

Steve Cammarata, Chair
Michael Graf, Vice-Chair
Monica Dever, Commissioner
Joaquin Santos, Commissioner
Bob Steinbach, Commissioner
Brenda Stephens, Commissioner
Jim Thompson, Commissioner



Lomita City Hall
Council Chambers
24300 Narbonne Avenue
Lomita, CA 90717
Phone: (310) 325-7110
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Next Resolution No. PC 2022-05

AGENDA
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, JUNE 13, 2022
6:00 P.M.
HYBRID MEETING

PURSUANT TO AB361, THE PUBLIC AND COMMISSION MAY PARTICIPATE IN THIS MEETING VIA TELECONFERENCE AS SOCIAL DISTANCING MEASURES ARE RECOMMENDED BY STATE AND COUNTY OFFICIALS.

To participate in the meeting via a computer or smart device log in to ZOOM at the following link: <https://us06web.zoom.us/j/87040887055> or by phone by calling 1 (669) 900 6833. Meeting ID: **870 4088 7055**.

In order to effectively accommodate public participation, participants are asked to provide their comments via e-mail before **5:00 p.m. on Monday, June 13, 2022**, to l.abbott@lomitacity.com. Please include the agenda item in the subject line. All comments submitted will be read into the record until the time limit of five minutes has been reached.

All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

1. OPENING CEREMONIES

- a. Call Meeting to Order
- b. Flag Salute
- c. Roll Call

2. ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on subjects other than those scheduled are requested to do so at this time. Please provide your name and address for the record. In order to conduct a timely meeting, a 5-minute time limit per person has been established. Government Code Section 54954.2 prohibits the Planning Commission from discussing or taking action on a specific item unless it appears on a posted agenda.

3. CONSENT AGENDA

a) **APPROVAL OF MINUTES:** May 9, 2022, minutes

RECOMMENDED ACTION: Approve minutes.

4. CITY MANAGER UPDATE REGARDING CITY RESPONSE TO SB 9 (no staff report)

PUBLIC HEARINGS

5. **ALLEY VACATION**, a request to vacate approximately 2,850 square feet of the public alley located adjacent (south) to the property at 24516 Narbonne Avenue. The request would formally convert this portion of the alley into a publicly accessible paseo. This summary vacation is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. *(continued from the April 11, 2022, and May 9, 2022, Planning Commission meetings)*

APPLICANT: Luigi Schiappa of Luigi Schiappa Development, 2040 Lomita Blvd., Ste. 100, Lomita, CA 90717

PRESENTED BY: Assistant Planner Quintero

RECOMMENDED ACTION: Continue the public hearing to July 11, 2022.

6. **CONDITIONAL USE PERMIT NO. 319 & SITE PLAN REVIEW NO. 1213**, a request for a Conditional Use Permit to allow for uses listed in sec.11-1.58.04(A), a site plan review for a three-story, mixed-use building consisting of 1.198 square feet of commercial space and 11 apartments located at 24830-24838 Narbonne Avenue in the Commercial General / Mixed Use Overlay (C-G/MUO) Zone and confirm the categorical exemption.

Applicant: Tim Racisz, 22939 Hawthorne Boulevard, Suite 208, Torrance, CA 90505

PRESENTED BY: Associate Planner MacMorran

RECOMMENDED ACTION: Adopt resolution of approval subject to findings and conditions, and confirm that the project is exempt from CEQA requirements.

7. **ZONE TEXT AMENDMENT NO. 2022-01 AND GENERAL PLAN AMENDMENT NO. 2002-01** as follows:

Zone Text Amendment:

A. An amendment to Lomita Municipal Code Title Xi (Planning and Zoning), Chapter 1 (Zoning), revising the City's regulations for Accessory and Junior Accessory Dwelling Units and a determination that the Project Is Categorically Exempt from the California Environmental Quality Act (CEQA).

B. An amendment to Lomita Municipal Code Title Xi (Planning and Zoning), Chapter 1 (Zoning), establishing regulations relating to Urban Lot Splits and Two-Unit Residential Developments in single-family residential zones as allowed by the State of California

Senate Bill 9 and a determination that the Project Is Categorically Exempt from the California Environmental Quality Act (CEQA).

