

CITY OF LOS ALAMITOS

3191 Katella Avenue
Los Alamitos, CA 90720

AGENDA PLANNING COMMISSION/SUBDIVISION COMMITTEE REGULAR MEETING

Wednesday, April 22, 2020 – 7:00 PM

SAFETY ALERT –NOTICE REGARDING COVID-19

Due to COVID-19, the City of Los Alamitos Planning Commission Meeting on April 22, 2020 will be conducted by videoconference pursuant to the provisions of the Governor's Executive Orders N-25-20 and N-29-20. The public may access the meeting electronically or telephonically.

Pursuant to Executive Orders and given the current health concerns, members of the public can access meetings by using your phone to dial +1 (301) 715-8592 and enter the Meeting ID: 681-062-494. Your microphone will be disabled upon entry for the duration of the meeting. **Members of the public may not attend the meeting in person.**

The public can submit comments to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 4:00 p.m.** will be compiled and provided to the Planning Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to planningcommission@cityoflosalamitos.org **until the close of the public comment period.** The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three-minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

All speakers shall observe civility, decorum and good behavior. Any item submitted to the Planning Commission during the meeting shall become public record and subject to applicable disclosure laws.

NOTICE TO THE PUBLIC

This Agenda contains a brief general description of each item to be considered. Except as provided by law, action or discussion shall not be taken on any item not appearing on the agenda. Supporting documents, including staff reports, are available for on the City's website at www.cityoflosalamitos.org once the agenda has been publicly posted.

Any written materials relating to an item on this agenda submitted after distribution of the agenda packet are available for public inspection on the City's website at www.cityoflosalamitos.org.

It is the intention of the City of Los Alamitos to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee, or a participant at this meeting, you will need special assistance beyond what is normally provided, please contact the Development Services Department at (562) 431-3538, extension 303, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Chair Andrade
Vice Chair Grose
Commissioner Cuijty
Commissioner DeBolt
Commissioner Loe
Commissioner Riley
Commissioner Sofelkanik

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

The public can submit comments to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT NON-AGENDA ITEM." Comments **received by 4:00 p.m.** will be compiled and provided to the Planning Commission and made available to the public before the start of the meeting. Staff will not read email comments at the meeting but the official record will include all email comments received until the close of the meeting.

Members of the public wishing to verbally deliver comments via the telephone conference can submit their requests to planningcommission@cityoflosalamitos.org **until the close of the public comment period.** The Department Secretary will compile a list of speakers who have indicated a desire to speak. Before the close of the meeting, the Department Secretary will announce each speaker, enable the speaker's microphone, and begin the three minute timer. The speaker's microphone will automatically be disabled at the end of three minutes.

6. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of January 22, 2020

7. CONSENT CALENDAR

None.

8. PUBLIC HEARING

A. ZOA 19-02 & 19-03

State Mandated Updates to Family Daycare Homes and Accessory Dwelling Unit (ADU) Regulations

Consideration of a Planning Commission resolution recommending that the City Council adopt a draft ordinance to amend Los Alamitos Municipal Code chapters 17.08, 17.22, 17.28 & 17.74 as required to address recent changes in state law concerning the regulation of: (1) Large Family Daycare Homes (ZOA 19-03), and (2) Accessory Dwelling Units (ZOA 19-02) (Citywide).

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Planning Commission adopt Resolution No. 20-02 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL: (1) ADOPT ORDINANCE NO. XX-XX AMENDING SECTIONS 17.08.020, 17.22.030, 17.28.140, 17.28.150, AND 17.74.060 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF LARGE FAMILY DAYCARE HOMES, AND (2) ADOPT ORDINANCE NO. XX-XX AMENDING AND RESTATING SECTIONS 17.08.020 AND 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS. "

9. STAFF REPORT

None.

10. DISCUSSION

None.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

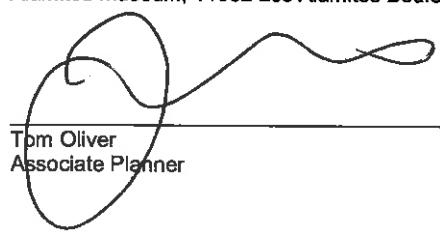
12. COMMISSIONER REPORTS

13. ADJOURNMENT

APPEAL PROCEDURES

Any final determination by the Planning Commission may be appealed to the City Council, and must be done so in writing at the Development Services Department, within ten (10) business days after the Planning Commission decision. The appeal must include a statement specifically identifying the portion(s) of the decision with which the appellant disagrees and the basis in each case for the disagreement, accompanied by an appeal fee of \$1,038.00 (resident)/ \$1,249.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2019-15.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the following locations: Los Alamitos City Hall, 3191 Katella Avenue; Los Alamitos Community Center, 10911 Oak Street; and, Los Alamitos Museum, 11062 Los Alamitos Boulevard; not less than 72 hours prior to the meeting.



Tom Oliver
Associate Planner

4/16/2020

Date

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

REGULAR MEETING – January 22, 2020

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:02 p.m., Wednesday, January 22, 2020, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL

Present: Commissioners: Vice Chair Grose
Culty, Debolt, Loe, Riley, and Sofelkanik

Absent: Chair Andrade

Staff: Leslie Roseberry, Interim Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Maria Veronica Enciso, Department Secretary

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

4. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communication for items not on the agenda.

There being no speakers, Chair Riley closed the public hearing.

5. PLANNING COMMISSION REORGANIZATION

A. Annual Planning Commission Reorganization

This report provides relevant information for the Planning Commission's annual reorganization, by the election of the Chair and Vice Chair.

