

City of Los Alamitos

Agenda Report Ordinances

February 1, 2010
Item No: 9A

To: Mayor Marilyn Poe and Members of the City Council

Via: Jeffrey L. Stewart, City Manager

From: Steven A. Mendoza, Community Development Director

Subject: Ordinance No. 10-01 Amending Chapter 17.16.150(A)(2), in the Zoning Section of the Los Alamitos Municipal Code, Modifying Swimming Pool Heating and Filtering Equipment Distance Requirements with the Approval of a Conditional Use Permit in the Single-family Residential (R-1) Zoning District

Summary: Consideration of Zoning Ordinance Amendment No. Z0A9-06 to conditionally allow swimming pool heating and filtering equipment closer than twenty (20) feet to a dwelling other than the owner's within the Single-family Residential (R-1) Zoning District.

Recommendation:

1. Conduct a Public Hearing; and,
2. Introduce by title only and waive further reading of Ordinance No. 10-01, and set for second reading; and,
3. Mayor Poe read the title of Ordinance No. 10-01, entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, APPROVING ZONING ORDINANCE AMENDMENT Z0A9-06 AMENDING CHAPTER 17.16.150(A)(2) ALLOWING HEATING AND FILTERING EQUIPMENT FOR SWIMMING POOLS CLOSER THAN TWENTY (20) FEET TO ANY NEIGHBORING DWELLING WITH THE APPROVAL OF A CONDITIONAL USE PERMIT IN THE SINGLE FAMILY (R-1) ZONING DISTRICT".

Background

The Los Alamitos Zoning Ordinance does not permit, nor conditionally permit, the placement of heating and filtering equipment for swimming pools closer than twenty (20) feet from a dwelling other than the owner's, in any residential zoning district. There has been a recent Code Enforcement case wherein a homeowner installed pool equipment

closer than the twenty (20) feet. The homeowner was selling the property for her father and updating the house prior to sale. Their realtor, David Chamberlain, along with the homeowner felt that the twenty (20) feet should undergo a review and was a bit restrictive. The insistence of the selling homeowner compelled staff to take the issue to the Planning Commission who, after two meetings of discussion, decided that the twenty (20) feet rule was fine but that there may be some instances wherein a homeowner could mitigate noise levels to allow pool equipment to be less than the twenty (20) feet rule.

At their meeting held on December 14, 2009, continued from the November 9, 2009 regular meeting, the Planning Commission approved unanimously a resolution recommending City Council approve Zoning Text Amendment ZOA09-06, amending Chapter 17.16.150(A)(2) to allow the placement of heating and filtering equipment for swimming pools closer than twenty (20) feet to a dwelling other than the owner's in the Single-family (R-1) Residential Zoning District.

Discussion

The current LAMC Chapter 17.16.150 (A)(2) restricts the placement of heating and filtering equipment for swimming pools to at least twenty (20) feet from a neighboring dwelling. In certain cases, this rule has been problematic in siting pool equipment on a developed property. A blanket restriction such as this may not take into consideration specific design challenges that could be met with alternate equipment siting.

Because of the code enforcement case, staff felt compelled to examine the regulation as possibly too restrictive in some cases, and, therefore, brought the proposed Zoning Ordinance Amendment ZOA 09-06 to the Planning Commission. From time to time, changes in technologies compel staff to review current regulations for relevance, and to determine if new technologies warrant a change in the regulation, or if a special approval process, such as the conditional use permit, would provide enough assurance that additional review of the configuration, design, location, and potential impacts of the proposed equipment location would be adequate to determine the compatibility of that use to the site and surrounding uses to ensure the protection of the public convenience, health, interest, safety, and welfare as required by Chapter 17.42 of the LAMC.

The Commission reviewed the staff report and the analysis of pool manufacturers' data, other cities' regulations, and the City's noise standards. After a panel discussion and public testimony from Ken Tipton, owner of ABC Pools, and Dave Chamberlain, local realtor and an interested party in the code enforcement case, the Commission recommended approval to the City Council of a code change that allowed for a Conditional Use Permit option for anyone desiring to site heating and filtering equipment for swimming pools to be closer than the twenty (20) feet rule would ministerially allow. Such a discretionary CUP review by the Planning Commission would:

- Assure the pool equipment noise & exhaust would not impede upon a neighboring homeowner.
- Assure that the equipment meets decibel levels appropriate for the situation, before installation.

- Assure involvement of neighboring properties owners as all property owners within 500' will be notified.
- Allow Commission to condition specifically to the situation instead of trying to apply blanket conditions to all properties.
- Allows homeowner with compelling cases to vary from the 20' rule if exhaust and noise can be mitigated to the satisfaction of opposing neighbors and the Planning Commission.
- Places the burden of proof on homeowners in the future to demonstrate their ability to mitigate concerns of effected neighbors.

All parties, including neighbors, property owner and realtor left the meeting pleased that a “win-win” situation resulted.

An amendment to the Zoning Code may be approved only if findings can be made in a positive manner, as applicable to the type of amendment. Staff is confident that the appropriate findings can be made that will provide internal consistency and avoid being detrimental to public convenience, health, interest, welfare and safety of the community.

A Categorical Exemption pursuant to Section 15305 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.

Fiscal Impact

None

Submitted By:

Approved By:

Steven A. Mendoza
Community Development Director

Jeffrey L. Stewart
City Manager

Attachments: 1) Draft Ordinance No. 10-01
2) Planning Commission Resolution No. 09-17
3) Planning Commission Unapproved Minutes and Related Staff Report of December 14, 2009