

# City of Los Alamitos

## Agenda Report Public Hearing/Ordinances

May 18, 2009  
Item No: 8A

**To:** Mayor Troy Edgar & Members of the City Council

**Via:** Nita McKay, Interim City Manager

**From:** Steven Mendoza, Community Development Director

**Subject:** Second Reading of Ordinance No. 09-02 – Modifying Chapter 17.16.100, Permitting Residential Air-Conditioning Unit Placement in the Required Side Yard Setback in the Single-family (R-1) Zoning District (City initiated)

**Summary:** At its regular meeting of May 4, 2009, the City Council conducted a first reading of Ordinance No. 09-02, which modifies Chapter 17.16.100, permitting residential air-conditioning unit placement in the required side yard setback in the Single-family (R-1) Zoning District (City initiated).

### Recommendation:

1. Waive reading in full and authorize reading by title only of Ordinance No. 09-02; and,
2. Mayor Edgar read the title of Ordinance No. 09-02, entitled, "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"; and,
3. Adopt Ordinance No. 09-02 by roll call vote.

### Background

At the May 4, 2009, meeting, the City Council approved the first reading of this Ordinance, in accordance with state law. The background for the Ordinance is as follows:

**Applicant:** City Initiated

**Location:** Citywide

**Environmental:** A Categorical Exemption pursuant to Section 15305 (Class 5) has been prepared for this project in accordance with the California Environmental Quality Act and the City's local guidelines for implementing the California Environmental Quality Act.

**Approval Criteria:**

Section 17.70 of the Los Alamitos Municipal Code (LAMC) requires that the Planning Commission conduct a public hearing, and if appropriate, make a recommendation to the City Council on proposed amendments to the General Plan and Zoning Code.

**Background**

At its January 15, 2009 study session, the Planning Commission examined the current standards as outlined in the LAMC Chapter 17.16.100 *Projections into Required Setbacks* to determine if the setback standards relating to mechanical equipment should be modified to accommodate resident requests to place air conditioning units in the required side yard setbacks in the Single Family (R-1) Zoning District. The Commission directed staff to bring back an ordinance for review that contained its recommended modifications. This new ordinance should reflect the desire of the Planning Commission to allow air conditioning units in the required side yard setbacks in the Single-family (R-1) Zoning District, however, it should also contain restrictions that consider possible impacts to neighboring dwellings. Staff returned the ordinance to the Commission at its regular meeting held on March 9, 2009, where the Commission unanimously recommended approval to the City Council.

**Discussion**

At its January 15, 2009 study session, the Planning Commission examined the current standards as outlined in the LAMC Chapter 17.16.100 *Projections into Required Setbacks* to determine if the setback standards relating to mechanical equipment should be modified to accommodate air conditioning units in the required side yard setbacks in the Single Family (R-1) Zoning District. During its discussion, the Commission expressed a desire to allow placement of air conditioning units in the side setback areas in the Single-family Zoning District, with some restrictions on that placement. Restrictions proposed included a minimum thirty-six (36) inch setback still to be required, a minimum twelve (12) feet distance from any window on a neighbor's dwelling, and that such equipment must comply with the provision as set forth in LAMC Chapter 17.24 *Noise*.

**Fiscal Impact**

Fiscal impacts from the addition of mechanical and electrical permits are negligible. Any revenue gained from the issuance of permits is offset by the obligation to the City's building contractual services that are entitled to ninety (95) percent of such revenues.

Submitted By:

Approved By:

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Steven A. Mendoza  
Community Development Director

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Nita McKay  
Interim City Manager

Attachment: 1) Ordinance No. 09-02