

City of Los Alamitos

Agenda Report Public Hearing

May 19, 2014
Item No: 9A

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: Zoning Ordinance Amendment (ZOA) 13-05
Relating to Accessory Residential Uses and Accessory Structures

Summary: Consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City initiated).

Recommendation:

1. Open the Public Hearing; and, if appropriate,
2. Determine a Categorical Exemption from California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines is appropriate because the Code Amendments will have no significant effect on the environment, and, pursuant to Section 15305, qualify as a minor alteration in land use limitations.
3. Introduce, waive reading in full and authorize reading by title only of Ordinance No. 14-03, and set for second reading; and,
4. City Attorney Reisman read the title of Ordinance No. 14-03, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

Background

The Planning Commission approved a Resolution of recommendation to the City Council at its meeting on April 14th, for an ordinance to clarify the definitions and other municipal code provisions concerning the terms “Detached Guesthome” and “Guest house” and “Accessory Structures.”

Discussion

At the January and March, 2014 Planning Commission meetings, the Commission discussed problematic sections of the Los Alamitos Municipal Code (LAMC) that pertain to residential land uses relating to guest homes, guest houses, and accessory structures. During the discussion, concern was raised about accessory structures as well as guest homes being turned into rental units as these types of uses are not required to provide the additional parking that is required of a second residential unit, and the City had trouble monitoring these types of uses.

At the conclusion of this item, the Planning Commission recommended that the only accessory housing units that should be allowed in the City should be second residential units and that accessory structures should be prohibited from having bedrooms, full bathrooms or kitchen facilities. Guest homes would no longer be a permitted use, but this will not impact any previously approved guest homes. The attached Draft Ordinance covers the changes deemed necessary by the Planning Commission.

Changes to the Zoning Code

The Draft Ordinance does the following:

- Changes the definition of “Accessory Living Quarters” from Guest House to Second Residential Unit.
- Changes the definition of “Granny Flat” from a secondary residential unit to a residential unit that was approved in accordance with the Government Code section that used to allow for granny flats. That section has not been operative since 2007, although granny flats approved prior to that time remain a legal use subject to all the prior conditions under State law. The term “Granny Flat” as well as “Guest House” is being left in the Code as they describe legal non-conforming uses.
- Changes the term “Secondary residential unit” to “Second residential units” to provide consistency in the Code and consistency with State law.
- Amends the Land Use Table in Section 17.08.020 as follows:

- Provides a cross reference for accessory uses and structures to Section 17.38.030 and footnotes that such structures are permitted up to 640 square feet without Site Plan Review approval.
- Deletes detached guesthomes as a use that is allowed, even with a CUP.
- Amends Sections 17.10.020B (Commercial and Industrial zones) and 17.12.020B (Special Purpose and Overlay zones) to remove the cross references in Accessory Uses to the section on residential accessory structures. The sections now provide that accessory structures must be approved pursuant to Site Plan Review.
- Amends the Parking Table in Section 17.26.040 to provide that one parking space is required for each bedroom of a second residential unit. This is consistent with Section 17.38.150 of the Los Alamitos Municipal Code; it is a clean-up in order to place all of the parking requirements in one location.
- Amends Section 17.38.030 relating to Accessory Structures as follows:
 - Makes minor clean-up changes to the Title and Sections A and B.
 - Eliminates Section C which was for attached structures, as an attached structure is not an accessory structure, but part of the main structure; this is now consistent with the term "Accessory Structure" in the definitions.
 - Amends Section D (now Section C) on Detached Structures as follows:
 - Provides that unless it was previously approved as a guesthome or granny flat as of January 1, 2014, no accessory shall be used for residential purposes and the only detached structure that may be used for residential purposes is a second residential unit.
 - Provides that accessory structures shall not exceed 640 square feet unless there is approval of a Site Plan Review. This would allow a detached garage with a side room for washing machines, a work room, or a studio, as well as allow a three-car garage without the need for Planning Commission action.
 - Provides that accessory structures may include no more than one half-bath (sink and toilet) and shall not include any shower, bath, or cooking facilities.
 - Provides that except for a garage with an attached room or separate half-bath, accessory structures must be one room.

Findings

The Planning Commission considers the following findings of fact when studying a Zoning Ordinance Amendment for modification to the Los Alamitos Municipal Code.

First, the proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed amendments 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 proposed amendments will establish consistent standards relating to the development of accessory residential uses in the City by providing that the only way that an accessory residential use may be allowed is by approval of a second residential unit with appropriate parking. The amendments also establish standards for accessory structures and remove inconsistencies as to the definition of accessory structures that currently exist in the Municipal Code.

