

CITY OF LOS ALAMITOS
Council Chamber
3191 Katella Ave., Los Alamitos CA 90720

PLANNING COMMISSION/SUBDIVISION COMMITTEE
AGENDA
REGULAR MEETING

Wednesday, January 25, 2023 – 7:00 PM

SAFETY ALERT – NOTICE REGARDING COVID-19

If you wish to attend the Planning Commission meeting in person, the Council Chamber located at 3191 Katella Ave., Los Alamitos, California 90720, will have seating for this meeting and the public shall have the right to observe and offer public comment at this location. The City of Los Alamitos continues to follow the Centers for Disease Control and Prevention (CDC) guidelines and these provisions are subject change with short notice.

While you may attend this meeting in person, given the health risks associated with COVID-19, please be advised that you may submit comments on any agenda item or on any item not on the agenda by email to planningcommission@cityoflosalamitos.org with the subject line "PUBLIC COMMENT". Comments received by 4:00 p.m. will be compiled, 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.

Please consider carefully before attending this meeting in person and do not attend this meeting in person if you have had direct contact with someone who has tested positive for Coronavirus (COVID-19), or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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 301, 48 hours prior to the meeting so that reasonable arrangements may be made.

1. CALL TO ORDER

2. ROLL CALL

Chair DeBolt
Vice Chair Loe
Commissioner Andrade
Commissioner Culty

Commissioner Grose
Commissioner Sofelkanik
Commissioner Zellmer

3. PLEDGE OF ALLEGIANCE

4. ORAL COMMUNICATIONS

At this time, any individual in the audience may address the Planning Commission and speak on any item within the subject matter jurisdiction of the Commission. Please state if you wish to speak on an item on the Agenda. **Remarks are to be limited to not more than five minutes.**

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.

Recommendation:

It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

6. CONSENT CALENDAR

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

B. Approve the Minutes for the Special Meeting of November 30, 2022

7. PUBLIC HEARING

A. Site Development Permit (SDP) 22-03

Adding a Residential Unit to a Multi-Family Property

Consideration of a Site Development Permit application to construct a 1,016 square foot two-story residential unit on a property with an existing residence at 4321 Howard Avenue (Oscar Sanchez – Ideal Designs).

Recommendation:

1. Open the Public hearing; and,
2. Take testimony; and,
3. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15332, Class 32 (Infill development), will be prepared for the proposed project in accordance with the California Environmental Quality Act; and if appropriate,
4. Adopt PC Resolution No. 2023-01, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE Development Permit (SDP) 22-03 TO PERMIT a 1,016 square foot Two-story residential unit on a parcel with an existing 929 Square foot residence AT 4321 Howard Avenue IN the Multiple-Family Residential ZONE (R-3), APN 222-131-29 (APPLICANT: Oscar Sanchez – Ideal Designs).”

B. ZOA 23-01

State Mandated Update to Accessory Dwelling Unit (ADU) Regulations

Consideration of a Planning Commission resolution recommending that the City Council adopt a draft ordinance to amend and restate Section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of Accessory Dwelling Units (ZOA 23-01).

Recommendation:

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Planning Commission adopt Resolution No. 2023-02 entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, recommending the City Council adopt ordinance No. 2023-02 amending and restating section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of accessory dwelling units (ZOA 23-01)”.

8. ITEMS FROM THE DEVELOPMENT SERVICES DEPARTMENT

9. COMMISSIONER REPORTS

10. 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 \$1,101.00 (resident)/ \$2,349.00 (non-resident) in accordance with Los Alamitos Municipal Code Section 17.60 and Fee Resolution No. 2022-11.

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing Agenda was posted at the Los Alamitos City Hall, 3191 Katella Ave. and online at www.cityoflosalamitos.org not less than 72 hours prior to the meeting.



Maria Veronica Enciso
Department Secretary
Date: 01/19/2023

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 25, 2023

ITEM NUMBER: 5A

To: Chair & Members of the Planning Commission

Presented By: Ron Noda, Development Services Director

Subject: Annual Planning Commission Reorganization

SUMMARY

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

RECOMMENDATION

It is recommended that the Los Alamitos Planning Commission nominate and elect:

1. Chair
2. Vice Chair

BACKGROUND

The City's Municipal Code requires that the Planning Commission select a Chair and a Vice Chair at their regular meeting in January. The City's Municipal Code reads as follows.

"2.48.050 Officers—Election and vacancy.

A. The officers of the Planning Commission shall consist of a Chairman, a Vice Chairman and a Secretary. The Chairman and Vice Chairman shall be elected annually at the first regular meeting in the month of January, and shall hold office for a term of one year or until a successor is duly elected and qualified. Election shall be by a majority vote cast by those commissioners present and voting at the meeting at which the election is held. Officers shall assume office immediately."

DISCUSSION

After convening the item, procedure calls for the Chair to temporarily relinquish the Chair to the Secretary in order that election for the Office of Chair may be conducted. The newly-elected Chair would then conduct the election for the Office of Vice Chair. A second is not required for nominations and nominations will be considered in the order received if more than one Commissioner is nominated.

<u>Members</u>	<u>Appointment</u>	<u>Exp. Date</u>
Art DeBolt	January 2013	December 2024
Gary Loe	January 2010	December 2024

Mary Anne Cuiilty	December 2013	December 2024
Wendy Grose	January 2010	December 2024
Larry Andrade	August 2015	December 2023
Victor Sofelkanik	August 2000	December 2023
Davis Zellmer	February 2022	December 2024

FISCAL IMPACT

None.

Attachment: None

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 25, 2023

ITEM NUMBER: 6A

To: Chair & Members of the Planning Commission

Presented By: Michael Daudt, City Attorney

**Subject: Findings Required by AB 361 for the Continued Use of
Teleconferencing for Meetings**

SUMMARY

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

RECOMMENDATION

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

BACKGROUND

Assembly Bill 361 (AB 361) was signed into law by the Governor on September 16, 2021. A portion of AB 361 enacted amendments to California Government Code section 54953 regarding teleconference meetings. Those amendments authorize local agencies, like the City, to continue to conduct meetings by teleconferencing during a Governor-proclaimed state of emergency provided that certain findings are made by the legislative body, and provided that certain procedural requirements are met regarding public access to the meetings.

A new requirement in AB 361 requires specific findings be reaffirmed at least every thirty (30) days in order for the Planning Commission to continue to have the option for one (1) or more of its members to use teleconferencing.

A "teleconference" occurs for purposes of AB 361 whenever one or more members of the Planning Commission connect to a Planning Commission meeting via electronic means. Thus, even if four members of the Planning Commission meet in person, if the fifth joins the meeting via Zoom, the meeting will be a teleconference meeting that must be conducted in accordance with the requirements of AB 361.

For purposes of AB 361 “...’state of emergency’ means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act...” Cal. Gov’t Code Sec. 54953(e)(4). Section 8265 of CESA in turn refers to a state of emergency proclaimed by the Governor
Cal Gov’t Code Sec. 54953(e)(3)

DISCUSSION

Required Findings

The teleconference provisions in AB 361 may only be utilized as long as a Governor-proclaimed state of emergency remains active, or while state or local officials have recommended measures to promote social distancing. When either of those is the case (both are true at this time), then in order to continue to teleconference using the new provisions of AB 361, the Planning Commission must make the following findings by majority vote every 30 days:

(A) The Planning Commission has reconsidered the circumstances of the state of emergency; and

(B) Either of the following circumstances exist:

- i. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
- ii. State or local officials continue to impose or recommend measures to promote social distancing.

To comply with that requirement, the recommended action would have the Planning Commission find each of the following:

- a. A state of emergency has been proclaimed by California’s Governor due to the COVID-19 pandemic, and continues to be in effect;
- b. The Planning Commission has reconsidered the circumstances of the state of emergency; and
- c. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

The “Every 30 Days Thereafter” Requirement

As noted above, AB 361 findings must be made “no later than 30 days after teleconferencing for the first time pursuant to [AB 361], and every 30 days thereafter...”

In order to preserve the option for the Planning Commission or individual members of the Planning Commission to participate in meetings during the pandemic via teleconference in the future, the Planning Commission will have to adopt the required findings at least every 30 days.

Potential Consequence of Not Making the Findings Every 30 Days

AB 361 does not expressly state what happens if a legislative body fails to make the required findings “every 30 days.” However, it expressly requires the timely re-approval of the findings

“in order to continue to teleconference” in the manner that AB 361 authorizes.

As a result, if the Planning Commission does not adopt the required findings every 30 days, then the Planning Commission could be precluded from continuing to teleconference thereafter, perhaps even if the Planning Commission was later willing to adopt the findings at a later date. For this reason, the City Attorney recommends that the Planning Commission adopt the required findings at this time and at least every 30 days thereafter, unless the Planning Commission decides as a permanent matter that it will no longer permit teleconferencing at all (e.g., regardless of whether the state of emergency worsens).

Procedural Requirements for The Conduct of Teleconference Meetings

AB 361 contains several new requirements for the conduct of teleconference meetings with which the City has prepared to comply. Specifically, each meeting must:

1. Allow members of the public to attend and comment at the meeting via call-in option or internet-based service option;
2. Protect the statutory and constitutional rights of the parties and the public appearing before the legislative body;
3. In the event of disruption which prevents broadcasting the meeting or which prevents members of the public from offering public comments via the call-in or internet-based option, the Planning Commission must take no further action until the disrupted public access is restored;
4. The City may not require public comments to be submitted in advance, and must offer the opportunity for the public to offer comments “in real time” during the meeting; and
5. The public must be allowed “a reasonable amount of time per agenda item to allow members of the public to provide public comment, including time for members of the public to register [to log into the teleconference], or otherwise be recognized for the purpose of providing public comment.

FISCAL IMPACT

None.

Attachment: None

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

SPECIAL MEETING – November 30, 2022

1. **CALL TO ORDER**

The Planning Commission/Subdivision Committee met in Special Session at 7:00 p.m., Wednesday, November 30, 2022, Chair DeBolt presiding.

2. **ROLL CALL**

Present: Commissioners: Chair DeBolt
Loe, Andrade, Grose, Sofelkanik, Zellmer

Absent: Cuiilty

Staff: Ron Noda, Development Services Director
Michael Daudt, City Attorney
Tom Oliver, Associate Planner
Farhad Iranitalab, Traffic Engineer
Maria Veronica Enciso, Department Secretary

3. **PLEDGE OF ALLEGIANCE**

Chair DeBolt led the Pledge of Allegiance.

4. **ORAL COMMUNICATIONS**

Chair DeBolt opened the meeting for Oral Communications for items not on the agenda.

There being no speakers, Chair DeBolt closed the Oral Communications.

5. **CONSENT CALENDAR**

All Consent Calendar items may be acted upon by one motion unless a Planning Commissioner requests separate action on a specific item.

Motion/Second: Grose/Loe

Carried 6/0 (Cuiilty absent; Zellmer abstained from the September 21, 2022 Special Meeting Minutes; Loe and Andrade abstain from the September 28, 2022 Regular Meeting Minutes; Loe, Cuiilty, and Sofelkanik abstained from the October 26, 2022 Regular Meeting Minutes; Grose and Zellmer abstained from the November 16, 2022 Special Meeting Minutes): The Planning Commission approved the following Consent Calendar item:

A. Findings Required by AB 361 for the Continued Use of Teleconferencing for Meetings

For the Planning Commission to continue to have the option to meet via teleconference during the pandemic, AB 361 requires the Planning Commission to make specific findings at least every thirty (30) days.

Recommendation:

Make the following findings by a majority vote of the Planning Commission:

1. A state of emergency has been proclaimed by California's Governor due to the COVID-19 pandemic, and continues to be in effect;
2. The Planning Commission has reconsidered the circumstances of the state of emergency; and
3. State and local officials continue to recommend measures to promote social distancing to slow the spread of COVID-19.

B. Approve the Minutes for the Regular Meeting of August 24, 2022, Special Meeting of September 21, 2022, Regular Meeting of September 28, 2022, Regular Meeting of October 26, 2022, and Special Meeting of November 16, 2022.

6. Public Hearing

A. Adopting of Vehicle Miles Travelled (VMT) Thresholds of Significance

Currently, the City of Los Alamitos utilizes Level of Service (LOS) as the metric to evaluate transportation impacts in CEQA documents such as an Environmental Impact Report (EIR). The State is mandating that municipalities utilize Vehicles Miles Traveled (VMT).

Development Services Director Noda summarized the staff report.

Commissioner Sofelkanik asked why the Planning Commission needs to vote on an item that is mandated. He also discussed having a two-prong approach of having both LOS and VMT.

City Attorney Daudt clarified the requirements of the state mandate and the standards for the City to apply moving forward.

Traffic Engineer Iranitalab explained the utilization of VMT.

The Planning Commission and Traffic Engineer Iranitalab discussed the following:

- OCTA approval
- Understanding of VMT and the impact it would have within the City

- Use of the analysis being retroactive or future projects
- State wanting to reduce the vehicle miles traveled but also increase the City's density
- Rapid transit

Motion/Second: Grose/Zellmer

Carried 6/0: The Planning Commission approved the recommendation to the City Council for approval of a resolution adopting a Vehicle Miles Traveled (VMT) threshold related to transportation analysis for California Environmental Quality Act (CEQA) compliance as well as adopting Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment in conformance with the guidelines provided by the Orange County Transportation Authority (OCTA).

7. ITEMS FROM THE DEVELOPMENT SERVICES DIRECTOR

Development Services Director Noda shared the following:

- Winter Wonderland event on Saturday, December 3, 2022
- Los Al Bucks- double your bucks campaign
- Holiday Bucks
- Sunset Saturdays will take place the second Saturday of the month, next one is on December 10, 2022
- Special Planning Commission Meeting on December 14, 2022.