Department Secretary Enciso called for nominations for the position of Chair.

Vice Chair Sofelkanik nominated Commissioner Andrade and Commissioner Loe second the motion.

Commissioner Riley	Aye
Commissioner Sofelkanik	Aye
Commissioner Debolt	Aye
Commissioner Loe	Aye
Commissioner Grose	Aye
Commissioner Andrade	Absent
Commissioner Culty	Aye

Unanimously carried: The Planning Commission appointed Commissioner Andrade as Chair.

Department Secretary asked if there were any nominations for the position of Vice Chair.

Commissioner Sofelkanik nominated Commissioner Grose as Vice Chair and Commissioner Riley second the motion.

Department Secretary Enciso asked if there were any further nominations and there were not.

Commissioner Riley	Aye
Commissioner Sofelkanik	Aye
Commissioner Debolt	Aye
Commissioner Loe	Aye
Commissioner Grose	---
Commissioner Andrade	Absent
Commissioner Culty	Aye

Unanimously Carried: The Planning Commission appointed Commissioner Grose as Vice Chair.

6. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of December 18, 2019

Regular Meeting of December 18, 2019

Motion/Second: Sofelkanik/Debolt

Carried 5/0 (Culty abstained): The Planning Commission approved the minutes of the Regular meeting of December 18, 2019.

7. CONSENT CALENDAR

None.

8. PUBLIC HEARING

A. Conditional Use Permit (CUP) 19-04

**Medical Office in the General Commercial Zone on an Arterial Street
10676 Los Alamitos Boulevard**

Consideration of a Conditional Use Permit for a medical office at 10676 Los Alamitos Boulevard in the General Commercial (C-G) Zoning District on an arterial street (Applicant: Dr. Ward Henry), APN 242-245-01.

Associate Planner Oliver summarized the staff report.

Vice Chair Grose opened public hearing.

Applicant Ward Henry quickly summarized his work history as a Chiropractor and then discussed the parking issue that was in the staff report.

Commissioner Debolt and Ward Henry discussed the other doctors in the office and how long patients stay to specify freed up parking spaces during 12:00 p.m. to 2:30 p.m.

Dan Garcia, real estate broker, clarified that the applicant needed to move spaces due to health reasons of the building he was previously a tenant. He shared his support to approve the conditional use permit for the applicant.

Nathan Howard, Los Alamitos High School Track and Field Coach, is in support of the conditional use permit for the applicant.

Chris P., student athlete, shared his support of the permit use.

Commissioner Sofelkanik and Dan Garcia discussed any other available spaces in the City to fit the need of the applicant.

Vice Chair Grose closed the public hearing.

Commissioner Loe asked and received clarification from staff that a chiropractic office is similar to a medical office.

Commissioner Sofelkanik asked and received clarification from staff about a previous application in the same area.

Commissioner Debolt asked how long the space has been vacant.

Commissioner Riley asked what could go into that space and Associate Planner Oliver clarifies that it would be retail space.

Commissioner Riley clarified to the applicant about the decision that the Planning Commission will be making is based on the land use of the property and not necessarily about the applicant themselves.

Commissioner Sofelkanik followed up with Commissioner Riley's statement in regards to the land use and points out that the space is already at a negative space of negative 20.

Commissioner Cuiity asked Associate Planner Oliver about the general plan and what the percentage is needed for a CUP.

Commissioner Loe shared that the City has low concentration of retail use and high concentration of medical use.

Commissioner Debolt followed up with Commissioner Cuijty issue but also shared a discussion about the general plan update in regards to retail and non-retail information.

Vice Chair Grose asked Associate Planner Oliver what are the requirements of the other tenant's employee parking. Associate Planner Oliver shared that he has seen that some park in the residential and maybe the students from the school. She also asked if the property owner could have a parking study done.

Vice Chair Grose reopened public hearing.

Dan Garcia spoke again and shared the change in real estate properties.

Vice Chair Grose closed public hearing.

Motion/Second: Gary/Sofelkanik

Carried 6/0 (Andrade absent): Adopt Resolution No. 20-01, entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DENYING A CONDITIONAL USE PERMIT (CUP) 19-04 TO ALLOW A MEDICAL OFFICE IN A 980 SQUARE FEET UNIT AT 10676 LOS ALAMITOS BOULEVARD IN THE GENERAL COMMERCIAL (C-G) ZONING DISTRICT, APN 242-245-01 (APPLICANT: DR. WARD HENRY)."

9. STAFF REPORT

None.

10. DISCUSSION

None.

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

None.

12. COMMISSIONER REPORTS

Vice Chair Grose shared the following:

- A banner of a lice clinic that is on Bloomfield Street and Katella Avenue.
- Massage businesses on Florista Street and Los Alamitos Boulevard that the business cannot be seen inside during the night.
- On Tuesday and Thursday afternoon at the Von's parking lot, parents would park in the isles and not in the parking spaces.

Commissioner Cuijty discussed the signage on an upstairs building on Bloomfield Street and Katella Avenue.

Vice Chair Grose and Associate Planner Oliver discussed the update of the Keller Williams space.

13. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:06 p.m.