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 amendment of these items. Although guest houses will no longer be a use that can be conditionally approved in the R-1 zone, all previously approved guest houses will be allowed to remain and will not be subject to the non-conforming use provisions. The changes will improve the ability of Staff to regulate Second Residential Units and Accessory Structures. This Code modification continues to allow the building of accessory structures and second residential units in the areas where they are permitted in the City. Further, the amendment will alleviate problems for the public convenience, health, interest and safety by removing a mechanism by which people had the ability to create illegal residential units without providing necessary parking.

Third, the proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and it has been determined that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the Code Amendments will have no significant effect on the environment as well as Section 15305 as a minor alteration in land use limitations.

Fourth, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

Recommendation

The Planning Commission recommends that the City Council adopt Zoning Ordinance Amendment 13-05 relating to accessory residential uses and accessory structures.

Fiscal Impact

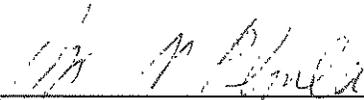
None.

Submitted By:



Steven A. Mendoza
Community Development/Public Works Director

Approved By:



Bret M. Plumlee
City Manager

Fiscal Impact Reviewed by:



Glenn Steinbrink
Interim Administrative Services Director

- Attachments:
1. Draft Ordinance 14-03
 2. Planning Commission Resolution 14-06
 3. Planning Commission Minute Excerpts

ORDINANCE NO. 14-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, 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 changes for guest homes and accessory structures in accordance with the procedures set forth in Chapter 17.70 of the Los Alamitos Municipal Code; and

WHEREAS, the Planning Commission discussed this matter at a Public Hearing on January 13, 2014 and on March 10, 2014; and

WHEREAS, the Planning Commission held a duly noticed Public Hearing on this Ordinance on April 14, 2014 after which time it adopted Resolution No. 14-06, recommending that the City Council find that the Ordinance is exempt from CEQA and adopt this Ordinance; and

WHEREAS, the City Council opened a duly noticed Public Hearing concerning this Amendment on May 19, 2014; and,

WHEREAS, this Zoning Ordinance Amendment 13-05 has been considered by the City Council; 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 relating to the amendments set forth in this Ordinance as required by Los Alamitos Municipal Code Section 17.70.050:

1. The proposed amendments ensure and maintain internal consistency with the actions, goals, objectives, and policies of the General Plan, and does not create any inconsistencies with the Zoning Code. The proposed amendments 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 proposed amendments will establish consistent standards relating to the development of accessory residential uses in the City by providing that the only way that an accessory residential use may be allowed is by

approval of a second residential unit with appropriate parking. The amendments also establish standards for accessory structures and remove inconsistencies as to the definition of accessory structures that currently exist in the Municipal Code.

2. 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 from the changes. Although guest houses will no longer be a use that can be conditionally approved in the R-1 zone, all previously approved guest houses will be allowed to remain and will not be subject to the non-conforming use provisions. The changes will improve the ability of Staff to regulate Second Residential Units and Accessory Structures. This Code modification continues to allow the building of accessory structures and second residential units in the areas where they are permitted in the City. Further, the amendment will alleviate problems for the public convenience, health, interest and safety by removing a mechanism by which people had the ability to create illegal residential units without providing necessary parking.

3. The proposed Municipal Code changes have 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. The following definitions in Los Alamitos Municipal Code Section 17.76.020 "Definitions" are hereby amended to read as follows:

"Accessory Living Quarters". See ~~"Guest house."~~ "Second Residential Unit."

"Granny Flat." See ~~"Secondary residential units."~~ means a residential unit that was approved in accordance with Government Code section 65852.1 and is grandfathered under State Law.

~~"Secondary"~~ "Second residential unit" means a detached or attached dwelling unit that provides complete, independent living facilities for one or more

persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit.

SECTION 3. The following provisions of Los Alamitos Municipal Code Section 17.08.020, Table 2-02 "Land uses and permit requirements" are hereby amended as follows; all other provisions remain the same:

LAND USE	R-1	R-2	R-3	M-H	Specific Use Regulations
Accessory uses and structures, including noncommercial greenhouses	P ²	P ²	P ²	---	<u>17.38.030</u>
Secondary residential units	P	P	P	---	17.38.150
-Detached guesthome (no rental)	GUP ²	---	---	---	

² Up to 640 square feet; otherwise requires Site Plan Review approval. No cooking facility installed or maintained.