- C. An amendment to Lomita Municipal Code Title Xi (Planning and Zoning), Chapter 1 (Zoning), amending and revising the City's regulations for Article 15- Definitions, Article 30- Residential Zones, Article 49 D-C (Downtown Commercial), Article 58- Mixed Use Overlay District, Article 66 Off-Street, Parking, Storage and Loading, Article 70 – Zoning Ordinance Administration and a determination that the Project Is Categorically Exempt from the California Environmental Quality Act (CEQA).

General Plan Amendment:

An amendment to the Lomita General Plan Land Use Element to modify the allowable development intensity within the Agricultural Residential, Low Density Residential and Medium Density Residential categories.

Applicant: City of Lomita

PRESENTED BY: Planner Repp Loadsmann and Assistant Planner Quintero

RECOMMENDED ACTION: Adopt resolution recommending that the City Council approve Zone Text Amendment No. 2022-01 and adopt resolution recommending that the City Council approve General Plan Amendment No. 2022-01, and confirm the categorical exemption.

SCHEDULED MATTERS

8. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

9. PROJECT STATUS UPDATES

OTHER MATTERS

10. STAFF ITEMS – ANNOUNCEMENTS

11. PLANNING COMMISSIONER ITEMS

12. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Tuesday, July 5, 2022, and Tuesday, July 19, 2022

13. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Monday, July 11, 2022, at 6:00 p.m.

Written materials distributed to the Planning Commissioners within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the City Clerk's office at 24300 Narbonne Avenue, Lomita, CA 90717. In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, you should contact the office of the City Clerk,

(310) 325-7110 (Voice) or the California Relay Service. Notification 48-hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Only comments directed to the Commission from the podium will be recognized. Comments directed to the audience or generated from the audience will be considered out of order. Any person may appeal all matters approved or denied by the Planning Commission to City Council within 30 days of receipt of notice of action by the applicant. Payment of an appeal fee is required. For further information, contact City Hall at (310) 325-7110.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted not less than 72 hours prior to the meeting at the following locations: Lomita City Hall lobby and outside bulletin board, Lomita Parks and Recreation (Lomita Park), and uploaded to the City of Lomita website at <https://lomitacity.com/agendas-minutes/>.

Dated Posted: June 9, 2022



Linda E. Abbott, CMC
Deputy City Clerk

**MINUTES
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, MAY 9, 2022
6:00 P.M.**

1. OPENING CEREMONIES

a. Chair Cammarata called the meeting to order at 6:01 p.m. via teleconference pursuant to Governor Newsom's Executive Order N-29-20 issued on March 17, 2020.

b. Roll Call

Responding to the roll call by Deputy City Clerk Abbott were Commissioners Dever, Santos, Stephens, Thompson, Vice-Chair Graf, and Chair Cammarata. Also present were Assistant City Attorney Donegan, Planner Repp Loadsmán, Assistant Planner Quintero, Associate Planner MacMorran, and Public Works Director Dillon (all participated via Zoom).

PRESENT: Dever, Santos, Steinbach (arrived at 6:03 p.m.), Stephens, Thompson, Vice-Chair Graf, and Chair Cammarata

ABSENT: None

2. ORAL COMMUNICATIONS

None.

3. CONSENT AGENDA

a) **APPROVAL OF MINUTES:** April 11, 2022, minutes

RECOMMENDED ACTION: Approve minutes.

Commissioner Thompson made a motion, seconded by Commissioner Stephens, to approve the minutes of the April 11, 2022, Planning Commission meeting.

MOTION CARRIED by the following vote:

AYES: Dever, Santos, Stephens, Thompson, Vice-Chair Graf, and Chair Cammarata

NOES: None

ABSENT: None

RECUSED: Steinbach

PUBLIC HEARINGS

4. **ALLEY VACATION**, a request to vacate approximately 2,850 square feet of the public alley located adjacent (south) to the property at 24516 Narbonne Avenue. The request would formally convert this portion of the alley into a publicly accessible paseo. This summary vacation

is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations. Applicant: Luigi Schiappa of Luigi Schiappa Development, 2040 Lomita Blvd., Ste. 100, Lomita, CA 90717. *(continued from the April 11, 2022, Planning Commission meeting)*

Assistant Planner Quintero stated that City staff continues to work with the applicant on the project plans and is meeting with neighboring property owners to discuss the project.