ATTEST:

Vice Chair Grose, Vice Chair

Leslie Roseberry, Secretary

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE AGENDA REPORT

MEETING DATE: April 22, 2020

ITEM NUMBER: 8A

**To: Chair Andrade and Members of the Planning
Commission/Subdivision Committee**

Via: Leslie Roseberry, Interim Development Services Director

From: Tom Oliver, Associate Planner

**Subject: ZOA 19-02 & 19-03
State Mandated Updates to Family Daycare Homes and Accessory
Dwelling Unit (ADU) Regulations**

SUMMARY

Consideration of a Planning Commission resolution recommending that the City Council adopt a draft ordinance to amend Los Alamitos Municipal Code chapters 17.08, 17.22, 17.28 & 17.74 as required to address recent changes in state law concerning the regulation of: (1) Large Family Daycare Homes (ZOA 19-03), and (2) Accessory Dwelling Units (ZOA 19-02) (Citywide).

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Planning Commission adopt Resolution No. 20-02 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL: (1) ADOPT ORDINANCE NO. XX-XX AMENDING SECTIONS 17.08.020, 17.22.030, 17.28.140, 17.28.150, AND 17.74.060 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF LARGE FAMILY DAYCARE HOMES, AND (2) ADOPT ORDINANCE NO. XX-XX AMENDING AND RESTATING SECTIONS 17.08.020 AND 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS."

APPLICANT:

City Initiated

LOCATION:

Citywide

ENVIRONMENTAL

FAMILY DAYCARE HOMES - Consideration of an exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15305 Minor Alterations in Land Use Limitations and pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

ACCESSORY DWELLING UNITS - Consideration of an exemption from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 (statutory exemption for second unit ordinances); CEQA Guidelines Sections 15282(h) (statutory exemption for second unit ordinances); 15303 (new construction of small structures) and 15305 (minor alterations to land). This action is also exempt under California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

APPROVAL CRITERIA:

Section 17.58 of the Los Alamitos Municipal Code (LAMC) requires that any proposed amendment be recommended by a resolution to the City Council.

NOTICING

On April 8, 2020, Notice of Public Hearing was posted at City Hall. It was also published in the News Enterprise on April 8, 2020 as a 1/8th of a page notice.

BACKGROUND

Of the 1,042 bills sent to Governor Gavin Newsom for review, his Administration has stated that the Governor signed 870 bills into law last year. Seven of these bills became effective January 1, 2020 with State directed changes concerning "Large

Family Daycare Homes” and “Accessory Dwelling Units.” In the December 18, 2019 Planning Commission meeting, a Resolution of Intention was approved by Commissioners asking that Staff bring back draft ordinances for consideration of recommendation to the City Council. Draft ordinances are included as Exhibits A and B to Attachment 1 of this report.

DISCUSSION

Here are the changes that are associated with these new State approved Bills and have been incorporated into the attached draft ordinances:

Accessory Dwelling Units (ADU)

With the changes identified in the draft ordinance, Chapter 17.28.020 of the City of the Los Alamitos Municipal Code would continue to allow for ministerial approval of Accessory Dwelling Units (ADU) in single family and multifamily residential zones. These changes were pursuant to the requirements of 2016’s Senate Bill (SB) 1069 and Assembly Bill (AB) 2299, and incorporate further revisions pursuant to 2017’s SB 229 and AB 494. The following briefly summarizes ADU legislation that passed in the 2019 session, which requires the City to amend its existing ordinance regarding development of ADUs and Junior ADUs. A copy of the amended ordinance must be submitted to HCD within 60 days of adoption.

- **AB 68 (Ting), AB 587 (Friedman), AB 670 (Friedman), AB 671 (Friedman), AB 881 (Bloom), and SB 13 (Wieckowski)**

Effective January 1, 2020, the laws relating to ADUs are to be amended to include the following:

- A city must allow an ADU within a residential or mixed-use zone;
- An ADU may be located in an attached garage, storage area, or other accessory structure;
- If on-site parking is removed to allow for an ADU, a city may not require the on-site parking to be replaced;
- The maximum rear and side yard setback for an ADU that is not converted from an existing structure is four feet (reduced from five feet in existing law);
- City may not impose a minimum lot size;
- Maximum size may not be less than 850 square feet or 1,000 square feet for ADU that provides more than one bedroom;
- City must act on an application for an ADU on a lot with an existing single-family or multi-family structure within 60 days of receiving a completed application;
- City may not require owner occupancy for either the primary dwelling or the ADU;
- Rental of an ADU must be for a term longer than 30 days;
- No impact fees may be imposed upon development of an ADU less than 750 square feet;
- Impact fee for ADU more than 750 square feet may be charged proportionately in relation to the square footage of the primary dwelling unit;

- Housing element must include a plan that incentivizes and promotes the creation of ADUs that can be offered at affordable rent for very low, low, or moderate-income households;
- Creates an exception to allow ADUs to be sold or otherwise conveyed separate from the primary residence by allowing tenancy in common sales to occur in specified limited circumstances where the ADU is built by a non-profit such as Habitat for Humanity and sold to a low-income family; and,
- Prevents HOAs from enforcing any CC&Rs or rules that effectively prohibit or unreasonably restrict the construction or use of an accessory dwelling unit (“ADUs”) or junior ADU on a lot zoned for single-family residential use.

Attachment 2 to this report provides a comparison of the City’s current ADU provisions and the recommended revisions reflected in the attached ordinance, and consistent with state law.

Family Daycare Homes

- **SB 234 (Skinner): Large Family Daycare Homes**

Prior to the enactment of this bill, state law differentiated between small family daycare homes providing care for up to 8 children and large family daycare homes providing care for up to 14 children. As such, state law required cities to treat small family daycare homes as a residential use of property permitted by right in residential zoning districts; conversely cities retained the ability to impose permit requirements and use restrictions regulating large family daycare homes. This latest bill removes the distinction between small family daycare homes and large family daycare homes for purposes of land use regulation by requiring cities to now also treat large family daycare homes as a residential use of property permitted by right in residential zoning districts.