SECTION 4. Section 17.10.020B of the Los Alamitos Municipal Code is hereby amended to read as follows:

B. ~~Accessory uses structures.~~ Accessory land uses structures are subject to the requirements of ~~Section 17.38.030 (Accessory structures)~~ Site Plan Review pursuant to Chapter 17.50 of this Code.

SECTION 5. Section 17.12.020B of the Los Alamitos Municipal Code is hereby amended to read as follows:

B. ~~Accessory uses structures.~~ Accessory land uses structures are subject to the requirements of ~~Section 17.38.030 (Accessory structures)~~ Site Plan Review pursuant to Chapter 17.50 of this Code.

SECTION 6. The Parking Table in Section 17.26.040 of the Los Alamitos Municipal Code is hereby amended by adding the following after R-1 Single Family which merely clarifies the requirements already set forth in Section 17.38.150.C.9 of the Los Alamitos Municipal Code.

Description of Use	Required Number of Spaces
<u>Second Residential Unit</u>	<u>One space for a studio or one bedroom, plus one additional space for each additional bedroom</u>

SECTION 7. Section 17.38.030 of the Los Alamitos Municipal Code is hereby amended to read as follows:

17.38.030 Accessory structures/uses – Residential.

This section provides standards for accessory uses and structures that are customarily related to a residence, (e.g., garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops). Standards for in-ground swimming pools are provided in Section 17.16.150 (Swimming pools).

A. ~~Construction of Accessory Structures.~~ Accessory structures shall may be erected or constructed concurrent with, or subsequent to, the construction of the main residential structure.

B. ~~Relationship of Accessory Use/Structure to the Main Use.~~ Consistent with the definitions of “accessory structure” and “accessory use” in Chapter 17.76, aAccessory uses and structures in the residential zone shall be incidental to and not alter the residential character of the site.

~~C. Attached Structures:~~

~~1. An accessory structure that is attached to a main structure shall be compatible with, and made structurally a part of, the main structure (e.g., share a common wall and roof with the main structure, rely partially on the main structure for structural support, or be attached to the main structure at a minimum of four points within twenty (20) feet).~~

~~2. An attached accessory structure shall comply with the requirements of this zoning code applicable to the main structure, including setbacks, heights, and lot coverage.~~

~~3. Construction and the use of materials and colors shall be compatible with the main structure whenever feasible.~~

~~CD. Detached Structures:~~

~~1. Use. Unless previously approved as a guest house or granny flat, as of January 1, 2014, no accessory structure shall be used for residential purposes, even on a temporary basis. After January 1, 2014, the only manner in which a residential use of a secondary structure may be allowed is pursuant to the second residential unit standards set forth in Section 17.38.150 of this Chapter. As of (date of passage), 2014, accessory structures, other than second residential units, shall not be used for residential purposes, even on a temporary basis. This prohibition shall not apply to any guest house or granny flat that was~~

legally approved prior to this date, notwithstanding any other provision of this Code to the contrary.

2. Coverage. The sum of the floor area(s) of the total number of detached accessory structures shall not exceed the maximum rear yard coverage of the parcel in compliance with Table 2-03 (Residential Zoning District General Development Standards). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-03.

3. Size Limit. An accessory structure shall not exceed 640 square feet unless a site plan is approved by the Planning Commission in accordance with Chapter 17.50 of this Code.

4. Height Limit. Detached accessory structures shall not exceed a height of fifteen (15) feet, except detached tool sheds located within a required side yard shall not exceed a height of seven feet from grade.

5. Accessory structures may include no more than one (1) half-bath (i.e., sink and toilet), and shall not include any shower, bathtub or cooking facilities.

6. Each accessory structure shall be no more than one (1) room, not including a half-bath or an attached garage.

7. Materials and Color. Detached accessory structures shall be compatible with the materials and color of the main dwelling(s) on the property whenever feasible.

8. Separation Requirements. Detached accessory structures on a single parcel shall be separated from the main structure and other structures by at least five feet, or more, as required, except as allowed by the Uniform Building Code (UBC).

9. Location Requirements.

a. Yard Areas. (Section 17.06.030(E)(4)). ~~Detached a~~Accessory structures in residential zoning districts may be located in the required side or rear yard areas, provided that the structure(s) are a minimum of five feet from any common property line to the eave line and provided that all run-off water from the roof is disposed of on the parcel.

b. Garage Access from Alley. Where access to a garage is provided from an alley, the garage shall be located a minimum of ten (10) feet from the rear property line.