Chair Cammarata recused himself as Mr. Schiappa is a client of his business.

Vice-Chair Graf made a motion, seconded by Commissioner Santos, to continue this item to the Monday, June 13, 2022, meeting.

MOTION CARRIED by the following vote:

AYES: Dever, Santos, Steinbach, Stephens, Thompson, and Vice-Chair Graf
NOES: None
ABSENT: None
RECUSED: Chair Cammarata

5. **AMENDMENT TO CONDITIONAL USE PERMIT NO. 311**, a request to allow the sale of distilled spirits, beer and wine for on-site consumption at a 4,391-square-foot restaurant located at 1841 Pacific Coast Highway in the C-R (Commercial Retail) Zone. Applicant: Emil Lewis, 1841 Pacific Coast Highway, Lomita, CA 90717.

Associate Planner MacMorran presented the staff report as per the agenda material.

Chair Cammarata invited Emil Lewis, the applicant, to speak.

Mr. Lewis stated that he understands the responsibilities that come with serving alcohol and appreciates the opportunity to do business in Lomita.

Chair Cammarata opened the public hearing at 6:22 p.m. As there were no requests from the public to speak on this item, Chair Cammarata closed the public hearing at 6:22 p.m. and brought the item back to the Commission for further discussion or a motion.

Commissioner Thompson made a motion, seconded by Commissioner Santos, to adopt a resolution of approval subject to findings and conditions, and confirm that the project is exempt from CEQA requirements.

MOTION CARRIED by the following vote:

AYES: Dever, Santos, Steinbach, Stephens, Thompson, Vice-Chair Graf, and Chair Cammarata
NOES: None
ABSENT: None

SCHEDULED MATTERS

6. **REVIEW** Proposed Fiscal Year 2022-2023 Capital Improvement Program and 2022-2027 Capital Improvement Program for Consistency with the General Plan. Applicant: City of Lomita.

Associate Planner MacMorran presented the staff report as per the agenda material.

Commissioner Santos made a motion, seconded by Commissioner Stephens, to adopt a resolution recommending to the City Council that the projects being considered for the Fiscal Year 2022-2023 Capital Improvement Program and the 2022-2027 Five-Year Capital Improvement Plan are consistent with the Lomita General Plan and should be accepted by the City Council for inclusion in the Five-Year Capital Improvement Plan.

MOTION CARRIED by the following vote:

AYES: Dever, Santos, Steinbach, Stephens, Thompson, Vice-Chair Graf, and Chair Cammarata
NOES: None
ABSENT: None

7. **WORKSHOP** to consider an update to Accessory Dwelling Units (ADU) regulations, establishment of permanent regulations for Urban Lot Splits and Two-Unit Development (SB 9) and revised development standards to increase density for Multiple Single-Family Units in the A-1 and R-1 Zones. Applicant: City of Lomita.

Assistant Planner Quintero and Planner Repp Loadsman presented the staff report as per the agenda material. Ms. Repp Loadsman emphasized that if the City does not adopt its own ordinance, then it must comply with the State's which will be more restrictive.

Chair Cammarata opened the public hearing at 8:24 p.m.

Ricky De La Rosa stated that the ADU guidelines created by City staff will allow for the architectural aspects to enhance or even keep such new developments as close to single family home quality as originally intended.

As there were no further requests from the public to speak on this item, Chair Cammarata closed the public hearing at 8:29 p.m. and brought the item back to the Commission for further discussion or a motion.

The Commission expressed concerns with SB 9's requirements.

Commissioner Thompson made a motion, seconded by Commissioner Santos, to encourage the City Council to join in associated SB 9-related litigation with other cities; and to direct staff to prepare an ordinance amendment to be presented at the June 13, 2022, meeting addressing the housing issues discussed during this workshop and as identified by staff, with the exception of not requiring an attached accessory dwelling unit for proposed dwellings over 2,500 square feet, and identifying the size of an efficiency unit as 220 square feet.

MOTION CARRIED by the following vote:

AYES: Dever, Santos, Steinbach, Stephens, Thompson, Vice-Chair Graf, and Chair Cammarata
NOES: None
ABSENT: None

8. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

Planner Repp Loadsman had nothing to report.

9. PROJECT STATUS UPDATES

Chair Cammarata requested a written update for the next meeting.