Associate Planner Oliver shared that the Special Planning Commission meeting on December 14, 2022 will have a report on the Housing Element.

8. COMMISSIONER REPORTS

Commissioner Grose mentioned for the commission to use their holiday bucks.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:28 p.m. to December 14, 2022 at 7:00 p.m.

ATTEST:

Art DeBolt, Chair

Ron Noda, Development Services Director

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 25, 2023

ITEM NUMBER: 7A

To: Chair & Members of the Planning Commission

**Presented By: Ron Noda, Development Services Director
Tom Oliver, Associate Planner**

**Subject: Site Development Permit (SDP) 22-03
Adding a Residential Unit to a Multi-Family Property**

SUMMARY

Consideration of a Site Development Permit application to construct a 1,016 square foot two-story residential unit on a property with an existing residence at 4321 Howard Avenue (Oscar Sanchez – Ideal Designs).

RECOMMENDATION

1. Open the Public hearing; and,
2. Take testimony; and,
3. Make the CEQA finding that the project is subject to a Class 1 Categorical Exemption, pursuant to Section 15332, Class 32 (Infill development), will be prepared for the proposed project in accordance with the California Environmental Quality Act; and if appropriate,
4. Adopt PC Resolution No. 2023-01, entitled, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE Development Permit (SDP) 22-03 TO PERMIT a 1,016 square foot Two-story residential unit on a parcel with an existing 929 Square foot residence AT 4321 Howard Avenue IN the Multiple-Family Residential ZONE (R-3), APN 222-131-29 (APPLICANT: Oscar Sanchez – Ideal Designs).”

BACKGROUND

Applicant: Oscar Sanchez, Ideal Designs

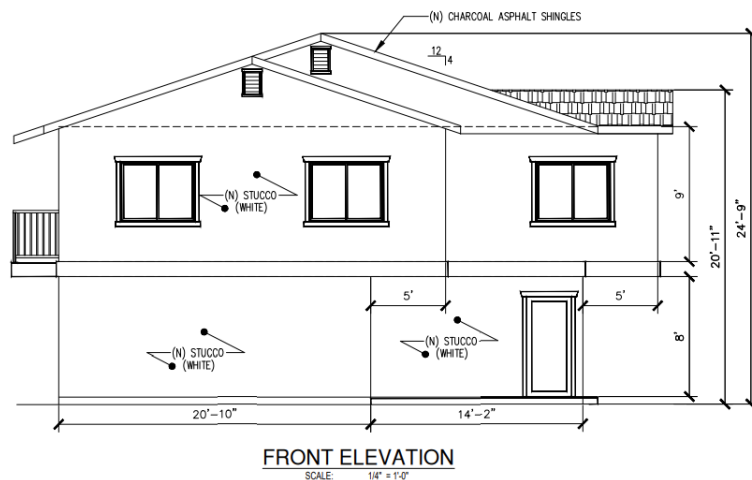
Project Location: 4321 Howard Avenue, Los Alamitos, CA 90720

Notice: The Public Notice of this meeting was mailed out on January 11, 2023, to property owners and tenants within 500 feet. Additionally, this was published in the News Enterprise on Wednesday, January 11, 2023.

Environmental: A categorical exemption – Section 15332, Class 32 (in-fill development project) will be prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines.

Approval Criteria: Section 17.44.020, of the Los Alamitos Municipal Code (LAMC) requires that a Site Development Permit (SDP) be approved by the Planning Commission. Any multi-family residential development project, including duplex developments, with the Commission's review limited to adherence of the project to the objective design criteria established in this title and any applicable design guidelines.

Prior Approvals: None.



Mr. Sanchez has submitted a Site Development Permit application proposing to add 1,016 square feet residential unit on a property with an existing 929 square feet home. This unit will be built with an attached Accessory Dwelling Unit (ADU) being constructed concurrently. As a reminder, construction of an ADU is considered separately from the site development permit without Planning Commission deliberation.

DISCUSSION



The site is located mid-block on the north side of Howard Avenue between Noel Street and Lexington Drive. The adjacent properties are all developed and with multiple units in the Multiple Family Residential (R-3) zone.

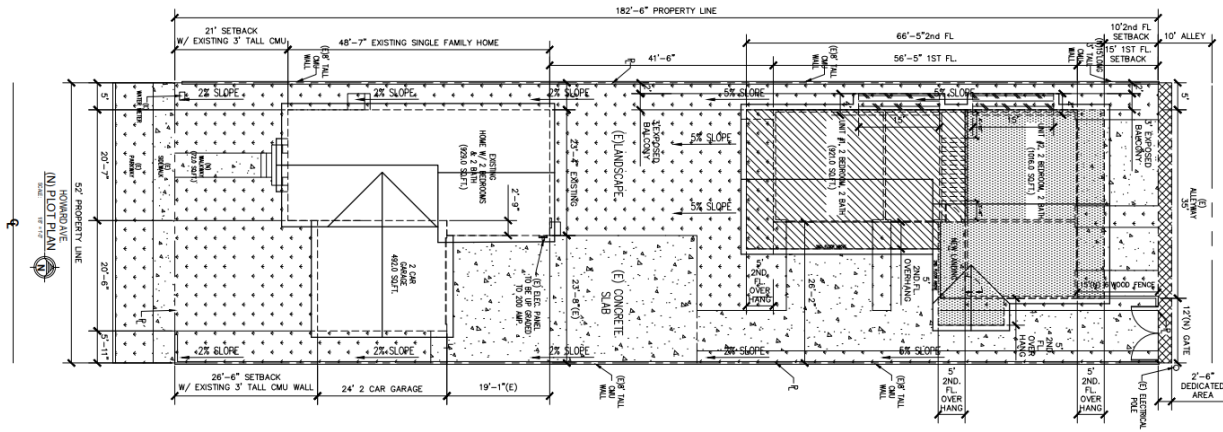
Access and Parking

Vehicle access is gained from the north-side of the property in the alley. For project build out, there are seven parking spaces required. The Applicant proposes eight parking spaces which will be conditioned in the resolution (Condition #27), and meet the City’s requirements.

Parking Calculation			
		R-3 Parking	
	Bedrooms	Requirement	Spaces Needed
Existing Unit	2	2.75	2.75
Proposed Unit #1	2	2.75	2.75
Guest Space		1	1
		Total Spaces Required	7 (rounded)

		Spaces Proposed	8
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Site Plan



R-

3 Residential Development Standards

	Required	Proposed Project	Requirement Met
Parcel Area	7,200 sq. ft.	9,620 – 130 for Alley = 9,490	Yes
Parcel Width (Interior Parcel)	60 ft.	52 ft.	No, but legal nonconforming Parcel
Parcel Depth	100 ft.	185 ft. – 2.5 for alley = 182.5	Yes
Maximum Density	25 du/ac	9.17 du/ac	Yes
Minimum dwelling area (gross floor area) (Not including garage)	800 sq. ft.- for 2 Bed +	New Unit 1,016 sq. ft.	Yes
Maximum Height Limit – Main Structures	35 ft.	25 ft.	Yes
Setbacks:			
Front	20 ft.	21 ft. from exiting unit	Yes
Side	5 ft.	5 ft. west 5+ ft. east	Yes
Rear	10 ft.	15 ft. + 2.5 ft. dedication	Yes

Maximum Site Coverage	50%	30%	Yes
Outdoor Living Space	200 sq. ft. per dwelling	60 Private new unit, 3,800 total	Yes
Distance between structures (ft.) on one parcel	10 ft.	41 feet +	Yes
Storage Space	200 cubic feet per unit	Common assigned	Yes

In addition to the requirements set forth above, there are specific requirements that are set forth elsewhere in the Los Alamitos Municipal Code. Here are some of those other requirements.

GENERAL DEVELOPMENT AND USE STANDARDS			
Subject	Code Section	Met?	Notes
Vehicular Access—Residential Zones	17.16.120	Yes	Vehicular access will be provided along the alley, and through alley-facing spaces on the north side of the parcel.
Exterior lighting	17.16.050	Yes	Building plans are to include exterior light fixtures on the structure, as conditioned by Staff (Condition #24), and required to direct light only on the subject property.
Fences, hedges, and walls.	17.16.020	Yes	It is existing, although some sections will be installed or replaced.
Park dedications and in-lieu fees	17.16.090	N/A	The property is not to be subdivided, therefore no park fees are required.
Paving of front setback requirements	17.16.070	Yes	Paving of 50% not exceeded.
Projections into required setbacks	17.16.080	Yes	Balcony projects two feet into the five-foot side setback.
Refuse and recycling storage areas	17.16.090	Yes	Less than five units, so the project will use individual trash cans. A space for trash cans has been accounted for by spaces.
Vehicular Access Rights & Abutters'	16.14.030	Yes	The project adds 2 ½ feet of the property to the rear setback for future

Rights to Arterial Highways & Local Streets			dedication to widen the alley.
Screening and buffering	17.16.100	Yes	Utilities will be required to be screened in the resolution (condition #26)
Sight safety triangle	17.16.130		This is taken care of with shorter fencing in the triangles.
Swimming pools	17.28.265	N/A	None
Utilities and utility equipment	17.16.160	Yes	The a/c condensers are in appropriate locations.
Landscaping	17.18.030	Yes - 40% (3800 sq. ft.)	LAMC Section <i>Landscape Area Requirements</i> speaks to landscaping requirements that multi-family uses shall provide. The Applicant must maintain a minimum 15 percent of the site in landscaped areas. The Applicant plans to keep the current landscaping for the project. According to LAMC Chapter 13.05 <i>Water Efficient Landscaping</i> , this project will not require a new landscape plan.

Architecture and Design

The architecture is demonstrated on the elevation page of the attached plans. The Applicant tells Staff, "For the description of the home style, the proposed architectural style is modern contemporary with smooth white stucco and charcoal black trim/shingles modeled after the existing front home. Also, we illustrate an architectural band to better distinguish the 1st and 2nd floor. An alternative option for the design would be to include wood siding."

Conclusion

Staff recommends that the Planning Commission approve the applicant's project with the conditions listed in the Resolution. The proposed use complies with the Multiple Family Residential (R-3) Development Standards and the City's Land Use Element of the General Plan.

FISCAL IMPACT

None.

Attachment: 1. PC Resolution 2023-01
 2. Plans12-13-2022

PC RESOLUTION NO. 2023-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT (SDP) 22-03 TO PERMIT A 1,016 SQUARE FOOT TWO-STORY RESIDENTIAL UNIT ON A PARCEL WITH AN EXISTING 929 SQUARE FOOT RESIDENCE AT 4321 HOWARD AVENUE IN THE MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3), APN 222-131-29 (APPLICANT: OSCAR SANCHEZ – IDEAL DESIGNS).

WHEREAS, an application for a Site Development Permit was submitted by Oscar Sanchez, of Ideal Designs, on behalf of the property owner of 4321 Howard Avenue for approval to construct a 1,016 square foot, two story, residential unit on a property with an existing 929 square foot single family residence in the Multiple Family Residential (R-3) Zoning District; and,

WHEREAS, said verified submission constitutes an application as required by Chapter 17.44 Site Development Permit of the Los Alamitos Municipal Code (LAMC); and,

WHEREAS, the Planning Commission considered said application at a duly noticed public hearing on January 25, 2023; and,

WHEREAS, at this public hearing the applicant, applicant's representatives, and members of the public were provided the opportunity to present written and oral testimony.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS 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.

SECTION 2. The Planning Commission hereby makes the following findings made in accordance with Section 17.44.060 of the LAMC, which is based on all of the evidence presented, both written and oral;

1. The proposed project is allowed within the subject zone: constructing additional residential units, up to the zone density, are a permitted use in the Multiple Family Residential (R-3) Zoning District.
2. The proposed project complies with all of the applicable criteria identified in 17.44.030(B) (Application Processing, Filing, and Review—Generally), which include:

- i. Compliance with this title and all other applicable City regulations and policies. The proposed project has been compared to, and complies with, the Los Alamitos Zoning Code (Title 17) and all other applicable City regulations and policies.
- ii. Efficient site layout and design; The layout and design of the project are efficient.
- iii. Applicable environmental review; Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a categorical exemption for a Section 15332, Class 32, for in-fill development projects, will be prepared for the proposed project in accordance with the California Environmental Quality Act (CEQA) Guidelines.
- iv. Compatibility with neighboring properties and developments with regard to setbacks, building heights, massing, location of parking facilities, and similar site design and building design features that shape how a property appears within a broader, definable neighborhood or zone context; The new structure will be compatible in design for this location, and is of a style that has become customary in this zone of the City. The structure will be newly built and will be easily serviceable and add to the value of the surrounding community. The project area is in the Multiple Family Residential zone and is intended to have limited environmental impact in terms of noise, traffic, odors, hazardous materials use/production, and vibration. The setbacks for the project follow the development standards of the zone.
- v. Efficiency and safety of public access and parking and loading facilities; The site will now enter from the alley as required by the current code, and 2.5 feet in the length of the property will be dedicated to the alley for widening,
- vi. The compatibility in scale and aesthetic treatment of proposed structures with public areas; The design is in harmony with existing development and has been designed to blend with the existing structure.
- vii. The adequacy of proposed driveways, landscaping, parking spaces, onsite and off-site parking, pedestrian improvements; The new addition will be adequately accommodated by the new on-property parking and driveways.
- viii. The placement and use of private open spaces; The addition of private open space with a balcony is included as a part of this project.

ix. The use of design techniques such as façade articulation, use of a smooth stucco building finish, window trim, varied rooflines, and stepped-back areas to break up building massing; The new structure will complement the recently-renovated existing structure and act as a welcoming entrance to the area.

x. Privacy considerations with regard to the placement and orientation balconies and windows; There is no view or orientation toward other residential windows and no problematic window placements toward other residential buildings.

xi. Appropriate open space and use of water-efficient landscaping both to enhance overall site design and to provide privacy screening; The existing landscaping will not be replaced and therefore will not be required to comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation), Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code, and any provisions in the California Green Code.

xii. Consistency with the General Plan and any applicable specific plan; The use is consistent with the R-3 Zone, and with the General Plan through policies such as:

Land Use Policy 4.4 Scale and Character. Ensure that all new development in residential neighborhoods is compatible with the scale and character of the surrounding neighborhood.

