

ORDINANCE NO. 09-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT Z09-02 AMENDING CHAPTER 17.16.100 OF THE LOS ALAMITOS MUNICIPAL CODE RELATING TO AIR CONDITIONING UNITS IN SIDE YARD SETBACK AREAS IN THE SINGLE-FAMILY (R-1) ZONING DISTRICT

WHEREAS, a Categorical Exemption, section 15305, has been prepared for the modification to Chapter 17.16.100, in accordance with the California Environmental Quality Act (CEQA) and the City's Environmental Review Procedures; and,

WHEREAS, The proposed Zoning Ordinance Amendment modifying, LAMC Chapter 17.16.10, *Projections into Required Setbacks*, 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 in that mitigations are implemented that will protect noise sensitive receptors in the single-family neighborhoods in the R-1 Zoning District; and,

WHEREAS, the proposed Zoning Ordinance Amendment will not adversely affect the public convenience, health, interest, safety, or welfare of the City; and,

WHEREAS, the proposed modification will not be contrary to other goals, objectives and/or policies of the Los Alamitos General Plan.

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

SECTION 1. The City Council hereby adopts Zoning Ordinance Amendment Z09-02 modifying Chapter 17.16.100 as described in the Los Alamitos Municipal Code to allow air conditioning unit placement in the side yard setback area in the Single-family (R-1) Zoning District and finds as follows:

Chapter 17.16.100 – Projections into Required Setbacks

17.16.100 Projections into required setbacks.

A. Architectural features on the main structure (e.g., cornices, eaves, garden windows, canopies, etc.) may extend a maximum of thirty (30) inches into a required side setback. Eaves, canopies, cantilevered balconies, decks, and similar features may extend a maximum of thirty (30) inches into the required front or rear setback. Fireplaces, not exceeding eight feet in breadth, may extend up to thirty (30) inches into a required side, front or rear setback.

B. Open, uncovered, raised porches, landing places, or outside stairways may project not closer than three feet to a side parcel line, and in any district not exceeding six feet into a required front or rear setback in any residential zoning district.

C. Awnings. Awnings are allowed to overhang the public right-of-way in all zoning districts, subject to the following provisions:

1. A building permit shall be obtained before installing an awning within or over a public right-of-way.

2. Signs, attached to or made a part of any awning shall comply with Chapter 17.28 (Signs).

3. Construction. Awnings shall be constructed with noncombustible frames and coverings. Every awning shall be collapsible, retractable, or capable of being folded against the face of the supporting structure. When collapsed, retracted, or folded, the design of the awning shall not block any required exit. A fixed awning not more than ten (10) feet in length may be erected over a doorway to the structure.

4. Projection. Awnings may extend over public property not more than seven feet from the face of a supporting structure but no portion shall extend nearer than two feet to the face of the nearest curb line measured horizontally. In no case shall the awning extend over public property greater than two-thirds of the distance from the property line to the nearest curb in front of the structure site.

5. Clearances. Supporting elements of an awning shall be at least eight feet above a public walkway. A valance attached to an awning shall not extend more than twelve (12) inches below the roof of the awning at the point of attachment, and in no case shall a portion of a valance be less than seven feet in height above a public walkway.

6. Awnings shall be maintained in a clean and untattered condition. (Ord. 688 § 1 (part), 2006)

D. Air conditioning units. Air conditioning units may be placed in the side yard setback areas in the Single-family (R-1) Zoning District, providing that the equipment does not project more than a twenty-four (24) inches into a required side yard setback area, and in no case, shall the air conditioning unit be placed closer than thirty-six inches to a side property line. The placement of the air conditioning units must also be located at least twelve (12) feet from any window of a neighboring dwelling, as measured from farthest projected edge of the equipment to closest edge of window. The placement of the air conditioning unit must comply with the provisions set forth in Chapter 17.24 – Noise. Mitigations such as block wall enclosure may be required to mitigate sound impacts at the property line.

SECTION 2. 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 3. 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 18th day of May, 2009.

Troy Edgar, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk

APPROVED AS TO FORM:

Dean Derleth, City Attorney

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

I, Susan C. Vanderpool, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 09-02 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 4th day of May, 2009, and that thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of May, 2009, by the following roll-call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Susan C. Vanderpool, City Clerk