RECOMMENDATION

Staff recommends that Commissioners open the public hearing, take testimony, and discuss any questions concerning these changes to “Accessory Dwelling Unit” and “Family Day Care” provisions in the Los Alamitos Municipal Code; and, if appropriate, approve the draft resolution of recommendation to the City Council for these draft ordinances amending the City of Los Alamitos Municipal Code.

Attachment:

- 1) Resolution 20-02 with Exhibits A & B draft ordinances*
- 2) ADU Comparison Chart*
- 3) Minutes of December 2019 Planning Commission meeting*

RESOLUTION NO. 2020-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL: (1) ADOPT ORDINANCE NO. 20-XX AMENDING SECTIONS 17.08.020, 17.22.030, 17.28.140, 17.28.150, AND 17.74.060 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF LARGE FAMILY DAYCARE HOMES, AND (2) ADOPT ORDINANCE NO. 20-XX AMENDING AND RESTATING SECTIONS 17.08.020 AND 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS

WHEREAS, the California State Legislature approved several bills during its 2019-20 Regular Session that impact local regulation of Large Family Daycare Homes (SB 234) and Accessory Dwelling Units (AB 88, SB 13 and AB 68), which became effective January 1, 2020; and,

WHEREAS, on December 18, 2019, the Planning Commission of the City of Los Alamitos, California approved Resolution of Intention No. 19-20 directing Staff to prepare and return to the Planning Commission with proposed amendments to the Los Alamitos Zoning Code to address this legislation ("Amendments"); and,

WHEREAS, on April 22, 2020, the Planning Commission held a duly noticed Public Hearing concerning the proposed Amendments; and,

WHEREAS, the Planning Commission considered all applicable Staff reports, public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The Planning Commission finds that the above recitals are true and correct.

SECTION 2. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 20-xx amending Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 of the Los Alamitos Municipal Code concerning the regulation of large family daycare homes, attached hereto as Exhibit "A".

SECTION 3. The Planning Commission hereby recommends that the City Council adopt Ordinance No. 20-xx amending and restating Sections 17.08.020

and 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of Accessory Dwelling Units, attached hereto as Exhibit "B".

SECTION 4. The Secretary of the Planning Commission shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of April 2020.

Larry Andrade, Chair

ATTEST:

Leslie Roseberry, Secretary

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

I, Leslie Roseberry, 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 22nd day of April 2020, by the following vote, to wit:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:

Leslie Roseberry, Secretary

ORDINANCE NO. _____**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING AND RESTATING SECTIONS 17.08.020 AND 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS (ZOA 19-02)**

WHEREAS, an Accessory Dwelling Unit (ADU) is a small residential dwelling unit that provides complete independent living facilities (i.e., living space, kitchen, restroom, etc.) on the same lot as a primary residence. An ADU can be attached or detached from the primary dwelling; and,

WHEREAS, commencing in 2002, and again with enactments in 2016 and 2017, the California State Legislature has encouraged the development of ADUs by requiring local agencies to streamline approval of these units; and,

WHEREAS, during its 2019-2020 Regular Session the California Legislature approved a number of bills, codified at Government Code Section 65852.2 ("2020 ADU Law"), which further restrict the ability of local governments to regulate ADUs through local land use controls and development standards; and,

WHEREAS, this Ordinance amends and restates Section 17.28.020 of Title 17 (Zoning Regulations) of the Los Alamitos Municipal Code to ensure consistency and compliance with the 2020 ADU Law and to preserve the City's limited remaining authority to regulate ADUs; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this proposed code amendment on April 22, 2020, and recommended City Council approval of this Ordinance; and,

WHEREAS, the City Council opened a duly noticed Public Hearing concerning the proposed code amendment on _____; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. Pursuant to Section 17.58.060 of the Los Alamitos Municipal Code, the

following findings are made in support of this code amendment:

- a) *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

ZOA 19-02 is consistent with the General Plan because it facilitates the construction of ADUs and will help to ensure that an adequate supply of housing is available to meet future and existing housing needs of all economic segments of the community. (General Plan Housing Strategy Area 4: Adequate Housing Supply)

- b) *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

ZOA 19-02, consistent with Government Code Section 65852.2, ensures the character of the City's residential neighborhoods is preserved to the maximum extent possible.

- c) *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

The City Council of the City of Los Alamitos determines that this Ordinance is exempt from CEQA per Public Resources Code Section 21080.17 and CEQA Guidelines Section 152(h), which state the adoption of an ordinance regarding second dwelling units (accessory dwelling units) to implement the provisions of Government Code Section 65852.2 are exempt from CEQA; this Ordinance is further exempt from CEQA pursuant to CEQA Guidelines Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

SECTION 3. Section 17.08.020, Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones) of the Los Alamitos Municipal Code is hereby amended by revising the following columns and rows pertaining to ADUs:

Use	R-1	R-2	R-3	M-H	Specific Use Regulations
Accessory Dwelling Unit	P	P	P	P	See Section 17.28.020

SECTION 4. Section 17.28.020 of Article 4 (Regulations for Specific Land Uses and Activities) of Title 17 (Zoning) of the Los Alamitos Municipal Code is hereby amended and

restated in its entirety to read as follows:

17.28.020 Accessory Dwelling Units and Junior Accessory Dwelling Units

A. Purpose. The purpose of this Section is to provide for and regulate the creation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with California Government Code sections 65852.2 and 65852.22.