And,

Land Use Action 4.5 Development standards. Review development standards in residential zoning districts to provide specific guidance on maximum development intensity, minimum open space, and minimum setback standards to ensure that all new development in residential neighborhoods is compatible with the surrounding scale and character.

xiii. Consistency with any adopted design guidelines, policies, and standards applicable to the property and in particular, the provisions of Section 17.08.045 (Design Standards). There are no design guidelines, policies, or standards applicable in this zone.

3. The proposed project is in keeping with the character of the neighborhood, in terms of the structure(s) general appearance; The design and layout of the structure would not interfere with the neighboring development. It is surrounded by similar homes.

4. The design of the proposed development will provide a desirable environment for its occupants and visiting public as well as its neighbors through good aesthetic use of materials, texture, and color, and will remain aesthetically appealing and retain an appropriate level of maintenance; The design of the project and ease of maintenance for this home would provide an acceptable environment for the residents, and the visiting public, and neighbors through a satisfactory use of materials and texture.

The proposed development would not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity. (Ord. 19-03 § 3, 2019); The new residential unit will not change the character of the multiple family residential area, as infill projects are generally a quiet and inconspicuous land use for a city.

SECTION 3. Based upon such findings and determinations, the Planning Commission hereby approves the application described above subject to the following conditions:

1. Approval of this application is to approval to construct a 1,016 square foot, two story, residential unit on a property with an existing 929 square foot single family residence in the Multiple Family Residential (R-3) Zoning District at 4321 Howard Avenue with such additions, revisions, changes or modifications as required by the Planning Commission for Site Development Permit noted thereon, and on file in the Development Services Department (Exhibit A). Subsequent submittals for this project shall be consistent with such plans and in compliance with the applicable land use regulations of the Los Alamitos Municipal Code. If any changes are proposed regarding the location or alteration of the plans dated 11-14-2022 (as may be amended during the hearing), a request for an amendment of this approval must be submitted to the Development Services Director. If the Development Services Director determines that the proposed change or changes are consistent with the provisions and spirit of intent of this approval action, and that such action would have been the same with the proposed change or changes as for the proposal approved herein, the amendment may be approved by the Development Services Director without requiring a public meeting.
2. The duration of the Site Development Permit approval shall be twenty-four (24) months from the date the site plan is approved. If construction is commenced within this twenty-four (24) month period and construction is being pursued diligently toward completion, the Site Development Permit approval shall stay in full force and effect.
3. The Director may, upon receipt in writing from the applicant before the expiration date, grant an extension of time up to twelve (12) months maximum. If an extension of time is not granted, the Site Development Permit approval shall expire and a new application shall be made.

4. The applicant shall defend, indemnify, and hold harmless the City of Los Alamitos, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City, its legislative body, advisory agencies or administrative officers for the subject application. The City will promptly notify the applicant of any such claim, action or proceeding against the City and the applicant will either undertake defense of the matter and pay the City's associated legal costs, or will advance funds to pay for defense of the matter by the City. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent, but should it do so, the City shall waive the indemnification herein, except the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.
5. The property owner/applicant shall file an Acknowledgment of Conditions of Approval with the Development Services Department within 30 days of final approval of all resolutions. The property applicant shall be required to record the Acknowledgment of these Conditions of Approval with the Office of the Orange County Recorder and proof of such recordation shall be submitted to the Development Services Department prior to the issuance of any permits.
6. Failure to satisfy and/or comply with the conditions herein may result in a recommendation to the Planning Commission and/or City Council for revocation of this approval.
7. The applicant shall comply with applicable City, County, and/or State regulations.
8. The applicant shall be required to comply with the Seismic Hazards Mapping Act of 1990, including the Guidelines for Evaluating and Mitigating Seismic Hazards in California 1997.
9. All electrical, telephone, CATV and similar utility services, which provide service to the proposed development, shall be installed underground in a manner meeting the approval of the appropriate department or agency, where possible.
10. The applicant and applicant's successors in interest shall be responsible for payment of all applicable fees.
11. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including planning processing fees, building permit fees are not included under this noticing requirement.

12. Pursuant to Government Code Section 66020(d)(1), the applicant is hereby notified that fees, dedications, reservations and other exactions imposed upon the development, which are subject to notification, are as follows:

Fees:	n/a
Dedications:	n/a
Reservations:	n/a
Other Exactions:	n/a

The applicant may appeal the imposition or amount of the fees described above within ninety (90) days following the adoption of this resolution and pursuant to the procedures set forth in the Government Code.

13. The applicant/operator shall submit complete plans, including necessary engineered drawings, for plan check prior to building permit application for any tenant improvements.
14. All demolition and construction shall be done in accordance with Los Alamitos Municipal Code Demolition Chapter 8.13.
15. Project plans for the development shall be subject to a complete code compliance review with the Development Services Department when the plans are submitted for plan check and shall comply with all applicable City of Los Alamitos ordinances, regulations, and policies prior to building permit issuance, including, but not limited to, the requirements established or authorized by Title 15, 16, and 17 of the City of Los Alamitos Municipal Code.
16. The site shall be kept reasonably clean during construction and maintained in a safe, nuisance, and hazard-free condition. Dust control measures shall be employed to include spraying water on dry soil to ensure dust does not migrate onto adjacent properties.
17. During construction the site shall be maintained and kept clear of all trash, weeds, and overgrown vegetation.
18. The project shall comply with all requirements of Chapter 17.20, Noise Control, of the Los Alamitos Municipal Code.
19. Hours and days of demolition, grading, and construction operations shall be prohibited between the hours of 8:00 P.M. and 7:00 A.M. on weekdays and Saturday. There shall be no construction activities on Sunday or a Federal holiday celebrated by the City of Los Alamitos without express approval by the Development Services Director.

20. Periods of construction during which noise levels may have an adverse impact on nearby uses shall be limited as follows: 7:00 a.m. until 8:00 p.m. Monday thru Saturday and not at all on Sunday or federal holidays.
21. If detailed hardscape, landscape, and irrigation plans are prepared, they shall be prepared by a licensed landscape architect. Such plans will be designed in accordance with the "Landscape and Irrigation Design Requirements" of the City and approved by the Director prior to the commencement of construction. Any landscape and irrigation plan shall be submitted for review and comply with the City's Xeriscape Ordinance (Ord. No. 563). All required landscaping and irrigation shall be installed prior to the issuance of a Certificate of Occupancy.
22. Landscaping shall comply with the City's water conservation ordinances in accordance with Chapter 13.04 (Water Conservation) and Chapter 13.05 (Water Efficient Landscaping) of the Los Alamitos Municipal Code.
23. All landscaping on the site, including, without limitation, trees, shrubs and other vegetation, drainage and irrigation systems, shall be permanently maintained in good, first class condition, healthy, without deterioration, free of waste and debris, through all phases of construction and after. Dead or diseased plants shall be promptly replaced with landscaping similar in type, size, and quality. Automatic Irrigation systems shall be properly maintained and other reasonable and adequate landscape maintenance facilities and procedures shall be provided to fulfill the foregoing requirements.
24. Prior to permit issuance applicant shall submit a lighting plan to the Development Services Department to the satisfaction of the Development Services Director. The applicant shall provide adequate exterior lighting that maintains performance standards as described in Chapter 8.48 *Lighting Performance Standards* in the Los Alamitos Municipal Code.
25. All exterior mechanical equipment shall be screened from view.
26. All utility meters, when not enclosed in a cabinet, shall be screened from view from any place on or off site, by either plant materials or decorative screen, while allowing sufficient access for reading.
27. Any signs shall comply with the provisions under Chapter 17.26 (Signs) of the Los Alamitos Municipal Code and shall be subject to the approval of the Development Services Director.
28. The Applicant shall maintain 8 parking spaces that meet the dimensions required by the City's Municipal Code, on the site, for this approval.
29. All water runoff must be designed to infiltrate the ground on the site.

BUILDING DEPARTMENT

30. The Applicant shall submit grading and building plans for review.

ENGINEERING

31. A City public works permit shall be taken out for all work in public right-of-way prior to start of work. All work shall be done in accordance with APWA Standards and to the satisfaction of the City Engineer and must be completed before issuance of Certificate of Occupancy.

32. A bond or surety device shall be posted with the City in an amount and type sufficient to cover the amount of off-site and on-site work to be done, as approved by the City Engineer.

33. All existing off-site public improvements (sidewalk, curb & gutter, driveways, and street paving) at the development site which are in a damaged condition or are damaged during construction shall be reconstructed in accordance with City standards. (12.04.020).

34. Pad certification by the Design Civil Engineer and Soil Engineer is required prior to the commencement of structural construction.

35. Final compaction report prepared by a qualified Soil Engineer shall be submitted to the City Engineer for review and approval prior to the commencement of structural construction.

36. The Applicant shall submit grading plans and the geotech report for review.

37. The Applicant shall submit a drainage report, if applicable

ROSSMOOR/LOS ALAMITOS SEWER DISTRICT

38. The Applicant shall provide the Sewer District with the engineering plans and proposed sewage flow for the project before connecting to the District's sewer.

39. The Applicant shall comply with all requirements of the Rossmoor/Los Alamitos Area Sewer District for sewer connections and sewer improvements.

40. The Applicant shall pay all applicable Sewer District connection, permit, plan check and inspection fees.

OCFA

41. Plan Submittal: The applicant or responsible party shall submit the plan(s) listed below to the Orange County Fire Authority for review. Approval shall be obtained on each plan prior to the event specified.

42. Prior to issuance of a building permit:

- fire master plan (service code PR145)
- architectural (service codes PR200-PR285), when required by the OCFA "Plan Submittal Criteria Form"
- high-piled storage (service code PR330)
- sprinkler plans (service codes PR420-PR440)

SECTION 4. Based upon such findings and determinations, the Planning Commission hereby approves Site Development Permit 22-03, as represented by the plans and elevations in "Exhibit A" and subject to the conditions herein.

SECTION 5. 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 Determination with the County Clerk.

PASSED, APPROVED, AND ADOPTED this 25th day of January, 2023, by the following vote:

ATTEST:

, Chair

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael Daudt, City Attorney

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

I, Ron Noda, Planning Commission Secretary of the City of Los Alamitos, do hereby certify that the foregoing Resolution was adopted at a regular meeting of Planning Commission held on the 25th day of January 2023, by the following vote, to wit:

AYES:

NOES:

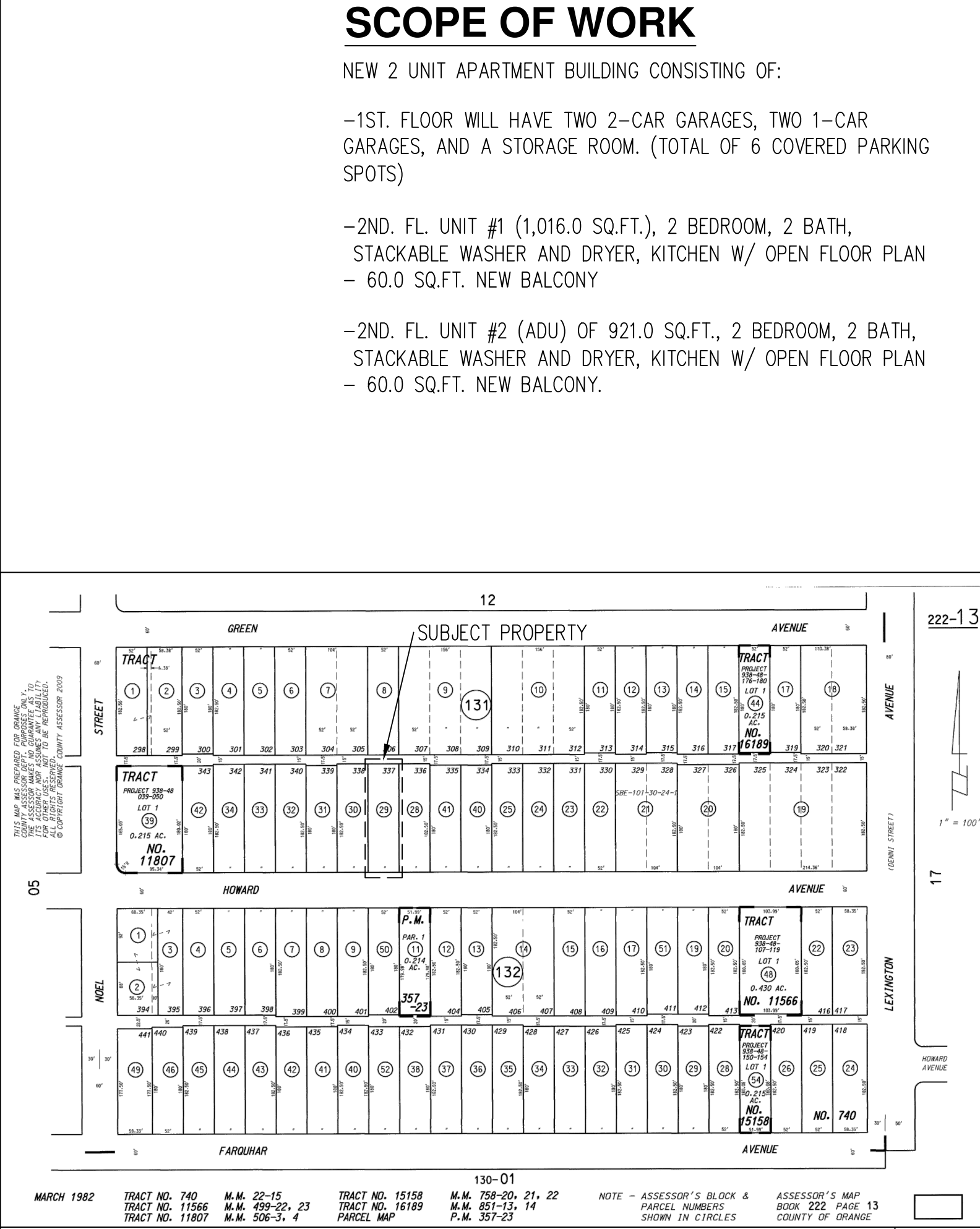
ABSENT:

ABSTAIN:

Ron Noda, Secretary

NOTES

- 1.) "THE CONSTRUCTION SHALL NOT RESTRICT A FIVE-FOOT CLEAR AND UNOBSTRUCTED ACCESS TO ANY WATER OR POWER DISTRIBUTION FACILITIES (POWER POLES, PULL-BOXES, TRANSFORMERS, VAULTS, PUMPS, VALVES, METERS, ETC.) OR TO THE LOCATION OF THE HOOK-UP. THE CONSTRUCTION SHALL NOT BE WITHIN TEN FEET OF ANY POWER LINES-WHETHER OR NOT THE LINES ARE LOCATED ON THE PROPERTY. FAILURE TO COMPLY MAY CAUSE CONSTRUCTION DELAYS AND/ OR ADDITIONAL EXPENSES."
- 2.) AN APPROVED SEISMIC GAS SHUTOFF VALVE WILL BE INSTALLED ON THE FUEL GAS LINE ON THE DOWN STREAM SIDE OF THE UTILITY METER AND BE RIGIDLY CONNECTED TO THE EXTERIOR OF THE BUILDING OR STRUCTURE CONTAINING THE FUEL GAS PIPING."
- 3.) "PROVIDE LOW CONSUMPTION WATER CLOSETS FOR ALL NEW CONSTRUCTION. EXISTING SHOWER HEADS AND TOILETS MUST BE ADAPTED FOR LOW WATER CONSUMPTION."
- 4.) "PROVIDE 70" HIGH NON-ABSORBENT WALL ADJACENT TO SHOWER AND APPROVED SHATTER-RESISTANT MATERIALS FOR SHOWER ENCLOSURE." 91.807.1.3, 91.2406.4(5), 91.1115B.9.6,7,8
- 5.)ALL CONSTRUCTION WASTE AND DEBRIS MUST BE CONTAINERIZED AT ALL TIMES
- 6.)A RE-INSPECTION FEE WILL BE CHARGED FOR AN INSPECTION WHICH IS NOT ACCESSIBLE, OR APPROVAL PLANS ARE NOT ON SITE, OR JOB IS NOT READY.
- 7.)FINAL APPROVAL REQUIRED BY THE PUBLIC WORKS DEPARTMENT FOR STREET IMPROVEMENTS, CURB CORES, CURB/GUTTERS, ETC. SEPARATE PUBLIC WORKS PERMIT REQUIRED FOR DRIVEWAYS, APPROACH TO DRIVEWAY, SEWER LATERALS AND ANY WORK IN RIGHT OF WAY.
- 8.) A SURVEY SHALL BE PROVIDED BY A LICENSED SURVEYOR ON STRUCTURES WHICH DEFINE PROPERTY LINES, SET BACKS, DESIGNATED PARKLAND OR STREET RIGHT-OF-WAY.
- 9.) DUST CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE DURATION OF THE PROJECT.



& < ⊙ C.L. Ø # ACOUS ADJ A/C AL APX BD BLK BOT CAB CPT CEM CER CI CLG CLKG CLR CONC CONST CONT. CTR DBL DF DIA DIM DN DR DWG E EA EL ELEC EMER ENCL EQ EQPT EX EXPO EXP EXT FA FDN FE(C) FHC FIN FL FLASH	AND ANGLE AT CENTERLINE DIA OR ROUND POUND OR NO. ACOUSTICAL ADJUSTABLE AIR CONDITIONING ALUMINUM APPROXIMATE BOARD BLOCK BOTTOM CABINET CARPET CEMENT CERAMIC CAST IRON CEILING CALKING CLEAR CONCRETE CONSTRUCTION CONTINUOUS CENTER DOUBLE DRINKING FOUNTAIN DIMENSION DOWN DOOR DRAWING EAST EACH ELEVATION ELECTRICAL EMERGENCY ENCLOSURE EQUAL EQUIPMENT EXISTING EXPOSED EXPANSION EXTERIOR FIRE ALARM FOUNDATION FIRE EXTINGUISHER CABINET FIRE HOSE FINISH FLOOR (LINE) FLASHING	FLOOR FLUORESCENT FOC FACE OF CONC FOF FACE OF FIN FOS FACE OF STUBS FPRF FIREPROOF FTG FOOTING FURR FURRING GALV GALVANIZED GB GRAB BAR GL GLASS GR GRADE (GROUND) GYP GYPSUM HC HOLLOW CORE HNDPC HANDICAPPED HBD HARDBOARD HWD HARDWOOD HDW HARDWARE HM HOLLOW METAL HOR HORIZONTAL HGT HEIGHT ID INSIDE DIA INSUL INSULATION INT INTERIOR JT JOINT LAM LAMINATE(D) LAV LAVATORY LT LIGHT MC MEDICINE CAB MECH MECHANICAL MEMB MEMBRANE MTL METAL MIR MIRROR MNT MOUNT(ED) N NORTH NIC NOT IN CONTRACT NCM NOMINAL NTS NOT TO SCALE OBS OBSOLETE OC ON CENTER OD OUTSIDE DIA OPNG OPENING OPP OPPOSITE PRCST PRECAST PL PLATE P PLASTIC PLAS PLASTER PLYWD PLYWOOD PR PAIR PNT PAINT(ED) PTD/R PAPER TOWEL DISPENSER/ RECEPTACLE PTN PARTITION	QT QUARRY TILE R RISER RAD RADIUS REINF REINFORCED REQ REQUIRED RESIL RESILIENT RO ROUGH OPENING RWD REDWOOD S SOUTH SC SEAT COVER SCD DISPENSER SD SOAP DISPENSER SHT SHEET SIM SIMILAR SND/R SANITARY NAPKIN DISPENSER/ RECEPTACLE SPEC SPECIFICATION (S)STL (STAINLESS) STEEL SSK SERVICE SINK STD STANDARD SUSP SUSPENDED SYM SYMMETRICAL T TREAD TB TOWEL BAR TEL TELEPHONE T&G TOUNGE & GROOVE THK THICK TPD TOILET PAPER DISPENSER TYP TYPICAL UNF UNFINISHED UON UNLESS OTHERWISE NOTED UR URINAL VERT VERTICAL W WEST WDW WINDOW W/ WITH WC WATER CLOSET WD WOOD W/O WITHOUT WP WATERPROOF WR WATER RESISTANT WGT WEIGHT
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ELECTRICAL SYMBOLS LEGEND	
	WALL MOUNTED LIGHT
	ELECTRICAL SWITCH
	T.V. ANTENNA
	ELECTRICAL OUTLET
	PHONE JACK
	CEILING MOUNTED LIGHT
	SMOKE DETECTOR
	CEILING MOUNTED LIGHT w/ VENT
	PROPOSED NEW ADDITION
	EXISTING, WALLS, DOORS, WINDOWS TO BE REMOVED
	EXISTING WALLS, DOORS, WINDOWS TO REMAIN
	ELECTRICAL PANEL (PANEL SIZE TO BE DETERMIND BY ELECTRICAL CONTRACTOR) 200 AMP

SYMBOL LEGEND	7
PROJECT CONSULTANTS ARCHITECTURAL DRAWINGS: -IDEAL DESIGNS-ID, INC. 2452 PACIFIC AVE. LONG BEACH, CA. 90806 562-481-6289 OSCAR SANCHEZ (DESIGNER)	

NOTES	
1. ALL WORK SHALL COMPLY WITH APPLICABLE FEDERAL LAWS, STATE STATUTES, LOCAL ORDINANCES, AND THE REGULATIONS OF AGENCIES HAVING JURISDICTION. THE CONTRACTOR SHALL ASSUME FULL RESPONSIBILITY FOR COMPLYING WITH THE CONSTRUCTION SAFETY ORDERS AND THE GENERAL INDUSTRIAL SAFETY ORDERS OF THE STATE DIVISION OF INDUSTRIAL SAFETY, THE REGULATIONS OF THE FEDERAL AND STATE OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATIONS, AND SUCH OTHER AGENCIES GOVERNING THE CONTRACTOR'S ACTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR AND HOLD HARMLESS THE ARCHITECT FOR ANY DAMAGES AND / OR PENALTIES RESULTING FROM HIS FAILURE TO COMPLY WITH SAID LAWS, STATUTES, ORDINANCES, AND REGULATIONS. 2. THE DESIGN, ADEQUACY AND SAFETY OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC., IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR, AND HAS NOT BEEN CONSIDERED BY THE ARCHITECT. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE STABILITY OF THE STRUCTURE PRIOR TO THE APPLICATION OF ALL SHEAR WALLS, ROOF AND FLOOR DIAPHRAGMS AND FINISH MATERIALS. HE SHALL PROVIDE THE NECESSARY BRACING TO PROVIDE STABILITY PRIOR TO THE APPLICATION OF THE AFOREMENTIONED MATERIALS, OBSERVATION VISITS TO THE SITE BY THE ARCHITECT SHALL NOT INCLUDE INSPECTION OF THE ABOVE ITEMS. CODE: 2020 Los Alamitos Municipal Code 2019 CRC (California Residential Code) 2019 CBC (California Building Code) 2019 GREEN BUILDING STANDARDS (CalGreen) 2019 CMG (California Mechanical code) 2019 CPC (California Plumbing Code) 2019 CEC (California Electrical Code) 2019 BUILDING ENERGY EFFICIENCY STANDARDS	
THESE PLANS AND INCORPORATED DESIGNS EMBODIED THEREON ARE THE PERSONAL PROPERTY OF "IDEAL DESIGNS AND ASSOCIATES" THE USE OF THESE PLANS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED. PUBLICATION AND REPRODUCTION IS RESTRICTED TO SUCH USE. PUBLICATION AND REPRODUCTION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND DESIGNS REMAIN WITH "IDEAL DESIGNS AND ASSOCIATES" VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF ACCEPTANCE OF THESE RESTRICTIONS. SIGNATURE ACKNOWLEDGES SUBJECT PLANS APPROVED AS OF _____ ALL PLANS FURNISHED PRIOR TO SAID DATE ARE TO BE CONSIDERED INVALID.	

SHEET INDEX	
CS COVER SHEET A1 WATER QUALITY MANAGEMENT PLAN (E) SITE PLAN, (N) SITE PLAN, AND LANDSCAPE PLAN A2 1ST. FL. GARAGE PLAN A2.1 2ND. FL. PLAN AND SCHEDULES A3 ELEVATIONS	1
EXISTING SINGLE FAMILY 1 STORY HOME STUCCO BUILDING. SINGLE STORY ASSESSOR # : 222-131-29 TRACT :11807 LOT : MAPSHEET : ZONING: R-3	
LEGAL DESCRIPTION	2
Mr. & Mrs. Shagena 4321 Howard Ave. Los Alamitos Ca. 90720 714-936-0938	
OWNER INFORMATION	3
EXISTING SQFT: 929.00 SQ.FT. (E) 2 CAR GARAGE: 492.00 SQ.FT. (N) 6 CAR GARAGE: 1,421.00 SQ.FT. (N) 2ND. FL. 2 UNITS: 1,937.00 SQ.FT. (N) BALCONY 2 # 60.0SQ.FT.=120.0 SQ.FT. TOTAL SQFT: 2,842.00 SQ.FT. LOT SIZE: 9,490.00 SQ.FT. F.A.R.: 2,842.0/9490.0= 299=30%	

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Shagena Residence
4321 Howard Ave.
Los Alamitos, Ca. 90720

COVER SHEET

OSCAR SANCHEZ EMAIL: IDEALDESIGNS848@YAHOO.COM

LONG BEACH CA. 90806

PHONE # : (562) 481-6269

SEE BLOCK #3 FOR INFO.

