noise from the restaurant. Mr. Bullock stated concern over the intensity of the base.

Mr. Bullock asked for clarification on the appropriate Police Department to contact at night when the noise get too loud. Vice Chair Sofelkanik advised that he should discuss the jurisdictional matter with City staff.

Mr. Stafford stated that with the exception of one night a month, acoustic music is regularly played on Friday nights.

Resident Cindy, owner of 11291 Pine Street indicated that the noise nuisances are not frequent with Griffith Grill however, she is more concerned over allowing late hour closure.

There being no additional speakers, Vice Chair Sofelkanik closed the public hearing.
City Attorney Daudt stated that this project as well with any other development in the City is subject to the City’s noise standards. Furthermore, all exterior noise is measured at the receiving end whether it is within or outside the City. Therefore, a call to City staff and City police would be appropriate if there is any noise in excess of the noise standards.

Commissioner DeBolt expressed concern over the unknown of whom will buy the business.

Commissioner Grose expressed concern over approving a CUP with an unknown factor and the concern over the new owner not being respectful to citizens like Griffins Grill has been.

Commissioner Cuilty asked and received clarification from City Attorney Daudt as to what could be done if it is approved, the business is sold and the City starts getting complaints about the business. City Attorney Daudt stated that staff is already recommending in the conditions of approval that if such nuisance conditions were to arise, the proposed condition would allow the Director to pull the permit back for revocation consideration or impose new or added conditions to address operational concerns at that time.

Commissioner Sofelkanik asked and received clarification from City Attorney Daudt regarding the added language and whether there is firm legal footing to do that. City Attorney Daudt stated that this provides the opportunity for the CUP to come back to the Planning Commission to evaluate whether the continued use of the CUP is warranted. Furthermore, City Attorney Daudt stated that there is a basis intended as a protective measure, if in an application you later find out that this use is causing problems in the community, the issues can be addressed rather than just being stuck by a prior approval, when the commission did not know what that use would look like on the ground.

Commissioner Andrade asked and received clarification from Associate Planner Oliver as to the existing noise ordinance, which changes the allowable noise after 10 p.m.

Commissioner Sofelkanik asked and received clarification from City Attorney Daudt as to how a possible revocation could be triggered. City Attorney Daudt stated that it can be done the event that the city receives noise or other public disturbances complaints in connection with the use authorized by the CUP.

Vice Chair Sofelkanik asked and received clarification from City Attorney Daudt about how this condition could be applied. City Attorney Daudt stated that the condition would be applied to the use and not the particular tenant or owner which is operating. The focus would be kept on the conduct without tying any of the
approvals to an owner. Therefore, any potential buyer would become aware of the language that the City can pull the permit back.

Commissioner Grose expressed concern over the possibility of a lawsuit without specific language to address the type of complaints, which might warrant revocation. City Attorney Daudt stated that this condition would serve as a protective measure to the City, while leaving some discretion with planning staff to determine what is significant and what to bring back.

City Attorney Daudt stated that the commission would have the ability to retain discretion over the CUP and request an update of the facts and what is happening at that business; this is intended to determine whether there is an issue, which needs to be addressed, rather than being to be in a position where if it is approved as is tonight, there really is no mechanism to pull back if there are problems. City Attorney Daudt stated that this added condition would allow opportunity to retain some jurisdiction and control over that.

Commissioner Andrade asked and received clarification from Associate Planner Oliver as to whether there is a requirement for the back door to remain closed. Associate Planner Oliver stated that the prior approved resolution states that the back door needs to remain closed at all times.

City Attorney Daudt stated that the Planning Commission could require that the CUP come back before the commission on a periodic basis however, the proposed condition would help avoid that administrative burden if there are no problems occurring. However, if the commission would prefer otherwise, it can be requested for the applicant to come back to the commission during a said time period.

Vice Chair Sofelkanik re-opened the public hearing.

Mr. Gadd stated that he has never received complaints from the community. Furthermore, Mr. Gadd added that imposing too many restrictions will put a hardship on them.

Commissioner Andrade asked and received clarification from Mr. Gadd as to whether the back door is kept locked. Mr. Gadd stated that the back door is not locked; smokers do go out to the back of the business and smoke and it is a fire exit.

Commissioner Cuilty inquired as to whether complaints are ever received about the bar Boon Docks. Associate Planner Oliver advised that he does not. Commissioner DeBolt advised that he has seen activity early in the mornings at Boon Docks.

Motion/Second: Cuilty/Grose
Carried 6/0 (Loe and Riley absent): Adopt Resolution No. 19-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (CUP 19-01) TO EXTEND APPROVED OPERATIONAL HOURS TO THE HOURS BETWEEN 6:00 A.M. UNTIL 2:00 A.M., AT 11272 LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONE, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APN 222-081-04 (APPLICANT: MIKE GADD, GRIFFINS GRILL)" with the added condition to operation hours to allow a closing time of 2 a.m Fridays and Saturdays; closing time of midnight Sunday through Thursday; and if any complaints are received, have it be brought back before the Planning Commission for re-consideration.

10. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR
Development Service Director advised the Commission of the following:
- Introduced the new Department Secretary Maria Enciso
- Announcement of Epson North America moving into 3131 Katella Avenue
- Final floor frame of the hotel is nearing. A more realistic finish date will likely be Spring of next year.
- Starbucks at 5252 Katella Avenue is framed up however, no second tenant has been secured.

Commissioner Grose complimented the progress that CVS is making with their clean-up, and also advised that the post office has overgrown vegetation.

11. COMMISSIONER REPORTS
None.

12. ADJOURNMENT
The Planning Commission adjourned the meeting at 8:30 p.m.

ATTEST:

Les Johnson, Secretary

Victor Sofelkanik, Vice Chair