SECTION 8. Section 17.38.150C.9 of the Los Alamitos Municipal Code is hereby amended to read as follows:

9. Parking. A minimum of one covered off-street parking space shall be provided for a studio or one bedroom unit, plus an additional parking space for each additional bedroom in the second residential unit. This parking is in addition to the number of parking spaces required to be provided for the main structure on the parcel. The off-street parking shall be provided in compliance with the provisions of Chapter 17.26 (Off-Street Parking and Loading).

SECTION 9. 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 10. 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 11. 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 12. This Ordinance shall take effect thirty days after approval as provided in Government Code Section 36937.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2014.

Gerri L. Graham-Mejia, Mayor

ATTEST:

Windmera Quintanar, CMC
City Clerk

APPROVED AS TO FORM:

5

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. 14-03 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 19th day of May, 2014 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2014, by the following vote, to wit:

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

Windmera Quintanar, City Clerk

RESOLUTION NO. 14-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED).

WHEREAS, the Planning Commission is interested in reevaluating the Los Alamitos Municipal Code as it relates to accessory residential units and accessory structures; and,

WHEREAS, Los Alamitos Municipal Code Section 17.70.020 *Amendments* requires that the Planning Commission begin this process through adopting a Resolution of Intention; and,

WHEREAS, the Planning Commission approved the Resolution of Intention 13-21 on December 9, 2013; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on January 13, 2014; and,

WHEREAS, at the January 13, 2014 meeting, the Planning Commission directed Staff to draft a resolution recommending the City Council change the Municipal Code; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this Amendment on February 10, 2014 which was continued to March 10, 2014; and,

WHEREAS, on March 10, 2014 the Planning Commission held a Public Hearing on Zoning Ordinance Amendment No. 13-05 which was continued to April 14, 2014; and,

WHEREAS, on April 14, 2014 the Planning Commission held a Public Hearing on Zoning Ordinance Amendment No. 13-05; and,

WHEREAS, after consideration of all applicable Staff Reports and all public testimony and evidence presented at the Public Hearings, the Planning Commission

does hereby make the following findings of fact for Zoning Ordinance Amendment 13-05 relating to accessory residential uses and accessory structures by modifying the definitions in Chapter 17.76, amending Land Use Table 2-02 in Section 17.08.020, amending the Parking Table in Section 17.26.040, and modifying Section 17.38.030 of the Los Alamitos Municipal Code:

1. The proposed amendment ensures and maintains consistency with the General Plan and the Zoning Code. The proposed amendments 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 amendment would establish consistent standards relating to accessory structures and accessory residential uses. Additionally, the amendments make changes to eliminate inconsistencies in the current Zoning Code.

2. 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 amendment of these items. They will instead improve the ability of Staff to regulate Second Residential Units and Accessory Structures. These modifications of the Code continue to allow the building of accessory structures and second residential units in the areas where they are permitted in the City. Further, the amendments will alleviate problems for the public convenience, health, interest and safety by removing the ability to create illegal residential units without providing necessary parking.

3. The proposed project has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and it has been determined that the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because the Code Amendments will have no significant effect on the environment as well as Section 15305 as a minor alteration in land use limitations.

4. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code and does not provide any conflicts with any other provision of the Los Alamitos Municipal Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Los Alamitos, California finds that the above recitals are true and correct, which findings are incorporated by reference herein.

SECTION 2. Based upon such findings and determinations, the Planning Commission hereby recommends that the City Council of the City of Los Alamitos approve Zoning Ordinance Amendment 13-05 relating to accessory residential units and accessory structures as shown in Attachment 2, which Ordinance is attached hereto and incorporated by reference herein.

SECTION 3. The Secretary of the Planning Commission shall forward a copy of this Resolution to the applicant and any person requesting the same, and Staff shall file a Notice of Exemption with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 14th day of April, 2014.



Gary Loe, Chairman

ATTEST:



Steven Mendoza, Secretary

APPROVED AS TO FORM:



Lisa Kranitz
Assistant City Attorney

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

I, Steven Mendoza, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the Planning Commission held on the 14th day of April, 2014, by the following vote, to wit:

AYES: Cuilty, Daniel, DeBolt, Grose, Riley, Loe

NOES: None
ABSENT: Sofelkanik
ABSTAIN: None



Steven Mendoza, Secretary

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PLANNING COMMISSION MINUTES

C. Zoning Ordinance Amendment 13-05.

Continued consideration of a Zoning Ordinance Amendment to amend the Los Alamitos Code to make changes relating to accessory residential uses and accessory structures (Citywide) (City Initiated).