Associate Planner MacMorran provided a brief update on the development next to Lomita Sheriff's Station.

OTHER MATTERS

10. STAFF ITEMS – ANNOUNCEMENTS

Planner Repp Loadsman stated that the City is seeking candidates for Director of Community and Economic Development. She also stated that the June 13, 2022, Planning Commission meeting will likely be a longer one.

11. PLANNING COMMISSIONER ITEMS

Vice-Chair Graf requested that hard copies of the meeting packets be delivered on the Wednesdays prior to the meetings to allow Commissioners adequate time for review.

Commissioner Dever inquired regarding a new market in Lomita. Planner Repp Loadsman stated that there will be an announcement soon.

Commissioner Dever asked the status of the sports bar near Good Life Café. Associate Planner MacMorran stated that their entitlement expires tomorrow, and the applicant is looking into other options, as the costs to operate a restaurant there are prohibitive.

Commissioner Steinbach apologized for missing the April 11, 2022, Planning Commission meeting.

In response to a question from Commissioner Thompson, Planner Repp Loadsman stated that the former supermarket location (including the parking lot) on Pacific Coast Highway is now owned by just one entity.

12. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Commissioner Stephens will attend the City Council meeting on Tuesday, June 7, 2022.
Commissioner Santos will attend the City Council meeting on Tuesday, June 21, 2022.

13. DISCUSSION OF HYBRID MEETINGS *(continued from the April 11, 2022, Planning Commission meeting)*

It was the consensus of the Planning Commission to meet via hybrid (both in-person and virtually) meetings at least for the foreseeable future.

14. ADJOURNMENT

There being no further business to discuss, Chair Cammarata adjourned the meeting at 8:51 p.m.

Linda E. Abbott, CMC
Deputy City Clerk



**CITY OF LOMITA
PLANNING COMMISSION REPORT**

TO: Planning Commission June 13, 2022
FROM: Lemesis Quintero, Assistant Planner
SUBJECT: Vacation of a Portion of Public Right-of-Way Adjacent to 24516 Narbonne Avenue, in the D-C (Downtown Commercial) Zone

BACKGROUND

This item is continued from the April 11, 2022, Planning Commission meeting. At the regularly scheduled meeting of May 09, 2022, the Planning Commission voted to continue this item to the June 13, 2022, meeting. Of paramount concern to the Planning Commission were issues of safety and discrepancies in the plans submitted by the applicant. Staff has since held multiple meetings with the applicant and adjacent business owner (Burnin Daylight) to discuss the proposed use and design of the alley. Staff is currently continuing to work with the applicant, reviewing site plans, and is arranging to meet with neighboring property owners to discuss the project.

PROJECT DESCRIPTION

A request to vacate approximately 2,850 square feet of the public right-of-way adjacent (south) to the property located at 24516 Narbonne Ave. The request would formally convert this portion of the public right-of-way into a publicly accessible paseo, as originally envisioned for the mixed-use development at 24516 Narbonne Ave. City Council added conditions of approval to the original entitlements for the mixed-use development requiring a vacation to formally convert the space to private property and ensure the public paseo was achieved. The applicant returns to the Planning Commission to do so. The proposed public right-of-way vacation requires the finding of conformity to the General Plan by the Planning Commission.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission continue the item to the Planning Commission meeting scheduled for Monday July 11, 2022.

Recommended by:

Handwritten signature of Sheri Repp Loadsman.

Sheri Repp Loadsman
Planner

Prepared by:

Handwritten signature of Lemesis Quintero.

Lemesis Quintero
Assistant Planner



**CITY OF LOMITA
PLANNING COMMISSION REPORT**

TO: Planning Commission

June 13, 2022

FROM: Laura MacMorran, Associate Planner

SUBJECT: Conditional Use Permit No. 319, Site Plan Review No. 1213, and Density Bonus No.1, 24830-24838 Narbonne Avenue in the Commercial General (C-G)/Mixed Use Overlay (MUO) Zone