Shagena Residence

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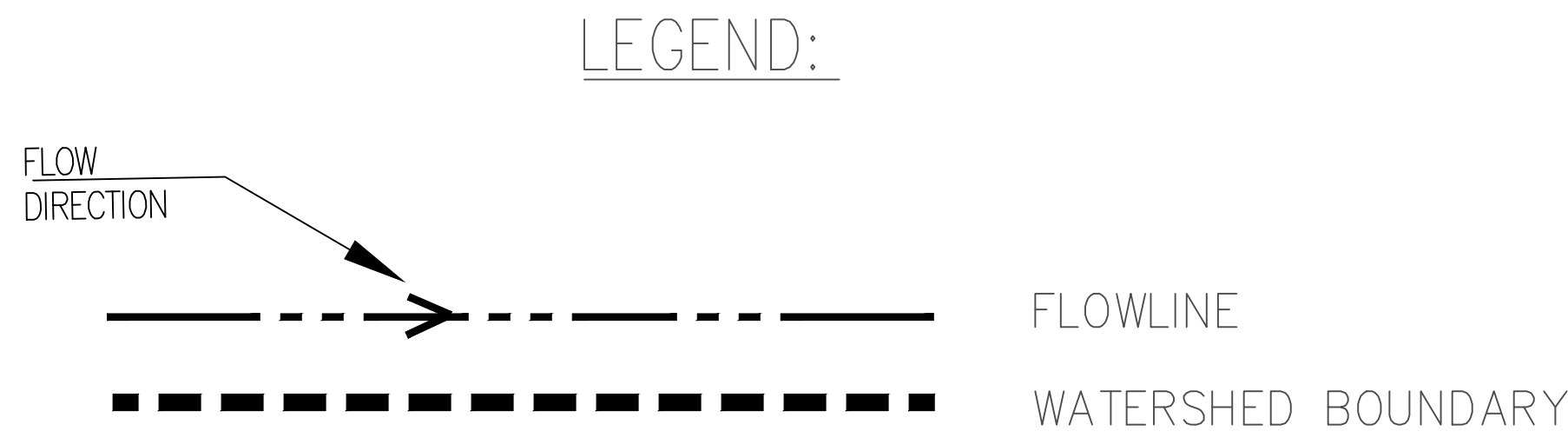
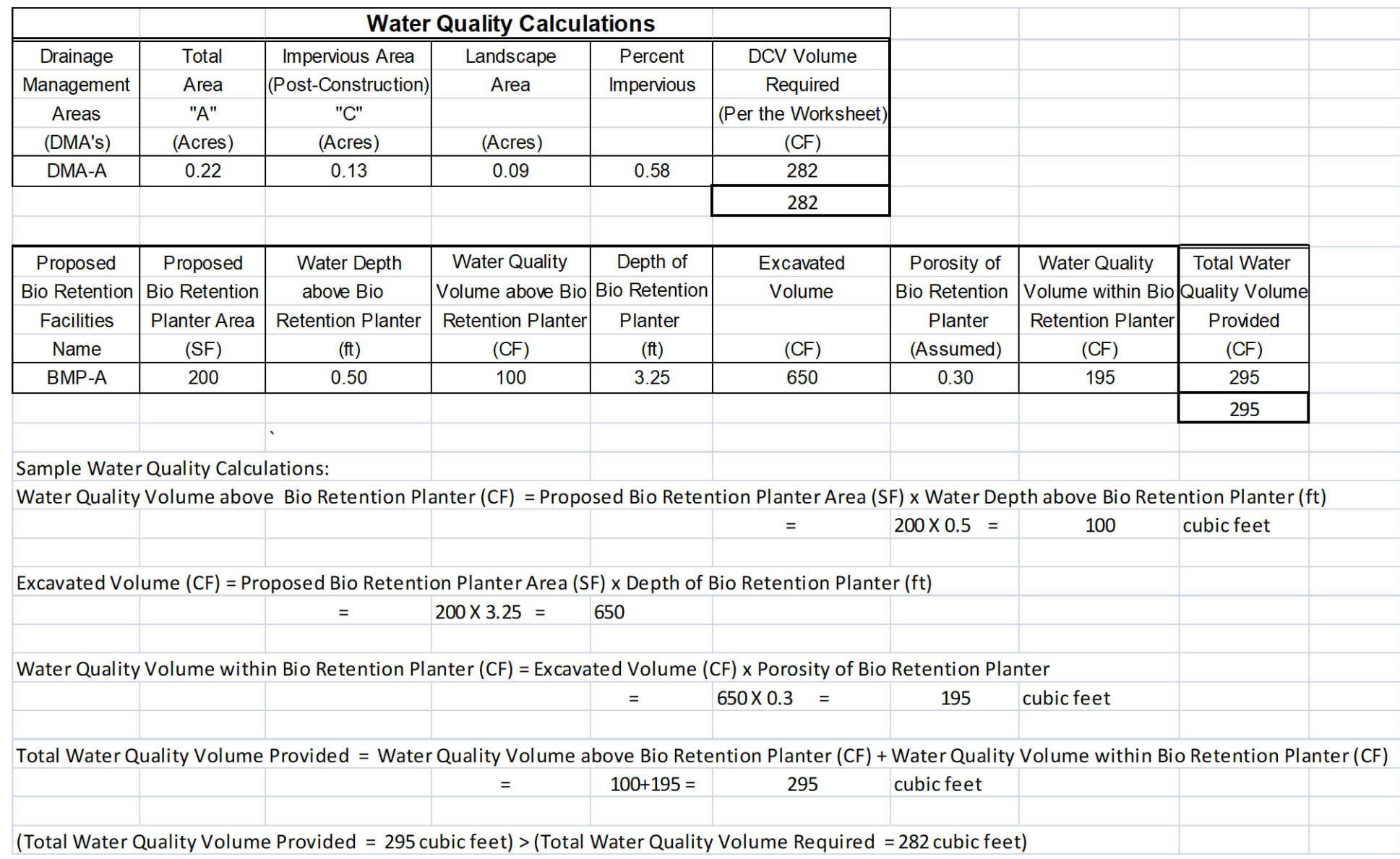
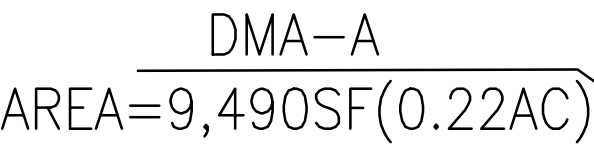
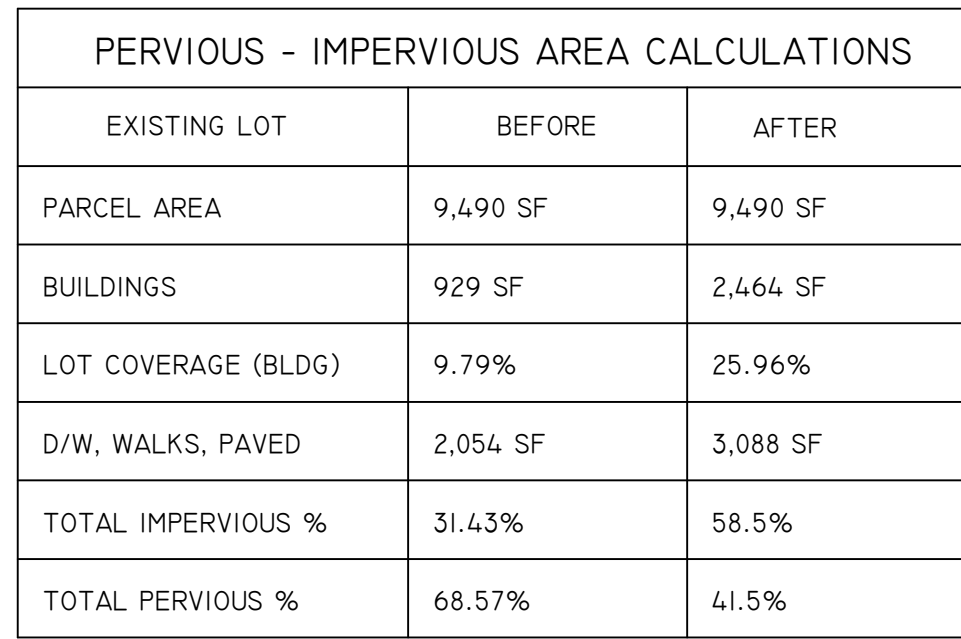
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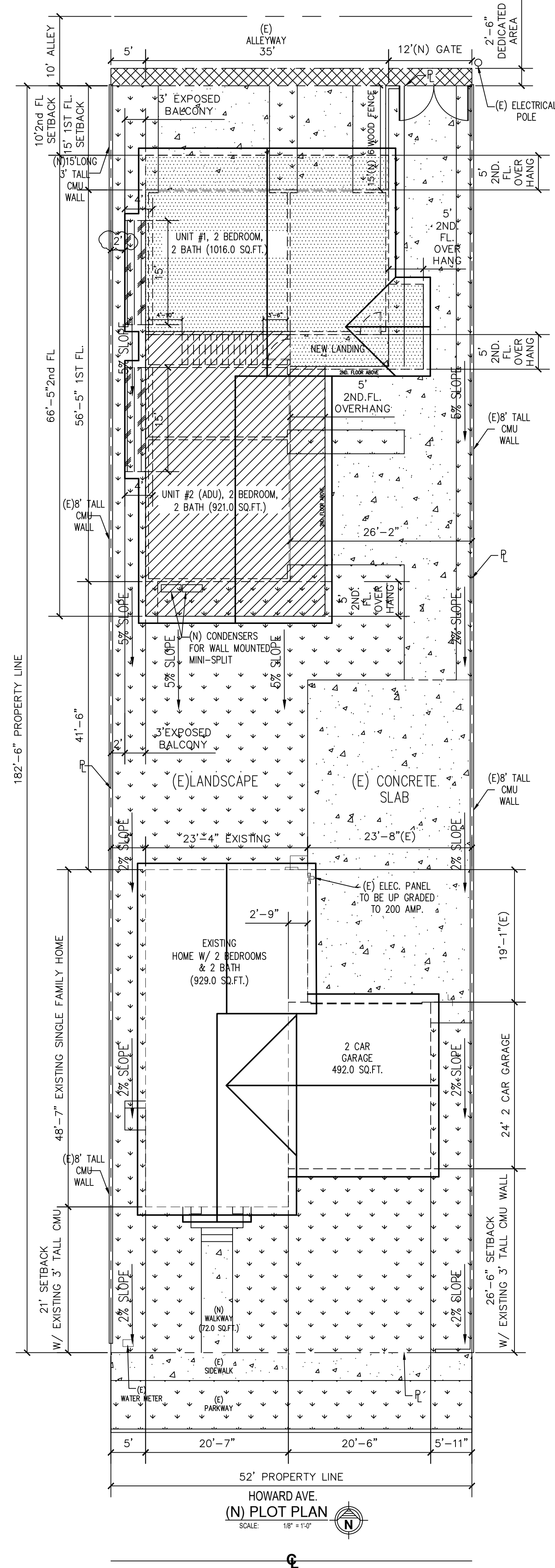
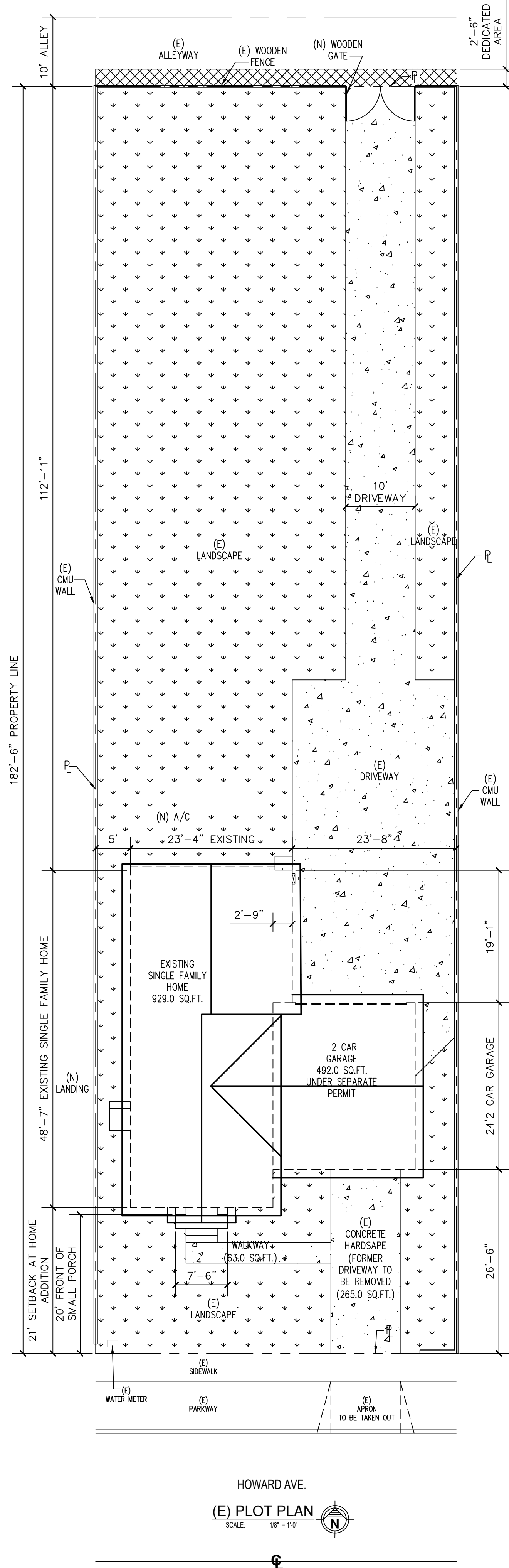
COVER SHEET

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LONG BEACH CA. 90806



OWNER MR. AND MRS. SHAGENA P.O. BOX 135 LOS ALAMITOS, CA 90720	NTS ENGINEERING NADIM SUNNA R.C.E. 84197 5319 UNIVERSITY DR IRVINE, CA 92612 657-888-4608 INFO@NTSGEO.COM 8-19-2022 DATE	SEAL  NTS ENGINEERING NADIM SUNNA R.C.E. 84197 5319 UNIVERSITY DR IRVINE, CA 92612 657-888-4608 INFO@NTSGEO.COM  11-21-2022 DATE	CITY OF LOS ALAMITOS	CITY ENGINEER LLC. DATE	WATER QUALITY MANAGEMENT PLAN FOR 4321 HOWARD AVENUE CITY OF LOS ALAMITOS APN: 222-131-29	SHEET 1 OF 1
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PARKING REQUIREMENTS

EXISTING HOME UNDER SEPARATE PERMITS 2 BDR. @	2.75
UNIT #1: 2 BDR. @	2.75
UNIT #2: ADU2 BDR. @	0
	6.00 TOTAL
PLUS 1 GUEST PARKING =	1.00 SPACES
	7.00 TOTAL