B. Definitions. The following terms used in this Section shall have the meanings indicated below:

“Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

“Director” means the Development Services Director or their designee.

“Junior accessory dwelling unit” or “JADU” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the single-family residence.

“Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

“Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

“Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

“Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

C. Conforming ADUs. An ADU that conforms to this Section shall:

1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;

2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located;
3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth; and
4. Not be considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling.

D. Locations Permitted.

1. ADUs are permitted on any lot zoned to allow single-family or multifamily residential units that includes a proposed or existing single-family or multifamily dwelling.
2. JADUs are permitted on any lot zoned to allow single-family or multifamily residential units that includes a proposed or existing single-family dwelling.
3. Notwithstanding the foregoing, no ADU may be constructed in an area in which the development of new residential units or residential additions, the addition of bathrooms, or new or additional connections to the water or sewer system would otherwise be prohibited due to inadequate water or sewer capacity, as determined by reference to objective and generally applicable rules, regulations, or maps adopted and/or maintained by the water service or sewer provider, as applicable.

E. ADU Requirements. Except as provided in Section F(2) below, all ADUs must comply with the following criteria:

1. **Legal Lot/Residence.** An ADU shall only be allowed on a lot that contains a proposed or legally developed existing single-family or multifamily residence.
2. An ADU shall be either:
 - (a) Attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure; or
 - (b) Detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
3. **Occupancy and Ownership.** Except as otherwise provided by law (e.g., Government Code section 65852.26), an ADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence. No ADU, or primary residence on the same lot, shall be rented out for a term of less than 30 consecutive days. The property owner of the lot upon

which an ADU is located need not occupy either the ADU, or the primary residence as his or her domicile.

4. *Number of Units Per Lot.*

(a) For lots with a proposed or existing single-family dwelling, no more than one attached or detached ADU shall be permitted on the lot.

i. Notwithstanding the foregoing, a lot with a proposed or existing single-family dwelling may have one JADU and one detached ADU.

(b) For lots with an existing multifamily dwelling:

i. At least one attached ADU, and up to 25 percent of the number of the existing units may be constructed within portions of the existing multifamily dwelling structure that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) provided all applicable building code standards are met.

ii. Not more than two detached ADUs shall be permitted on the lot.

5. *Unit Size and Height.*

(a) The maximum size of a detached or attached ADU is 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two bedrooms.

(b) If there is an existing primary dwelling, the total floor area of an attached ADU shall not exceed 50 percent of the floor area of the existing primary dwelling.

(c) The minimum size of a detached or attached ADU is 200 square feet.

(d) No more than two bedrooms are allowed in any ADU.

(e) No FAR, lot coverage, or open-space requirements may be applied which would not permit at least an 800-square foot ADU that is at least 16 feet in height with four-foot side and rear yard setbacks.

(f) The height of an ADU shall not exceed 16 feet.

6. *Applicability of Development Standards.* Except as otherwise provided in this Section, all ADUs must conform to the development standards set forth in this Title 17 for the zoning district in which they are located.

7. *Setbacks and Spacing.*

- (a) No setbacks are required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an ADU or to a portion of an ADU. For all other ADUs, minimum setbacks of no less than four feet from the side and rear lot lines are required.
 - (b) A minimum distance of ten feet is required between a detached ADU and the primary dwelling unit, and all other structures, including garages, on the property.
8. *Building and Fire Code Compliance.* All ADUs must satisfy the requirements of the Los Alamitos Building Code and Fire Code and any other applicable provisions of the California Building Standards Code. However, fire sprinklers shall not be required if they are not required for the primary residence.
9. *Off-street Parking.*
- (a) One off-street parking space must be provided for an attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
 - (b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
 - (c) Off-street parking is not required in the following instances:
 - i. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;
 - ii. The ADU is located within an architecturally and historically significant historic district;
 - iii. The ADU is part of the proposed or existing primary residence or accessory structure;
 - iv. When on-street parking permits are required but not offered to the occupant of the ADU; and/or
 - v. When there is a car share vehicle station located within one block of the ADU.

10. *Exterior Access.* An attached ADU must have independent exterior access from the proposed or existing primary dwelling.
11. *Passageway.* No passageway shall be required in conjunction with the construction of an ADU.
12. *Accessibility Standards.* New construction of any ground level accessory dwelling unit shall be designed and constructed to allow for disability/accessibility standards. Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.
13. *Conversion of Existing Primary Unit.* An existing primary dwelling may be converted to an ADU if it complies with all applicable requirements of this Section.

F. Permit Procedures.

1. *Director Approval.* Except as provided under Subsection (2) below, prior to the issuance of a building permit for an ADU or JADU, the applicant shall obtain approval from the Director.
 - (a) An application must be submitted on a form approved by the Director. The application must demonstrate compliance with the requirements of this Section and shall be submitted with the appropriate fee as may be approved by resolution of the City Council.
 - (b) The Director will review and approve complete applications that comply with the requirements of this Section. The application shall be considered ministerially with no discretionary review or public hearing.
 - (c) The Director shall approve or deny an application within 60 days of receiving a complete application that meets the requirements of this Section, unless either:
 - i. The applicant requests a delay, in which case the 60-day period may be tolled for the period of the requested delay, or
 - ii. If the application to create an ADU or a JADU unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
2. *Building Permit Only.* The following types of ADUs and JADUs, shall be approved upon the issuance of a building permit and without Development Services Director

review, regardless of whether the proposed ADU meets the development standards for parking, unit height, size, floor area, landscaping, and setbacks and spacing contained in this Section:

- (a) One ADU or JADU per lot with a proposed or existing single-family dwelling if all of the following apply:
 - i. The ADU or JADU is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress;
 - ii. The space has exterior access from the proposed or existing single-family dwelling;
 - iii. The side and rear setbacks are sufficient for fire and safety; and
 - iv. The junior accessory dwelling unit complies with the requirements of Subsection (I).
 - (b) One detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The ADU may be combined with a JADU described in Subsection 2(a), if the detached ADU satisfies the following conditions:
 - i. The total floor area is 800 square feet or less; and
 - ii. The peak height above grade is 16 feet or less.
 - (c) At least one ADU, and up to 25 percent of the existing number of multifamily dwelling units, within the portions of an existing multifamily dwelling structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided each unit complies with applicable building standards for dwellings.
 - (d) Not more than two ADUs that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.
3. *Zoning Conformity.* The City shall not require, as a condition of approval of a permit application for the creation of an ADU or JADU), the correction of nonconforming zoning conditions.

G. Utilities

1. All ADUs must be connected to public utilities, including water, electric, and sewer services. For example, ADUs proposed to be installed on a property with only septic tanks are prohibited.
2. An ADU that is contained within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, as described under Subsection (F)(2)(a)(i) above, is not required to have a new or separate utility connection between the ADU and the utility. Nor is a connection fee or capacity charge required unless the ADU is constructed within a new single-family home.
2. All other ADUs other than those mentioned in Subsection (G)(2) above may require a new or separate utility connection between the ADU and the utility. Any connection fee or capacity charge shall be proportionate to the burden placed on the water and sewer systems due to either its square feet, or drainage fixture unit (DFU) vales, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. The Director shall make the determination as to whether a new or separate utility connection is required.

H. Fees.

1. No impact fee is required for an ADU measuring less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
2. Construction of an ADU is subject to any applicable fee adopted under the California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012).

I. JADU Requirements.

1. *Occupancy and Ownership.* A JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence. The JADU may not be rented on a short-term basis of less than 30 consecutive days. The property owner of the lot upon which a JADU is located must occupy either the JADU or the primary residence as his or her domicile.
2. *Footprint.* A JADU located within a proposed or existing single-family residence may only be constructed within the walls of the residence.
3. *Size.* A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.

4. *Separate Entrance.* A JADU located within a proposed or existing single-family residence must include a separate entrance from the main entrance of the residence.
5. *Kitchen Requirements.* A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
6. *Parking.* No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed.
7. *Fire Protection.* For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate new dwelling unit.
8. *Utility Service.* For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
9. *Deed Restriction.* Prior to the issuance of a building permit for a JADU, the owner shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:
 1. The property shall include no more than one JADU.
 2. The JADU may not be sold, mortgaged, transferred separately from the primary residence; this deed restriction may be enforced against future purchasers.
 3. The owner of the property shall occupy either the primary residence or the JADU as his or her domicile.
 4. The JADU may be rented, but may not be rented on a short-term basis of less than 30 consecutive days.
 5. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this Section.

The deed restriction may not be modified or terminated without the prior written consent of the Director.

SECTION 5. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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. 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.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020.

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. ____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of ____, 2020 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of ____, 2020, by the following roll-call vote, to wit:

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING SECTIONS 17.08.020, 17.22.030, 17.28.140, 17.28.150, AND 17.74.060 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF LARGE FAMILY DAYCARE HOMES (ZOA 19-03)

WHEREAS, on September 5, 2019, Governor Newsom approved Senate Bill 234 – Family Daycare Homes, amending the California Child Day Care Act (“SB 234”); and,

WHEREAS, prior to the enactment of SB 234, state law differentiated between small family daycare homes providing care for up to 8 children and large family daycare homes providing care for up to 14 children; and,

WHEREAS, prior to the enactment of SB 234, state law required cities to treat small family daycare homes as a residential use of property permitted by right in residential zoning districts; conversely cities retained the ability to impose permit requirements and use restrictions regulating large family daycare homes; and,

WHEREAS, SB 234 removes the distinction between small family daycare homes and large family daycare homes for purposes of land use regulation by requiring cities to now also treat large family daycare homes as a residential use of property permitted by right in residential zoning districts; and,

WHEREAS, this Ordinance amends Sections 17.08.020, 17.22.030, 17.28.140, 17.28.150, and 17.74.060 of Title 17 (Zoning Regulations) of the Los Alamitos Municipal Code to ensure consistency and compliance with SB 234; and

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this proposed code amendment on April 22, 2020, and recommended City Council approval of this Ordinance; and,

WHEREAS, the City Council opened a duly noticed Public Hearing concerning the proposed code amendment on _____; and,

WHEREAS, the City Council considered all applicable Staff reports and all public testimony and evidence presented at the Public Hearing.

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

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. Pursuant to Section 17.58.060 of the Los Alamitos Municipal Code, the following findings are made in support of this code amendment:

- a) *This Ordinance ensures and maintains internal consistency with the actions, goals, objectives, and policies of the General Plan, and would not create any inconsistencies with the Zoning Code.*

ZOA 19-03 does not conflict with any of the actions, goals, objectives, or policies of the General Plan and will not create any inconsistencies with the Zoning Code.