APPLICANT'S REQUEST

The applicant is requesting a conditional use permit to allow for residential and commercial uses listed in Sec. 11-1.58.04(A), and a site plan review for a three-story, mixed-use project consisting of a 1,198 commercial space, 11 apartments, and 23 parking spaces. The project also includes a density bonus to increase the project density to eleven (11) units, including one apartment being provided to a very low-income household and requests a reduction in the percentage of non-residential space and adjustment to parking. This project is categorically exempt from California Environmental Quality Act per Section 15332. Filed by Tim Racisz, 22939 Hawthorne Blvd. Suite 208, Torrance, CA 90505 ("Applicant")

RECOMMENDATION

Staff recommends the Planning Commission adopts the resolution to approve Conditional Use Permit No. 319, Site Plan Review No. 1213, Density Bonus No. 1 and the corresponding CEQA Categorical Exemption, subject to the conditions of approval contained in the attached draft resolution.

Density Bonus No. 1 has been administratively reviewed by staff and the City Attorney's Office. The analysis is included in the staff report to explain the Conditional Use Permit and Site Plan Review's deviations from the City's development requirements.

BACKGROUND

The site formerly contained three detached buildings. According to building permit and Assessor records, 24830 Narbonne Avenue had a building permit for a single-family home. 24832- 24838 Narbonne Avenue had a building permit for commercial stores. The third building was issued a building permit in 1950 for 720-square-foot garage and utility room.

Existing Conditions

The property is located one lot north of the corner of Narbonne Avenue and 250th Street. The flat site consists of two tied lots. Combined the property is 100 feet wide and 132.5 feet deep with a

total size of 13,250 square feet. Two driveway aprons intersect with Narbonne Avenue and there is a power pole in the right-of-way south of the southerly driveway apron. All of the structures were demolished earlier this year.

ANALYSIS

General Plan Designation

The General Plan designation for the subject property is Commercial with a Mixed-Use Overlay. The overlay designation applies to portions of Narbonne Avenue and Lomita Boulevard and allows for multi-family developments with a maximum development intensity of 2.0 to 1.0. The density is 22 units an acre. This project uses the 22 units an acre as a base density but has greater density due to the density bonus.

Zoning Designation

The zoning designation for the subject property is C-G (Commercial General) with a Mixed-Use Overlay. The C-G Zone provides for regional commercial needs. The Mixed-Use Overlay allows for vertical and horizontal mixed land uses and contains flexible development standards to encourage reuse of properties with minimum lot areas of 10,000 square feet at higher residential densities and low-intensity commercial uses.

Adjacent Zoning and Land Uses

The subject property is surrounded by R-1 zoned properties.

North	C-G (Commercial General) Land use: Assembly Hall (Kiwanis Club)
South	C-G (Commercial General) Land use: Commercial (Epic Golf)
West	C-G (Commercial General) Land use: Commercial (Gracie Brazilian Jiu Jitsu)
East	R-1 (Residential, Single Family) Land use: Residential Two separate single-family dwellings one with ADU

Traffic Impacts

Staff reviewed recent traffic studies prepared for development projects located at 2200 248th Street/24705 Narbonne Avenue (Brownstone) and 25014 Narbonne/2154 250th Street's. Each of the mixed-use projects contained more residential units and commercial space than this project so the data can be applied to this project.

Both studies indicated that the projects would contribute only slightly to traffic congestion and no mitigation measures were required. Due to this project's smaller size, a traffic study was determined to be unnecessary. This project will be less impactful, therefore would not require any mitigation measures. Voluntarily, the project contains secured residential bike areas. Due to Narbonne Avenue's dedicated bike lane and convenient ground floor bike spaces, increased bike use is anticipated.

To reduce automobile environmental impacts, the State has implemented vehicle miles traveled (VMTs) analysis to measure vehicle trips' generation of greenhouse gases (GHG). The State's Office of Planning and Research (OPR) recommends a screening process for project types known to be low VMT generators. Projects meeting a screening criterion can be determined to have a less than significant VMT impact without conducting a quantitative VMT analysis. If a project cannot be screened, CEQA analysis is necessary.

OPR's Technical Advisory lists several project types that can be screened from VMT analysis. Specifically, small projects generating fewer than 110 trips per day can be screened. Per OPR, a project consisting of 10,000 square feet or less of nonresidential space and residential projects less than 20 units qualify as a small project type because they do not generate a considerable amount of trips and thus greenhouse gases.

Parking Analysis

The project is providing 23 parking spaces. 17 residential parking spaces are located in an enclosed common garage and six commercial and guest spaces are located on an unenclosed surface lot. All required accessible parking is included on the plans.