Staff recommends the following:

1. Open the continued Public Hearing; and, if appropriate,
2. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15301(e) – Existing Facilities, has been prepared for the proposed project in accordance with the California Environmental Quality Act. The proposed use is in an existing building with no proposed alterations or expansion of no more than 2,500 square feet; and, if appropriate,
3. Adopt Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)."

Planning Aide Tom Oliver summarized the Staff Report, referring to the information contained therein, and indicated he's prepared to answer questions from the Planning Commission.

Planning Director Mendoza explained that one of the things that Staff wanted to ensure was done was that Staff shrunk down the list of alternatives that could be built in a backyard. Staff closed the gap on how many different ways things could be worded whether it's a guest house that doesn't have bedrooms, or it's an accessory structure that does have a bathroom, etc.; he

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said he thinks this meets the theme of what the Commission was looking for but still making sure that there are still second dwelling units in it to meet California Code.

Commissioner Daniel asked what somebody could be built in their backyard with this new ordinance and Community Development Director Mendoza answered that the smallest would be less than 120 feet (Tuff Shed) without a building permit assuming it doesn't have electrical or gas or plumbing. But as regards a dwelling space, it has to be called a second dwelling unit; no gray area. This will also trigger a parking requirement.

Commissioner Daniel pointed out that the zoning and setbacks have to be appropriate for a second dwelling unit as well.

Community Development Director Mendoza explained that the maximum is 640 square feet and zoned R-1. He said that in Los Alamitos, there are very few homes that this could be done and still meet all the legal requirements.

Chairman Loe asked whether it would be better to say that if you have a secondary residential unit, you're required to have one parking space. Some people could argue that they have no bedroom, so they don't need a parking space. Perhaps we should just say, "One parking space needed".

Planning Aide Oliver explained in the section for Second Residential Unit, it says, "One parking space", but Staff added, "...per each bedroom".

Commissioner Riley suggested that it should be a minimum of one parking space per structure or per bedroom.

Assistant City Attorney Kranitz said that currently the Code provides, "A minimum of one covered off-street parking space per bedroom shall be provided for second residential units". We are not changing that; it already says that under the current zoning.

Community Development Director Mendoza commented that he wants to make sure that the Commission is on the same page and what he is hearing is that each unit will have a minimum of one parking space, plus one parking space per bedroom, over one bedroom.

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Commissioner Daniel said he agrees with having the requirement of one parking space per unit plus one parking space per bedroom.

Assistant City Attorney Kranitz clarified that it will read now, "A minimum of one parking space, plus an additional parking space for each bedroom over one bedroom".

Commissioner Grose said that that was correct.

Following a lengthy discussion, Community Development Director Mendoza asked if the Commission was satisfied with forwarding the draft ordinance to the City Council and they said they were.

Assistant City Attorney Kranitz said that there will be a few changes and if the Commission will approve them tonight, Staff won't have to bring it back at a later meeting. One is Section 6, The Parking Table, on Page 3 of 7:

Second Residential Unit

One space for a studio or one bedroom,
plus one additional space for each
additional bedroom.

Also, that same change will have to be made in the Second Residential Unit Section of the Code as well so that they are consistent.

Commissioner Grose made a motion to adopt Resolution No. 14-06, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONING ORDINANCE AMENDMENT (ZOA) 13-05 AMENDING THE LOS ALAMITOS MUNICIPAL CODE RELATING TO ACCESSORY RESIDENTIAL USES AND ACCESSORY STRUCTURES (INCLUDING CHANGES TO DEFINITIONS, REMOVAL OF GUEST HOUSES AS AN ALLOWABLE LAND USE AND CHANGES TO ACCESSORY STRUCTURES) AND MAKING MINOR TECHNICAL CHANGES TO THE PROVISIONS RELATING TO SECONDARY RESIDENTIAL UNITS, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA (CITYWIDE) (CITY INITIATED)", WITH CHANGES TO THE DRAFT ORDINANCE.

The motion was seconded by Commissioner DeBolt.

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PLANNING COMMISSION MINUTES

*Motion/Second: Grose/DeBolt
Carried: 6/0/0 (Sofelkanik Absent).*

DRAFT EXCERPT OF 4/14/14 PC MINUTES