PARKING PROVIDED

ENCLOSED GARAGES: 8 (2 EXISTING + 6 PROPOSED)
TOTAL: 8 PARKING SPACES

LOT COVERAGE

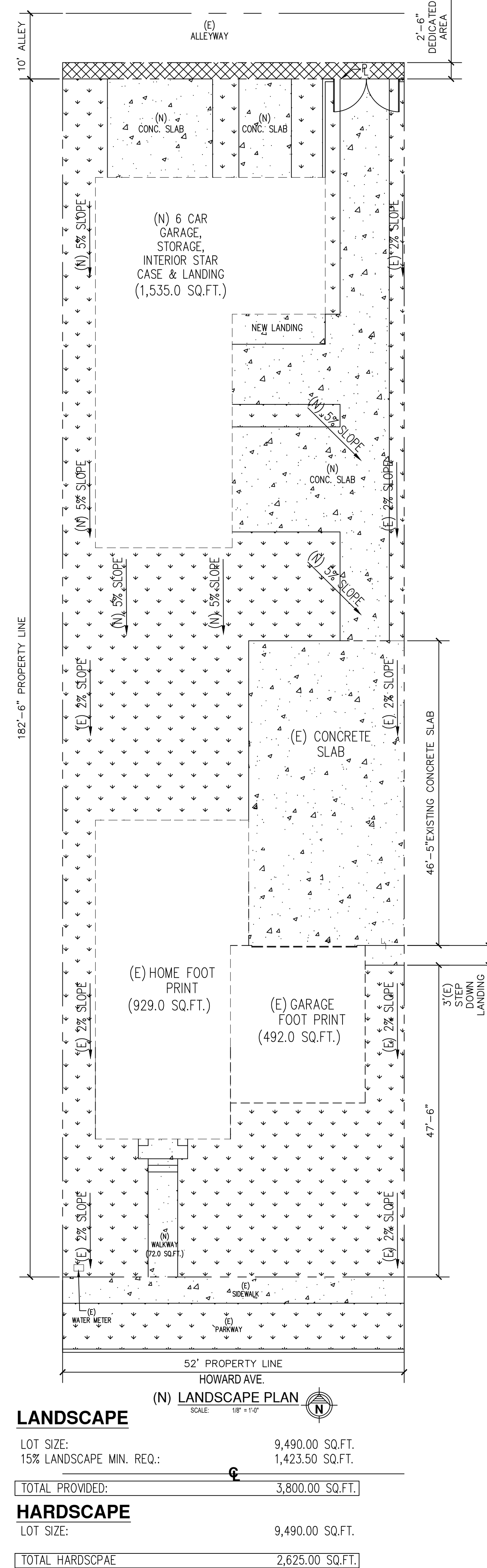
EXISTING SINGLE FAMILY HOME SQ.FT.:	<u>929.00 SQ.FT.</u>
EXISTING 2 CAR GARAGE:	<u>492.00 SQ.FT.</u>
NEW 6 CAR GARAGE:	<u>1,421.00 SQ.FT.</u>
PROPOSED UNIT #1:	<u>1,016.00 SQ.FT.</u>
PROPOSED ADU #2:	<u>921.00 SQ.FT.</u>
TOTAL SQ.FT.:	<u>2,842.00 SQ.FT.</u>
LOT SIZE:	<u>9,490.00 SQ.FT.</u>

SITE PLAN LEGEND

-  EXTERIOR EDGE OF WALL
 ROOF EDGE
 (N) 2ND FL. UNIT #1 (1,016.0 SQ.FT.)
 (N) 2ND FL. ADU (921.0 SQ.FT.)
 LANDSCAPE
 CONCRETE HARDSCAPE
 DEDICATED RIGHT-OF-WAY

LANDSCAPE PLAN LEGEND

- — — — — EXTERIOR EDGE OF WALL
-  LANDSCAPE
-  CONCRETE HARDSCAPE
-  DEDICATED RIGHT-OF-WAY



Shagena Residence
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Los Alamitos, Ca. 90720

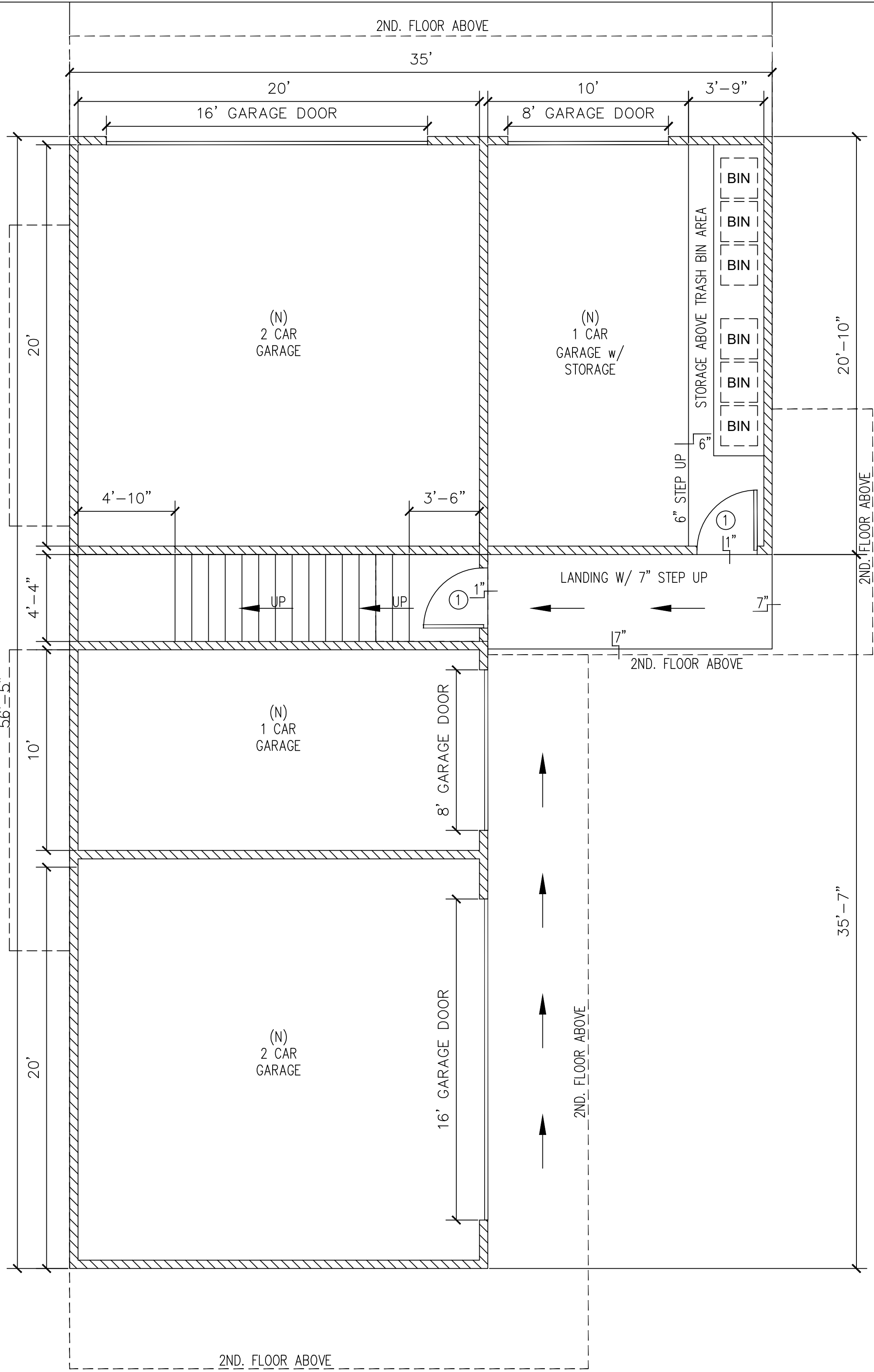
PLOT PLANS & LANDSCAPE PLAN

JOB NO. : 4321 Howard	REVIEWED : DATE :	DRAWN BY : O.SANCHEZ DATE : 11/14/2022	
	REVISION DESCRIPTION	DATE	DESIGNER
			
			
			
			MR. & MRS. SHAGENA (714) 936-0938
			ENGINEER
			CIVIL 088762
			OSCAR SANCHEZ (562) 481-6269

2452 Pacific Ave
Long Beach, Ca. 90806
(562-481-6269)
IDEALDESIGN5848@GMAIL.COM

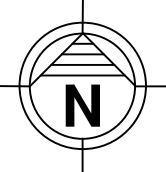


**Ideal
Designs**



(N) 1ST FLOOR PLAN

SCALE: 1/4" = 1'-0"



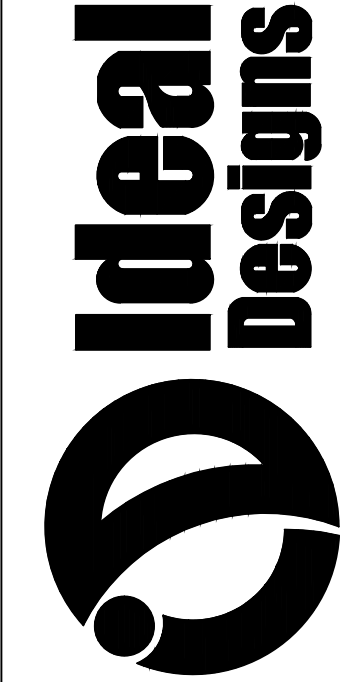
WALLS LEGEND

NEW WALLS

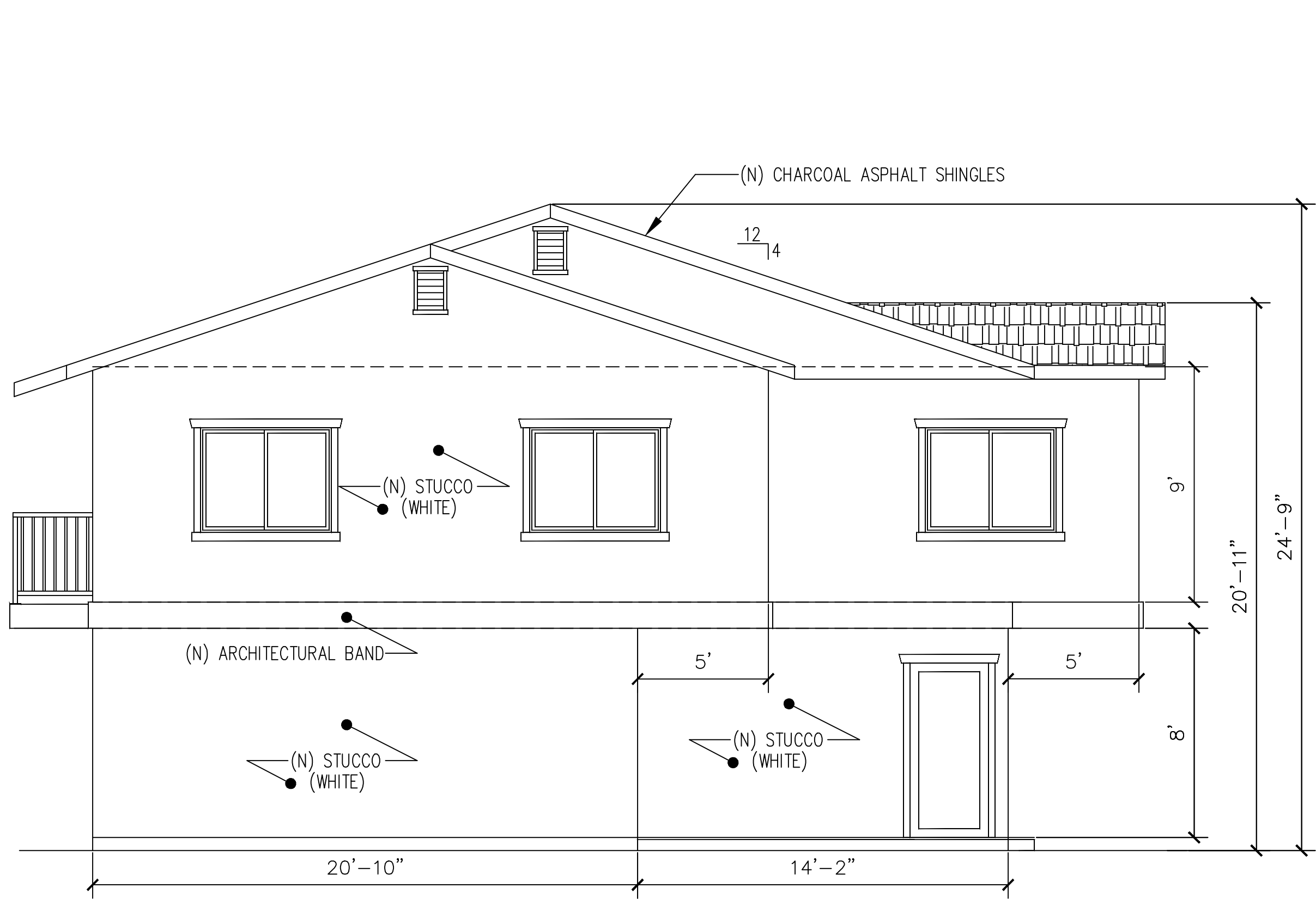
Shagena Residence
4321 Howard Ave.
Los Alamitos, Ca. 90720