Under State Density Bonus Law, the applicant has requested use of the law's residential parking ratio and a waiver to reduce commercial parking. The project is providing 17 residential parking spaces but is required to only provide 15. (See the table below) These "extra" two spaces are earmarked as residential because they are not easily accessible to commercial users. The commercial parking is less than the code's minimum requirement and the waiver is discussed in the Density Bonus section of this report.

The following table compares the City's parking requirements to the proposed onsite parking. Please note that the City's residential parking requirements are based on unit size and the Density Bonus parking requirements are based on unit type, so the project's three one-bedroom >700 square-foot units are accounted for in the 2-bedroom >700 square-foot category.

Use	Number of Bedrooms, or Size of Commercial Area	Minimum # of Spaces Required per LMC Sec.11-1.66	Parking Ratio per State Density Bonus Law	Number of Spaces Provided
1-Bedroom/	3 one-bedrooms	6	1 space/unit	3
2-Bedroom	8 two-bedrooms	16	1.5 space/unit	14
Guest		3	0	0
Retail/Office**	1, 198 sq. ft.	8	n/a	6
TOTAL PARKING		33		23

** One (1) parking space for each three hundred (300) square feet of gross floor area, but not less than eight (8) parking spaces for new buildings

The project's design possesses several functional and beneficial characteristics. A common garage ensures that the parking stalls will be used for vehicle parking and not storage, recreation areas or converted to ADUs. As stated above residential and commercial bike storage areas have been included in the design. Finally, by removing one of the existing two driveway depressions, an additional on-street parking space will be created. As a practical matter this new on-street parking space benefits not just this property, but surrounding properties too.

The minimum parking requirement for any commercial building is eight parking spaces pursuant to Sec. 11-1.66.03(B). The reduction to provide six commercial parking spaces is considered nominal. The small size of the tenant space is not anticipated to create a significant demand for parking. Utilizing the 1/300 parking ratio for office and retail uses, only four parking spaces would be required. The guest parking will share the commercial parking spaces and will likely be utilized at different times.

Landscape Review

Two landscape requirements apply to the project: 1) 25% of the open space must be landscaped, and 2) 6% of the parking lot area must be landscaped. Based on the 11 units, 2,200 square feet of open space is required. 25% of the required open space calculates to 550 sq. ft. The 10-foot rear yard setback will be landscaped and provide 990 square feet of landscaped open space. The rest of the open space is achieved through private and common areas. The uncovered parking lot area contains 3,084 square feet making the 6% minimum landscape requirement 185 square feet. This project qualifies 2'2" of width from the front 7'2" wide landscape bed and the 8'10 x 19' landscape bed adjacent to stall number 6 to provide a combined 209 square feet of parking lot landscaping.

Also worth noting is that one parking lot tree and two parkway trees are required.

Development Standards

The project has been reviewed for compliance with the General Plan's Land Use Element and is subject to the City's development standards as follows:

LMC Development Standard	Project	Allowed/Required	Compliance
Zone	C-G/MUO	C-G/MUO	Yes
Minimum Lot Size	13,250 sq. ft.	10,000 sq. ft.	Yes
F.A.R.	20,622 sq. ft./13,250 sq ft. =-1.56:1	2:1	Yes
Setbacks	Front: 0' Side: 0' Rear: 10'0"	Front: 0' Side: 5'0"/0'0" Rear: 10'0"	Yes Yes Yes
Min Unit Size			
One Bedroom	792 sq. ft.	700 sq. ft. minimum	Yes
Two Bedroom	1,067 sq. ft.	900 sq. ft. minimum	Yes