- b) *This Ordinance will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.*

ZOA 19-03, consistent with Senate Bill 234, eliminates discretionary review and regulation of Large Family Daycare Homes by the City; however, the State Department of Social Services will continue to license and regulate such facilities. Therefore, this action will not be detrimental to the public convenience, health, interest, safety, or welfare of the City.

- c) *This Ordinance has been reviewed in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's environmental review procedures.*

The City Council of the City of Los Alamitos determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to pursuant to the California Code of Regulations, Title 14, Chapter 3, Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in a physical change to the environment, directly or indirectly.

SECTION 3. Section 17.08.020, Table 2-02 (Allowed Uses and Permit Requirements for Residential Zones) of the Los Alamitos Municipal Code is hereby amended by revising the following columns and rows pertaining to Family Daycare Homes:

Use	R-1	R-2	R-3	M-H	Specific Use Regulations
Family Daycare Home – Large	P	P	P	P	See Section 17.28.140
Family Daycare Home – Small	P	P	P	P	See Section 17.28.150

SECTION 4. Section 17.22.030, Table 3-05 (Parking Requirements by Use) of the Los Alamitos Municipal Code is hereby amended by deleting the following column and row (deleted text in strikeout):

MEDICAL AND CARE USES	
Day Care Homes—Large	2 on-site parking spaces in addition to any spaces required for the primary residential use

SECTION 5. Section 17.28.140 of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

17.28.140 Family Daycare Home – Large

All large family daycare homes, as defined in Chapter 17.74 (Definitions), shall comply with all applicable state laws, regulations, and rules governing family daycare homes. Such facilities do not require any discretionary City permits and are exempt from Chapter 17.44 (Site Development Permit – Major and Minor).

SECTION 6. Section 17.28.150 of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

17.28.150 Small Family Daycare Home – Small

All small family daycare homes, as defined in Chapter 17.74 (Definitions), shall comply with all applicable state laws, regulations, and rules governing family daycare homes. Such facilities do not require any discretionary City permits and are exempt from Chapter 17.44 (Site Development Permit – Major and Minor).

SECTION 7. Section 17.74.060 (F Definitions) of the Los Alamitos Municipal Code is hereby amended and restated in its entirety to read as follows:

Family Daycare Home. A facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family daycare home or a small family daycare home.

Family Daycare Home – Large. A large family daycare home is a facility that provides care, protection, and supervision for 7 to 14 children, inclusive, including children under 10 years of age who reside at the home.

Family Daycare Home – Small. A small family daycare home is a facility that provides care, protection, and supervision for 8 or fewer children, including children under 10 years of age who reside at the home.

A small family daycare home or large family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a covered multifamily dwelling in which the underlying zoning allows for residential uses. A small family daycare home or large family daycare home is where the daycare provider resides, and includes a dwelling or a dwelling unit that is rented, leased, or owned.

SECTION 8. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is 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 9. 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.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2020.

Richard D. Murphy, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

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

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. _____ was duly introduced and placed upon its first reading at a regular meeting of the City Council on the _____ day of _____, 2020 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of _____, 2020, by the following roll-call vote, to wit:

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

Windmera Quintanar, CMC, City Clerk

**Comparison Chart: Current and Proposed Accessory Dwelling Unit (ADU) Standards
Mandated by State Law**

Requirement Type	Existing Standards	Proposed Standards
Zones allowing ADUs	Residential Zones (R1, R2, R3)	Any lot zoned to allow single-family or multifamily residential units
Junior Accessory Dwelling Unit (JADU)	Not permitted	Permitted on any lot zoned to allow single-family or multifamily residential units that includes a proposed or existing single-family dwelling
<u>Number of ADUs Permitted:</u> For Lots with Single Family Dwelling	One ADU per lot with an existing single family dwelling	One ADU and one JADU per lot with an existing or proposed single family dwelling
<u>Number of ADUs Permitted:</u> For Lots Developed with an Existing Multi-Family Dwelling	Not Permitted	1) At least one attached ADU, and up to 25% of the number of the existing units. ADUs may be constructed within portions of the existing multifamily dwelling structure that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages). 2) Up to 2 detached ADUs on a lot.

Owner Occupancy	The property owner must reside within either the primary residence or the ADU	For ADUs, the property owner <i>is not</i> required to reside within either the primary residence of the ADU For JADUs, the owner of the property must reside within either the primary residence or the JADU
Short Term Rentals	No ADU shall be rented or leased for a term of less than 30 consecutive days	No change, as respects ADUs For JADUs, The JADU may not be rented or leased for a term of less than 30 days consecutive

Distance Between Primary Dwelling and ADU	A minimum distance of ten feet is required between a detached ADU and the primary dwelling unit, and all other structures, including garages, on the property	No change; 10-foot distance requirement retained
Height	The height of an ADU shall not exceed 15 feet	Maximum ADU height increased to 16 feet
Parking for new Attached or Detached ADUs	One space per ADU; may be provided on driveway or setback areas No additional parking required if: (1) property is located within ½ mile of public transit; or (2) the ADU is part of the existing primary residence or an existing accessory structure Replacement parking required when construction of an ADU involves the demolition or conversion of an existing garage, carport, or covered parking structure	One space per ADU; may be provided on driveway or setback areas No additional parking required if: (1) property is located within ½ mile of public transit; or (2) the ADU is part of the <i>proposed</i> or existing primary residence or an existing accessory structure Replacement parking <i>not</i> required when construction of an ADU involves the demolition or conversion of an existing garage, carport, or covered parking structure

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

REGULAR MEETING – December 18, 2019

1. CALL TO ORDER

The Planning Commission/Subdivision Committee met in Regular Session at 7:00 p.m., Wednesday, December 18, 2019, in the Council Chamber, 3191 Katella Avenue, Chair Riley presiding.