NEW 1ST FL. GARAGE PLAN

2452 Pacific Ave
Long Beach, Ca. 90806
(562) 481-6269
IDEALDESIGN5848@GMAIL.COM



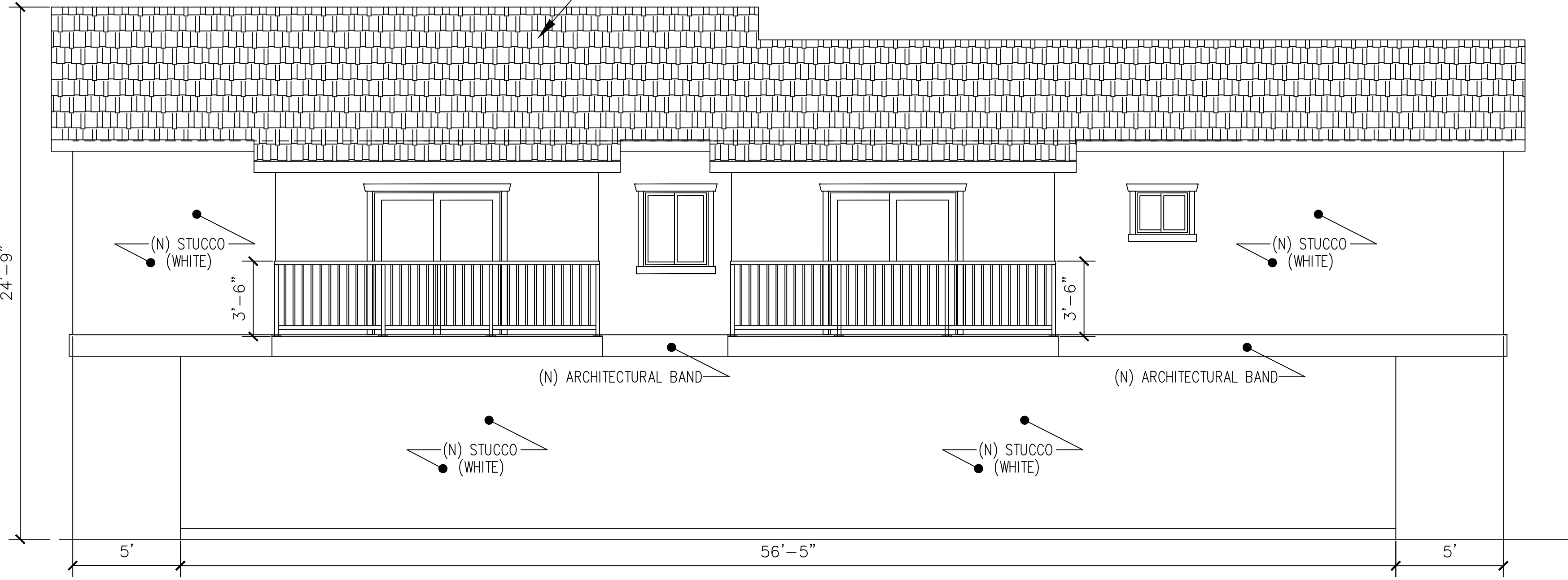
DESIGNER		Oscar Sanchez (562) 481-6269		DATE																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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FRONT ELEVATION

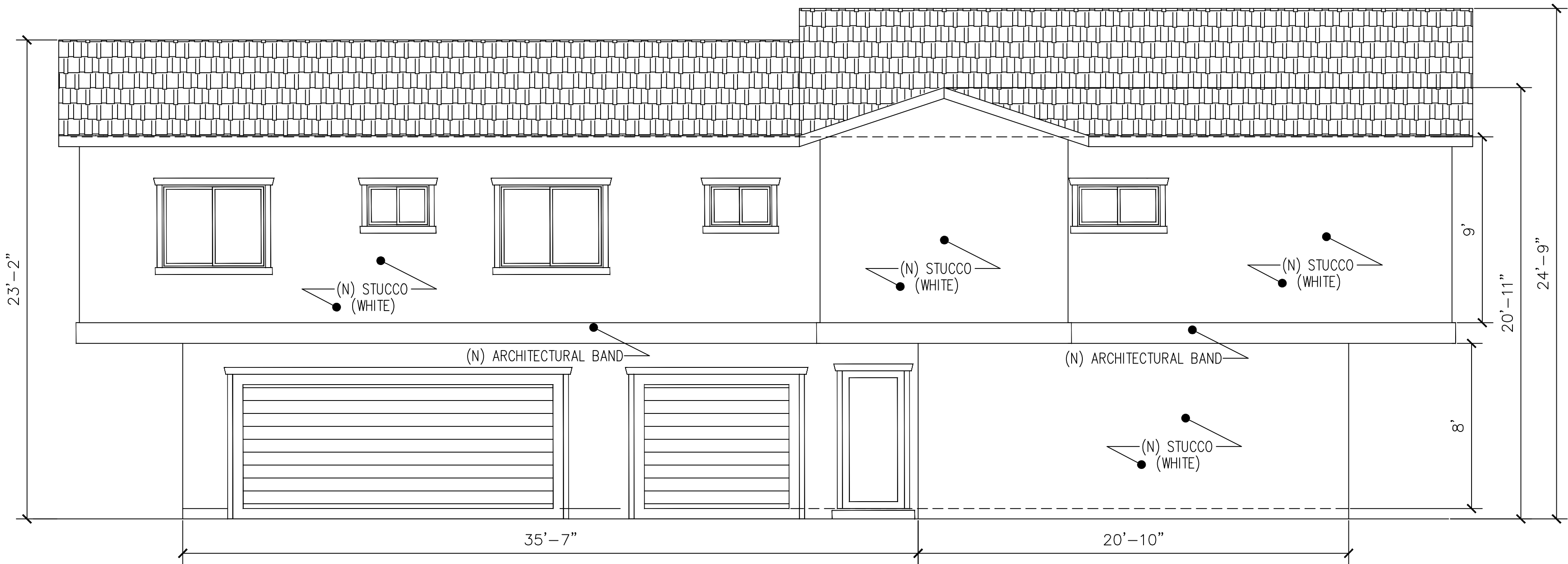
SCALE: 1/4" = 1'-0"

ROOFING MATERIAL:
1. "ROOFING MATERIAL ON THE ROOF SHALL NOT EXCEED 4.5# PER SQ.FT.
MANUFACTURER: GAF SHINGLE ROOF COVERING SYSTEMS | CHARCOAL "CLASS A" APHALT SHINGLES | ICC# ESR-1475 |
TYPE & COLOR: CHARCOAL ASPHALT SHINGLES AS PER (E) HOME (TYPICAL)
2. EXTERIOR LATH: PROVIDE TWO LAYERS OF GRADE D PAPER



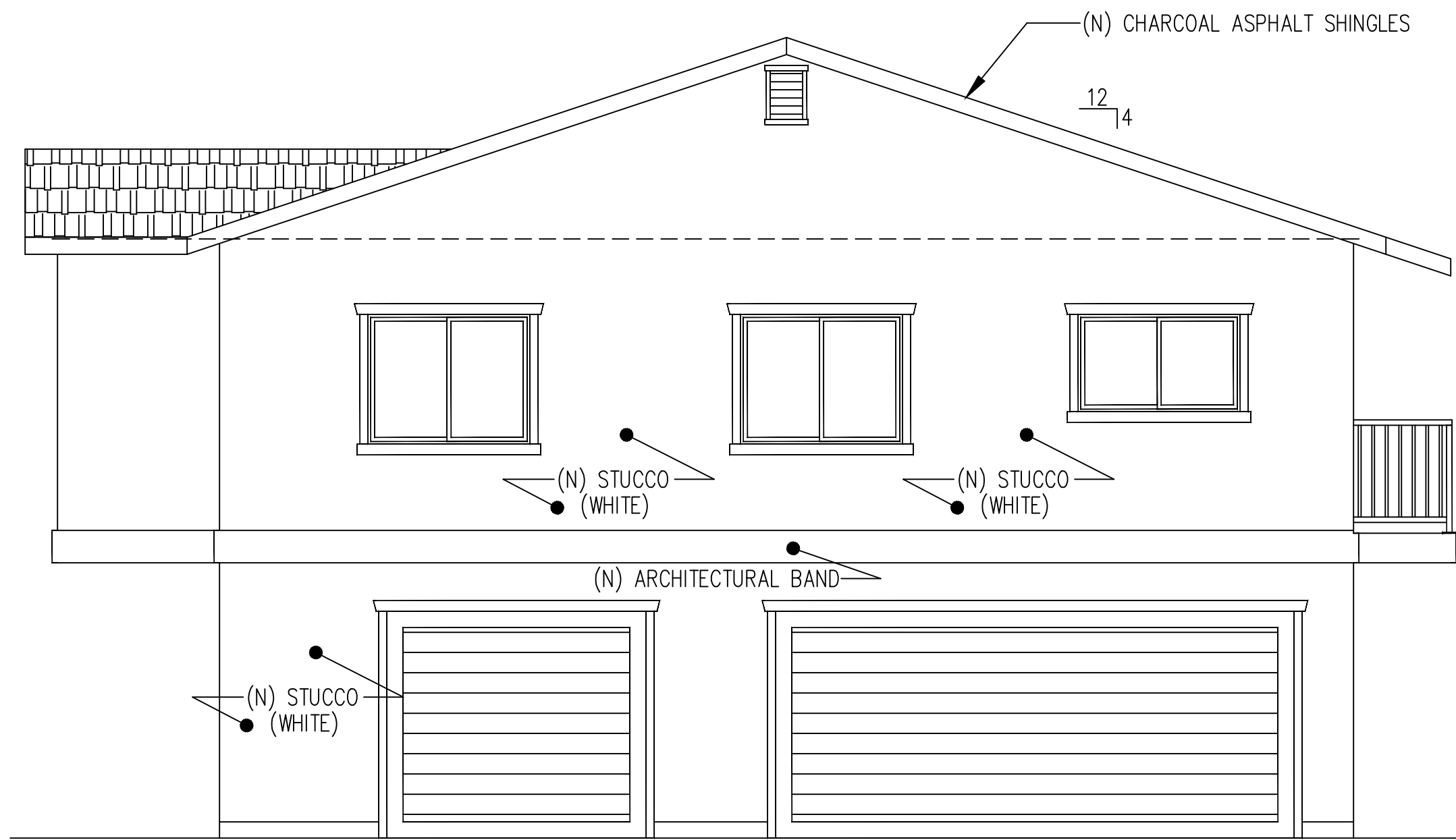
(N)2NDLEFT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



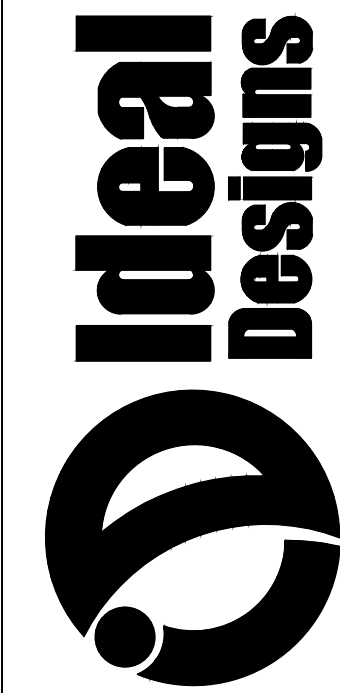
REAR ELEVATION

SCALE: 1/4" = 1'-0"

Shagena Residence
4321 Howard Ave.
Los Alamitos, Ca. 90720

ELEVATIONS

2452 Pacific Ave
Long Beach, Ca. 90806
(562) 481-6269
IDEALDESIGN5848@GMAIL.COM



OSCAR SANCHEZ
(562) 481-6269

DESIGNER

DATE

REVIEWED

DATE

JOB NO. : 4321 Howard

MR. & MRS. SHAGENA
(714) 938-0938

CUSTOMER

ENGINEER

DATE

JOB NO. : 4321 Howard

PAGE

A3

City of Los Alamitos

PLANNING COMMISSION/SUBDIVISION COMMITTEE

AGENDA REPORT

MEETING DATE: January 25, 2023

ITEM NUMBER: 7B

To: Chair & Members of the Planning Commission

Presented By: Michael Daudt, City Attorney

**Subject: ZOA 23-01
State Mandated Update to Accessory Dwelling Unit (ADU) Regulations**

SUMMARY

Consideration of a Planning Commission resolution recommending that the City Council adopt a draft ordinance to amend and restate Section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of Accessory Dwelling Units (ZOA 23-01).

RECOMMENDATION

1. Open the Public Hearing; and,
2. Take testimony; and,
3. Planning Commission adopt Resolution No. 2023-02 entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, recommending the City Council adopt ordinance No. 2023-02 amending and restating section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of accessory dwelling units (ZOA 23-01)".

BACKGROUND

Applicant: City Initiated

Location: Citywide

Environmental: Consideration of an exemption from the California Environmental Quality Act (CEQA) pursuant to 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 action 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.

Approval Criteria: Chapter 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 January 18, 2023, Notice of Public Hearing was posted at City Hall. It was also published in the News Enterprise on January 11, 2023 as a 1/8th of a page notice.

DISCUSSION

An accessory dwelling unit (“ADU”) is 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. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling or multifamily dwelling. A junior accessory dwelling unit (“JADU”) is a small residential dwelling unit contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing single-family residence.

Section 17.28.020 of the Los Alamitos Municipal Code includes provisions regulating the development of ADUs and JADUs in the City. Section 17.28.020 was last updated in 2020. Since that time the California Department of Housing and Community Development has issued updated guidance regarding the implementation of the State ADU Law (California Government Code § 65852.2). Further, during its 2021-2022 Regular Session, the State Legislature approved two bills modifying the State ADU Law, Senate Bill 897 and Assembly Bill 221. Both bills took effect on January 1, 2023.