LMC Development Standard	Project	Allowed/Required	Compliance
Building Height	35'0"	35'0"	Yes
Ground Floor Building Coverage	28' of windows/40'10" of frontage =70%	50% of the total ground floor building frontage shall have windows	Yes
% of Non Residential Uses	9.5%	30%	No*
Open Space	Common: 13'x 30' & 390 sq. ft. & Balconies:1,423 sq. ft. & Rear Yard: 990 sq ft. Total= 2,803 sq. ft.	Common open space min. 10' width & 200 sq. ft. 200 sq. ft./unit Total= 2,200 sq. ft.	Yes Yes
	Landscape= 990 sq. ft.	25% of open space landscaped =550 sq. ft.	Yes
Underground Utilities	Will underground	Must Underground	Yes
Walls	6'-high wall along rear residential property line	6'-high wall along rear residential property line	Yes
Off-Street Parking	23 spaces (17 residential/ 6 commercial)	Residential: Units greater than 701 sq. ft. 2 spaces & .25 guest parking spaces =26	No*
		Commercial Single-Tenant: 1,198-sq.ft. - 300 sq. ft.	No*
Parking Lot Landscaping	209 sq. ft. 5' wide bed along frontage 1 tree /6 parking spaces	185 sq. ft.	Yes
		5' wide bed along frontage	Yes
		1 tree /10 parking spaces	Yes
Trees	2 trees (40'10" building frontage)	1 tree for each 30' of building frontage	Yes
Parking Lot Design	1. Res. stall: 9' x 20' 2. Non-Res. stall: 9' x 19' 3. Space adj. to wall: 10' 4. 10' turnaround at	1. Res. stall: 9' x 20' 2. Non-Res. stall: 9' x 19'	Yes Yes Yes Yes

LMC Development Standard	Project	Allowed/Required	Compliance
	single-access aisle	3.Space adj. to wall: 10' 4.10' turnaround at single-access aisle	
Parking Facility Standards	2 Residential ADA stalls 1 Commercial ADA stall	Building Code Reqs. 2 Residential ADA stalls 1 Commercial ADA stall	Yes Yes
Perimeter Wall	6' high solid masonry wall	6' high solid masonry wall	Yes
Trash Area	10' x 19' enclosed area with separate bins for various types of waste	Comply with State and Building Code Requirements.	Yes
Right-of-Way Improvements	Will replace all driveway aprons, curbs, gutters, and create a landscaped parkway with trees	Public Works Requirements & Narbonne Parkway Design	Yes

*With approval of Density Bonus

Density Bonus

The State Density Bonus Law, which is found in California Government Code Sec. 65915 (Exhibit H), allows a project to build at a higher density in exchange for creating affordable housing. The project will have a 55-year affordability housing covenant agreement with the City. The resolution contains a condition requiring recording of the document prior to grading permit issuance.

Per the current General Plan's MUO density, 22 units per acre are allowed (this density will increase to 30 units/acre pursuant to implementation of Program 14 in the updated Housing Element). Without a density bonus the project is entitled to 6.69 units. This value is considered the base density. Government Code Sec. 65915(q), states that "any density calculation, including base density and bonus density resulting in fractional units shall be separately rounded to the next whole number." Therefore, the base density becomes 7.

The amount of density bonus is based upon a sliding scale and determined by the percentage of affordable units and household income type assigned to the unit(s) produced in the development. This project allocates one two-bedroom unit to a very low-income household. With 14.2% of the project (1 of 7 units) providing housing to a very low-income household, the project is entitled to a 46.25% density bonus. This bonus (7*.4625) calculates with rounding to 4 units, making the project eligible for 11 units.

In addition to the bonus units, the City is also required to provide a certain number of incentives or

concessions, and any number of reductions/waivers from development standards that would physically preclude the construction at the densities allowed. Like the allocation of bonus units, the number of incentives and concessions awarded is based on the percentage of affordable units. For projects with at least 10% of the units allocated to very low-income households, two incentives or concessions are awarded.

A city must grant requests, unless written findings, based on substantial evidence, can be made that either the incentive(s) or concession(s) does not result in identifiable cost reductions, the incentive or concession would have a specific, adverse impact upon public health, safety or the environment, or the incentive or concession would be contrary to state law.

Development requirements, physical space, and construction costs are interconnected development components. In some cases, a different design could achieve the development requirements, but the measures necessary to satisfy all the requirements are so costly that a project (and the affordable unit) would not be built, unless concessions or waivers are granted.

