

# City of Los Alamitos

## Agenda Report Consent Calendar

May 19, 2014  
Item No: 8D

**To:** Mayor Gerri L. Graham-Mejia & Members of the City Council

**Via:** Bret M. Plumlee, City Manager

**From:** Steven A. Mendoza, Community Development/Public Works Director

**Subject:** Second Reading of Ordinance 14-02 - Zoning Ordinance Amendment (ZOA No. 14-01) – Adoption of Changes to the Los Alamitos Municipal Code Sections Relating to Curb Cuts, Driveways, Aprons and Landscape Standards

**Summary:** At its regular meeting of April 21, 2014 the City Council conducted a first reading of Ordinance No. 14-02. This ordinance will make changes to Los Alamitos Municipal Code sections pertaining to curb cuts, driveways, aprons, and landscape standards (Citywide) (City initiated).

**Recommendation:** Adopt Ordinance No. 14-02, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 14-01 TO AMEND SECTIONS 17.16.090 RELATING TO LANDSCAPING IN THE FRONT YARD SETBACK AND 17.26.060 RELATING TO CURB CUTS, DRIVEWAYS AND APRONS AS WELL AS AMEND SECTION 12.08.030 REGARDING PERMITS FOR THE SAME, AND DIRECTION A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

## Background

Staff and Planning Commissioners have had questions about the sections of Code that pertain to driveways. The current Code language makes it difficult for homeowners to develop plans based on the imprecise requirements in the Code. Additionally, there has been concern expressed by residents about their neighbors parking their vehicles next to the property line of the two homes.

The Planning Commission has recommended that the City Council approve the attached ordinance adopting Zoning Ordinance Amendment 14-01 to add requirements to the Los Alamitos Municipal Code relating to curb cuts for driveways and landscape standards for the front yard setback.

At its regular meeting of April 21, 2014 the City Council conducted a first reading of Ordinance No. 14-02.

## Discussion

The City Council approved the code amendment during the first reading of the Ordinance. Tonight the City Council will conduct a second reading. At the last City Council meeting, council members had a question for Staff about existing driveways. As a reminder, these code changes do not apply unless new house is built or there is substantial renovation involving a garage or front yard. We will not apply these standards for existing driveways and curb cuts (Section 4).

## Environmental Review

The proposed ordinance has been determined to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15305 – minor alterations in land use limitations and 15061(b)(3) – activity is not subject to CEQA where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

## Notice

Notice announcing the City Council Public Hearing was published in the News Enterprise on April 9, 2014 and properly posted in three sites, and the ordinance was published on May 7, 2014.

## Fiscal Impact

None.

Submitted by:



Steven A. Mendoza  
Director of Community Development

Approved by:



Bret M. Plumlee  
City Manager

Fiscal Impact Reviewed by:



Glenn Steinbrink  
Interim Administrative Services Director

Attachment: 1. Ordinance No. 14-02

**ORDINANCE NO. 14-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 14-01 TO AMEND SECTIONS 17.16.090 RELATING TO LANDSCAPING IN THE FRONT YARD SETBACK AND 17.26.060 RELATING TO CURB CUTS, DRIVEWAYS AND APRONS AS WELL AS AMEND SECTION 12.08.030 REGARDING PERMITS FOR THE SAME, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)**

**WHEREAS**, the City initiated a zoning ordinance amendment relating to driveway curb cuts and landscape standards in the front yard setback in accordance with the procedures set forth in Chapter 17.70 of the Los Alamitos Municipal Code; and

**WHEREAS**, the Planning Commission held a duly noticed Public Hearing on this Ordinance on March 10, 2014 after which time it adopted Resolution No. 14-05 recommending that the City Council approve this Ordinance; and

**WHEREAS**, the City Council opened a duly noticed Public Hearing concerning this Amendment on April 21, 2014; and,

**WHEREAS**, this Zoning Ordinance Amendment 14-01 has been considered by the City Council; and,

**WHEREAS**, the proposed amendments represent only a minor change and do not modify any other part of the Los Alamitos Municipal Code; and,

**WHEREAS**, after consideration of all applicable Staff Reports and all public testimony and evidence presented at the Public Hearing, the City Council does hereby make the following findings of fact for a Zoning Ordinance Amendment for modification to the Los Alamitos Municipal Code relating to curb cuts and landscape standards in the front setback:

1. The proposed amendments ensure and maintain consistency with the General Plan and the Zoning Code. The proposed additional regulations for driveways and landscaping in the front setback are consistent with General Plan Land Use Policy 1-3.1 to "apply appropriate and consistent standards in land use and site plan approvals to achieve continuity and cohesion in the physical development of the City." The amendments would establish consistent standards by revising sections of the Municipal Code where there are gray areas for Staff in evaluating a driveway or a landscaping plan. The proposed amendments establish consistent standards by establishing a requirement that each parcel only have one driveway and that the side property lines be

landscaped. Additionally, the amendments clarify that permits are required for the installation of curb cuts, driveways, or aprons in the public right of way.