Key changes to the State ADU Law made by Senate Bill 897 and Assembly Bill 2221 are outlined below:

1. Height Limitations. The City must now allow ADUs taller than 16 feet in the following circumstances:

- a. If a detached ADU is on a lot that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, the ADU may be up to 18 feet in height, and up to two feet taller (for a maximum of 20 feet) if necessary to align the roof pitch on the ADU to the roof pitch of the primary dwelling.
- b. If a detached ADU is on a lot with an existing or proposed multistory multifamily dwelling, the ADU may be up to 18 feet in height.
- c. An attached ADU may be as tall as 25 feet, or the height limitation of the zoning district applicable to the primary dwelling, whichever is lower. However, the City may still limit the ADU to two stories.

2. Front Yard Setbacks. In general, the City may still impose front yard setback requirements on ADUs; however, Senate Bill 897 and Assembly Bill 2221 clarify that the front yard setback requirements must yield to the extent necessary to allow the construction of an ADU of at least 800 square feet with four-foot side and rear yard setbacks.

3. Objective Standards. The City may impose objective standards on ADUs. Senate Bill 897 and Assembly Bill 2221 defines “objective standards” to mean, “...standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to

an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”

4. JADU Bathroom Access. A JADU may either have its own bathroom or share a bathroom with the single-family residence in which it is located. Senate Bill 897 and Assembly Bill 2221 specify that if a JADU is permitted without its own bathroom, it must have an interior entrance to the primary residence’s main living area.

The proposed Ordinance incorporates amendments to Section 17.28.020 of the Los Alamitos Municipal Code required to comply with the State ADU Law, as modified by Senate Bill 897 and Assembly Bill 2221. If following a recommendation from the Planning Commission, the City Council approves ZOA 23-01, a copy of the Ordinance must be sent to the California Department of Housing and Community Development (“HCD”). Following its review, the HCD may submit written findings to the City as to whether the Ordinance, in its assessment, complies with California Government Code Section 65852.2.

FISCAL IMPACT

None.

Attachment: 1. PC Reso 2023-02
 2. Ordinance 2023-02

PC RESOLUTION NO. 2023-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT ORDINANCE NO. 2023-02 AMENDING AND RESTATING SECTION 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS (ZOA 23-01)

WHEREAS, an accessory dwelling unit or “ADU” is 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. An accessory dwelling unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling or multifamily dwelling; and,

WHEREAS, a “junior accessory dwelling unit” or “JADU” is a small residential dwelling unit contained entirely within a single-family residence. A Junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing single-family residence; and,

WHEREAS, in 2016, the State Legislature adopted two bills pertaining to accessory dwelling units, Assembly Bill 2299 and Senate Bill 1069, which modified Government Code Section 65852.2; the State Legislature further modified Government Code Section 65852.2 with the adoption of Assembly Bill 494 and Senate Bill 229 in 2017, and again in 2020 with the adoption of Senate Bill 13, Assembly Bill 68, Assembly Bill 881 and Assembly Bill 3182 (Collectively, the “State ADU Law”); and,

WHEREAS, on April 22, 2020, the Planning Commission of the City of Los Alamitos approved Resolution No. 2020-02 recommending the City Council adopt an ordinance amending and restating Sections 17.08.020 and 17.28.020 of the Los Alamitos Municipal Code to update and clarify the City’s regulations related to ADUs in accordance with the State ADU Law; and,

WHEREAS, on June 15, 2020, the City Council of the City of Los Alamitos adopted Ordinance No. 2020-04 amending and restating Sections 17.08.020 and 17.28.020 of the Los Alamitos Municipal Code to update and clarify the City’s regulations related to ADUs in accordance with the State ADU Law; and,

WHEREAS, in July 2022, the California Department of Housing and Community Development (HCD) issued an updated Accessory Dwelling Unit Handbook, providing guidance on implementation of the State ADU Law; and,

WHEREAS, during its 2021-2022 Regular Session, the State Legislature approved two bills modifying the State ADU Law, Senate Bill 897 and Assembly Bill 221 (Collectively, the “2022 Revisions to the State ADU Law”); and,

WHEREAS, the 2022 Revisions to the State ADU Law necessitate the amendment and restatement of Section 17.28.020 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 17 (Zoning Regulations) of the Los Alamitos Municipal Code; and,

WHEREAS, on January 25, 2023, the Planning Commission opened a duly noticed Public Hearing concerning proposed amendments to Section 17.28.020 of the Los Alamitos Municipal Code to address the 2022 Revisions to the State ADU Law; 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. 2023-02 amending and restating Section 17.28.020 of the Los Alamitos Municipal Code concerning the regulation of Accessory Dwelling Units, attached hereto as Exhibit “A”.

SECTION 3. The Secretary of the Planning Commission shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25th day of January 2023.

Chair

ATTEST:

Ron Noda, Secretary

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)

COUNTY OF ORANGE) ss

CITY OF LOS ALAMITOS)

I, Maria Veronica Enciso, 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 25th day of January 2023, by the following vote, to wit:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

Ron Noda, Secretary

Exhibit "A"

Ordinance No. 2023-02

ORDINANCE NO. 2023-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, AMENDING AND RESTATING SECTION 17.28.020 OF THE LOS ALAMITOS MUNICIPAL CODE CONCERNING THE REGULATION OF ACCESSORY DWELLING UNITS (ZOA 23-01)

WHEREAS, an accessory dwelling unit or “ADU” is 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. An accessory dwelling unit includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling or multifamily dwelling; and,

WHEREAS, a “junior accessory dwelling unit” or “JADU” is a small residential dwelling unit contained entirely within a single-family residence. A Junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing single-family residence; and,

WHEREAS, in 2016, the State Legislature adopted two bills pertaining to accessory dwelling units, Assembly Bill 2299 and Senate Bill 1069, which modified Government Code Section 65852.2; the State Legislature further modified Government Code Section 65852.2 with the adoption of Assembly Bill 494 and Senate Bill 229 in 2017, and again in 2020 with the adoption of Senate Bill 13, Assembly Bill 68, Assembly Bill 881 and Assembly Bill 3182 (Collectively, the “State ADU Law”); and,

WHEREAS, on June 15, 2020, the City Council of the City of Los Alamitos adopted Ordinance No. 2020-04 amending and restating Sections 17.08.020 and 17.28.020 of the Los Alamitos Municipal Code to update and clarify the City’s regulations related to ADUs in accordance with the State ADU Law; and,

WHEREAS, in July 2022, the California Department of Housing and Community Development (HCD) issued an updated Accessory Dwelling Unit Handbook, providing guidance on implementation of the State ADU Law; and,

WHEREAS, during its 2021-2022 Regular Session, the State Legislature approved two bills modifying the State ADU Law, Senate Bill 897 and Assembly Bill 221 (Collectively, the “2022 Revisions to the State ADU Law”); and,

WHEREAS, the 2022 Revisions to the State ADU Law necessitate the amendment and restatement of Section 17.28.020 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 17 (Zoning Regulations) of the Los Alamitos Municipal Code; and,

WHEREAS, the Planning Commission opened a duly noticed Public Hearing concerning this proposed code amendment on January 25, 2023, 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 _____, 2023; 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 23-01 is consistent with the goals, policies, programs and land uses of applicable elements of the General Plan because the proposed Ordinance clarifies and updates the regulations for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in accordance with the requirements of Government Code Section 65852.2, which the Legislature adopted with the intent to streamline local regulations for the construction of new Accessory Dwelling Units. The State has long held that Accessory Dwelling Units are an important source of affordable housing in California. The City's adopted General Plan Housing Element contains policies which support development of Accessory Dwelling Units, and the City's Regional Housing Needs Allocation (RHNA) is supported by the addition of Accessory Dwelling Units to the City's housing stock.

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

ZOA 23-01 will promote public convenience, health, interest, safety and general welfare and serve the goals and purposes of Title 17 by clarifying and streamlining the regulations applicable to development of new

Accessory Dwelling Units. The proposed Accessory Dwelling Unit regulations require compliance with all applicable building and safety codes to ensure all life safety requirements are met.

- 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 17.28.020 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”, “accessory structure”, “efficiency unit”, “living area”, “nonconforming zoning condition”, “passageway”, “proposed dwelling”, “public transit”, and “tandem parking” all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. The terms “accessory dwelling unit” and “ADU” shall have the same meaning.

“Attached ADU” means an ADU, other than a converted ADU, that is physically attached to a primary dwelling.

“Converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that

is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.

“Detached ADU” means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling.

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

“Junior accessory dwelling unit” has the same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time. The terms “junior accessory dwelling unit” and “JADU” shall have the same meaning.

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; and
3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

D. Locations Permitted.

1. *Permitted ADU Locations.* ADUs conforming to the provisions of this Section may be located on any lot in the City zoned to allow single-family or multifamily residential uses and that includes a proposed or existing legally developed single-family or multifamily dwelling.
2. *Permitted JADU Locations.* JADUs conforming to the provisions of this Section may be located within a proposed or existing legally developed single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.
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.

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. *Number of Units Per Lot.*

- (a) For lots with a proposed or existing single-family dwelling, no more than one attached, converted or detached ADU and one JADU shall be permitted on the lot. In cases where both a detached ADU and JADU are developed or proposed on a lot, the total floor area of the detached ADU must be 800 square feet or less.
- (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.

4. *Unit Size and Height.*

(a) Maximum Size.

- i. Attached ADUs. The total floor area of an attached ADU shall not exceed (i) 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms, or (ii) fifty (50) percent of the floor area of the primary dwelling, whichever is less. However, in no case shall this limitation be imposed to require an ADU with a total floor area of less than 800 square feet.
- ii. Detached ADUs. The total floor area of a detached ADU shall not exceed 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- iii. Converted ADUs. The maximum size limitations set forth in this Subsection do not apply to converted ADUs that do not increase the existing floor area of a structure. In addition, a converted ADU created within an existing accessory structure may include an expansion of not more than 150 square

feet beyond the same physical dimensions as the existing accessory structure to extent necessary to accommodate ingress and egress.

(b) Minimum Size. The total floor area of an attached or detached ADU shall be at least 150 square feet.

(c) Height

- i. Except as provided below, the height of a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit shall not exceed 16 feet.
- ii. The height of a detached ADU located on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, shall not exceed 18 feet. However, an additional two feet of height, for a maximum of 20 feet, is allowed when necessary to align the roof pitch on the ADU to the roof pitch of the primary dwelling.
- iii. The height of a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling shall not exceed 18 feet.
- iv. The height of an attached ADU shall not exceed the height limitation of the zoning district applicable to the primary dwelling or 25 feet, whichever is lower. In no event shall any such ADU exceed two stories.

5. *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. Notwithstanding the foregoing, when the application of a development standard related to floor area ratio, lot coverage, open-space, front setbacks, or minimum lot size would prohibit the construction of an attached or detached ADU of at least 800 square feet with four-foot side and rear yard setbacks, such standard(s) shall be waived to the extent necessary to allow construction of such an ADU.

6. *Setbacks and Spacing.*

- (a) Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.
- (b) Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.

- (c) **Converted ADUs.** No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as determined by the City's building official.
- (d) **Spacing.** A minimum distance of ten feet is required between a detached ADU and the primary dwelling, and all other structures, including garages, on the property.

7. *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 (i.e., a converted ADU);
 - 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.

8. ***Exterior Access.*** An attached or converted ADU must have independent exterior access from the proposed or existing primary dwelling.

9. ***Passageway.*** No passageway shall be required in conjunction with the construction of an ADU.

F. JADU Requirements.

1. *Footprint.* A JADU may only be constructed within the walls of a proposed or existing single-family residence, including an attached garage.
2. *Size.* A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.
3. *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.
4. *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.
5. *Bathroom Facilities.* A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family residence in which it is located. If a JADU does not include separate sanitation facilities, the JADU must include an interior entrance to the primary dwelling's main living area.
6. *Parking.* No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed. However, when an existing attached garage is converted to a JADU, any required off-street parking spaces for the primary dwelling that are eliminated as a result of the conversion shall be replaced. These replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
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:
 - (a) The property shall include no more than one JADU.
 - (b) The JADU may not be sold, mortgaged, transferred separately from the primary residence; this deed restriction may be enforced against future purchasers.

- (c) The owner of the property shall occupy either the primary residence or the JADU as his or her domicile. In the event owner occupancy of the property ceases, the JADU shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.
- (d) The JADU may be rented, but may not be rented on a short-term basis of less than 30 consecutive days.
- (e) 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.

G. Other Requirements.

1. *No Separate Conveyance.* Except as otherwise provided in Government Code section 65852.26 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
2. *No Short-Term Rental Permitted.* An ADU or JADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU or a JADU is prohibited.
3. *Owner Occupancy Requirements.*
 - (a) ADUs. Owner occupancy of either the primary dwelling or ADU is not required.
 - (b) JADUs. 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.

H. Permit Application and Review Procedures.

1. *Building Permit Required.* A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this Section or by state law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling.
2. *Application.* Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials proscribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.

3. *Review.* The Director shall consider and approve or deny a complete application for an ADU or JADU ministerially without discretionary review or public hearing within the time prescribed by law. Review is limited to whether the proposed ADU or JADU complies with the requirements of this Section. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. 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.
4. *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.
5. *Conformity with State Law.* The City shall not apply any requirement or development standard provided for in this Section to an ADU or a JADU to the extent prohibited by any provision of state law, including, but not limited to, subdivision (e)(1) of Government Code section 65852.2.

I. Utilities

1. ADUs. Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.
2. JADUs. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

J. 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).

3. For purposes of this Subsection, “impact fee” does not include any planning application fee, plan check fee, or building permit fee.

SECTION 4. 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 5. 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 ___th day of _____, 2023.

Tanya Doby, 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 ___th day of _____, 2023 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___th day of _____, 2023, by the following roll-call vote, to wit:

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