2. ROLL CALL

Present: Commissioners:

Chair Riley

Vice Chair Sofelkanik

Debolt (arrived at 7:13 p.m.), Loe, and Grose

Absent: Commissioner Andrade (excused) and Cuijty (excused)

Staff:

Les Johnson, Interim City Manager

Michael Daudt, City Attorney

Tom Oliver, Associate Planner

Eric Nunez, Police Chief

Eric Hendrickson, Finance Director

Maria Veronica Enciso, Department Secretary

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chair Riley.

4. PRESENTATION

A. Presentation of Fiscal Sustainability

Interim City Manager Johnson shared briefly about the fiscal sustainability of the City. He then introduced Finance Director Hendrickson and Police Chief Nunez.

Finance Director Hendrickson led the presentation.

5. ORAL COMMUNICATIONS

Chair Riley opened the meeting for Oral Communication for items not on the agenda.

There being no speakers, Chair Riley closed the public hearing.

6. APPROVAL OF MINUTES

A. Approve the Minutes for the Regular Meeting of November 20, 2019

Regular Meeting of November 20, 2019

Motion/Second: Grose/Debolt

Carried 5/0: The Planning Commission approved the minutes of the Regular meeting of November 20, 2019.

7. CONSENT CALENDAR

None.

8. PUBLIC HEARING

None.

9. STAFF REPORT

None.

10. DISCUSSION

A. Planned Sign Program (PSP) 19-02

Signage for Town Square

4216-4390 (even) Katella Avenue (with the exception of 4232 and 4240 Katella Avenue)

Consideration of Planned Sign Program (PSP) for the Towne Square shopping center in accordance with the Los Alamitos Municipal Code (LAMC 17.28.060).

Associate Planner Oliver summarized the staff report.

Chair Riley opened and closed the public hearing.

Motion/Second: Grose/Debolt

Carried 5/0 (Andrade and Cuiilty absent): Adopt Resolution No. 19-19, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING PLANNED SIGN PROGRAM (PSP) 19-02 CONSISTING OF TWO (2) MONUMENT SIGNS, ONE (1) WALL SIGN PER TENANT BAY SECTION, AND ONE (1) WALL SIGN PER END CAP TENANT ON SIDES OF THE BUILDINGS LOCATED AT 4216 TO 4390 (EVEN), WITH THE EXCEPTION OF 4232 AND 4240, KATELLA AVENUE IN THE COMMERCIAL PROFESSIONAL OFFICE (C-O) ZONING DISTRICT, AND DIRECTING A NOTICE OF EXEMPTION BE FILED FOR A CATEGORICAL EXEMPTION FROM CEQA, APNS 222-111-41 and 222-121-54 (APPLICANT: FREDY MARTINEZ, OF PMX CONSULTING, INC., ON BEHALF OF TOWN SQUARE PROPERTIES)."

B. Resolution of Intention

Updates to Family Daycare Homes and Accessory Dwelling Unit (ADU) Municipal Codes

Consideration of a Resolution of Intention by the Planning Commission directing Staff to prepare amendments to the Los Alamitos Municipal Code as required to address recent changes in state law concerning the regulation of: (1) Large Family Daycare Homes, and (2) Accessory Dwelling Units.

Associate Planner Oliver summarized the staff report.

Commissioner Debolt asked and received clarification from Associate Planner Oliver that the daycare is for children.

Commissioner Grose asked if they still fall under state regulations. City Attorney clarified that the licensing would still be the same and the update is to set a limitation on the City's ability to regulate the land use.

Chair Riley asked and received clarification from Interim City Manager Johnson of the staff report being a public hearing and the process of a resolution of intention.

Commissioner Grose if we would hold any liability in terms of the changes of the uses and codes, City Attorney answers that the City would not incur additional liabilities.

Motion/Second: Loe/Grose

Carried 5/0 (Andrade and Guilty absent): Adopt Resolution No. 19-20 entitled, "A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF LOS ALAMITOS, CALIFORNIA, DIRECTING STAFF TO PREPARE AMENDMENTS TO THE LOS ALAMITOS MUNICIPAL CODE, FOR CONSIDERATION BY THE PLANNING COMMISSION, TO ADDRESS RECENT CHANGES IN STATE LAW CONCERNING THE REGULATION OF: (1) LARGE FAMILY DAYCARE HOMES, AND (2) ACCESSORY DWELLING UNITS."

11. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Reminder of Change to December Meeting Date (12-18-2019).

Interim City Manager Johnson discussed the following:

- Reported that the City Council meeting about the 4281 Katella Avenue property zone change was approved and will move on to a second reading in January 2020 City Council meeting.
- Reminded the Commissioners of the fiscal sustainability City Council meeting on January 14, 2020 at 6 p.m.
- Wished the Commissioners a happy holiday.

12. COMMISSIONER REPORTS

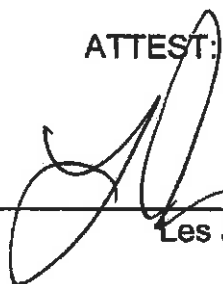
Chair Riley and Commissioner Grose wished staff a happy holidays and thanked them for their hard work.

Commissioner Debolt asked and received an update from Interim City Manager Johnson about the remediation work at the Los Alamitos Luxury Apartment project.

13. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:06 p.m.

ATTEST:



Les Johnson, Secretary

John Riley, Chair