2. Second, the proposed amendments will not adversely affect the public convenience, health, interest, safety, or welfare of the City as there are no adverse impacts anticipated in the Code amendments. Instead, the changes will improve the appearance of the City and result in less conflict between neighbors. Although parking in a non-driveway portion of a front setback is already prohibited (unless the driveway is in that area), the requirement for landscaping will help ensure that people abide by this rule. The prohibition against multiple curb cuts will improve communities by helping to ensure that there is adequate street parking and eliminating conflicts that can arise when driveways are spaced too closely together. Further, the clarification that permits are required for curb cuts, driveways and aprons will help the City monitor these requirements.

The Ordinance provides for some flexibility. If a person needs to deviate from the hardscape and landscaping requirements to obtain safe and adequate ingress and egress, then the Community Development Director may grant an exception to the rules. If a person wishes to deviate from these requirements for any other reason, including the need to reach parking pads in the side or rear setbacks, Site Plan Review approval will be required.

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures in that the proposed amendments are exempt from California Environmental Quality Act review per Section 15061(b) (3) of the California State Government Code because the Code Amendments will have no significant effect on the environment and pursuant to Section 15305 as a minor alteration in land use limitations.

4. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code and do not create any conflicts with any other provisions of the Los Alamitos Municipal Code.

**THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1. The City Council of the City of Los Alamitos, California finds that the above recitals are true and correct and incorporates them by reference herein.

SECTION 2. Los Alamitos Municipal Code Section 12.08.030 "Permits for improvements – Required" is amended to read as follows:

No person shall construct or place improvements within the public right-of-way, including curb cuts, driveways, and aprons, without first obtaining a Public

Works permit therefor. A written application for permit shall be submitted to the City Engineer for approval. The application shall include plans in triplicate showing the location and dimensions of the proposed work and such other detail as the City Engineer may require; upon approval, one copy of the plans shall be attached to each copy of the permit and become a part of the same.

SECTION 3. Los Alamitos Municipal Code Section 17.16.090 "Paving of front setback requirements" is amended to read as follows:

A. A minimum of fifty (50) percent of the required front yard setback area shall be landscaped.

B. Of the fifty (50) percent landscaped setback, a minimum of 4 feet in width and 16 feet in length measuring from each side property line and the front property line shall be landscaped. Notwithstanding any other provision of this Code, this requirement only applies to development of a new residential use, or renovation of an existing residential use which includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

C. The Community Development Director may allow an exception from the requirements set forth in subsection A and B above, if necessary, to provide safe and adequate ingress and egress for the site.

D. Site plan review approval in accordance with Chapter 17.50 shall be required in order to deviate from the requirements set forth in subsection A and B above for any reason (including to allow access to a parking pad in a side or rear setback) other than to provide safe and adequate ingress and egress.

SECTION 4. Los Alamitos Municipal Code Section 17.26.060 "Residential parking and storage standards" is further amended by adding Section 17.26.060.B.3.h to read as follows:

"h. Only one curb cut, driveway, and driveway apron shall be allowed for each residential parcel unless a site plan is approved in accordance with Chapter 17.50. Notwithstanding any other provision of this Code, this requirement only applies to development of a new residential use, or renovation of an existing residential use which includes modifications to the existing garage or front yard, that occurs after April 15, 2014.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or

more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. To the extent the provisions of the Los Alamitos Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 7. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

SECTION 8. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

SECTION 9. Staff is hereby directed to file a Notice of Exemption with the County Clerk's office relating to the adoption of this Ordinance under Guidelines Section 15305 – minor alteration in land use limitations and Section 15061(b)(3) - where the activity is not subject to CEQA when it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

**PASSED, APPROVED AND ADOPTED THIS 19<sup>th</sup> DAY OF MAY, 2014.**

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Gerri L. Graham-Mejia, Mayor

ATTEST:

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Windmera Quintanar, CMC  
City Clerk

APPROVED AS TO FORM:

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Cary Reisman  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss.  
CITY OF LOS ALAMITOS         )

I, Windmera Quintanar, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 14-02 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 21st day of April, 2014 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 19th day of May, 2014, by the following vote, to wit:

AYES:            COUNCIL MEMBERS:  
NOES:            COUNCIL MEMBERS:  
ABSENT:         COUNCIL MEMBERS:  
ABSTAIN:        COUNCIL MEMBERS:

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Windmera Quintanar, City Clerk