Such is the case with this project. The site has physical constraints to creating additional commercial parking and creating additional square footage without making the project financially infeasible. The ground floor lacks available space for commercial parking without either removing more commercial space or relocating some of the ground floor commercial to the upper floor, which could force the removal or reduction in size of residential units. The developer did evaluate subterranean and above-ground parking. For a development of this size, the cost for the additional spaces would make the entire project infeasible. In addition, the physical space required for the ramp, and structural supports, would take away from the ground-floor parking and the net gain would be nominal due to the loss of ground floor space. Similarly, building the additional commercial square footage is physically impossible on the ground floor due all the other features, such as trash, stairs, landscaping, parking, transformer, commercial bike parking, and sightline setbacks which have no alternative location except the ground floor. The option to create commercial space on the second floor without onsite additional parking to support the commercial tenants' needs is anticipated to cause higher vacancy and rents below cost. This scenario would also make the project financially infeasible. It should be noted that the amount of required commercial space increased due to the additional bonus residential square footage. In comparison to previously built mixed-use projects, this project is providing comparable percentage of commercial space.

FINDINGS

The CUP, site plan review and density bonus's findings, which are identical to those contained in the resolution, follow.

Conditional Use Permit Findings

Per Section 11-1.58.04(A), premises int MUO Zone may be use for residential uses, beauty salons, pick-up dry cleaning, markets, professional offices, medical offices, restaurants, retail sales, and other compatible uses determined by the Community and Economic Development Director.

Staff reviewed the project in accordance with Section 11-1.70.09 (Conditional Use Permit) and determined that the project is consistent with the following findings:

- 1) *The proposed use is allowed within the District with approval of a CUP and complies with all other applicable requirements of this Article.*

The project consisting of 1,198 square feet of commercial space and eleven residential units complies with Mixed Use's Article 58 with approval of a CUP, except the percentage of commercial space and number of commercial parking spaces has been reduced in accordance with Government Code Sec. 65915.

- 2) *The proposed use is consistent with the General Plan.*

The General Plan designates this site as Commercial with a Mixed-Use Overlay. The proposed project is a contains commercial and residential uses, and consistent with the General Plan's land use designation. The project's base density matches the General Plan's density of 22 units an acre and has been increased to 36 units/acre due to State Density Bonus law. The floor area ratio for the project is 1.56:1.0 and the General Plan allows for 2.0:1.0

- 3) *The design, location, size, and operating characteristics are compatible with existing and future land uses, building and structures in the vicinity and the proposed use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity.*

The project is designed with commercial space and parking on the ground floor, and residential dwellings on the second and third floors. The interior 13,250-square-foot lot exceeds the Code minimum lot size. 41% of the frontage is ground-floor-commercial space and is orientated towards the street. The ground-floor street-facing commercial unit is consistent with the commercial land uses and will activate the street.

The proposed mixed-use project is compatible with the surrounding commercial and assembly (Kiwanis) uses, which currently exist along Narbonne Avenue, 250th Street, and the residential uses that are located on 250th Street and Woodward Avenue, as well as future land uses which are expected to be commercial and residential.

Specifically, the project's residential use is setback 10 feet from the residential dwellings on Woodward Avenue and is located alongside the two southerly residential dwellings on 250th Street (this property is zoned C-G/MUO). A six-foot masonry wall will be built on the easterly property line where not existing and a portion of the northerly property line.

The site provides adequate circulation in compliance with the Zoning Code requirements. Pedestrian and ADA access is separated from the vehicular access points. The property will eliminate one of the two existing driveway aprons, which creates an additional street parking space for all. In addition, separate commercial and residential bike spaces/ storage will promote bike travel.

Per Article 58, businesses operating in a mixed-use development cannot operate after 10:00 p.m. or before 7:00 a.m. and the uses allowed in the zone are compatible with existing and future residential and commercial uses.

For these reasons, the project will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to other property or persons in the vicinity.

- 4) *The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this chapter, or as required as a condition in order to integrate the use with the uses in the neighborhood.*

The site design contains landscaping, open space, trash area, parking stalls, including accessible stalls, bike parking, pedestrian walkways, a rear yard setback, walls and utilities, that integrate the commercial-residential use into the neighborhood. Unenclosed commercial parking abuts Narbonne Avenue and is buffered by a 7-foot-wide landscape bed. A portion of the building is recessed from Narbonne Avenue which allows for unobstructed sightlines to improve visibility for pedestrians and vehicles.

- 5) *The site is serviced by highways and streets adequate to carry the kind and quality of traffic such use would generate.*

The project site will be accessed from Narbonne Avenue which is a designated secondary highway within the City. Narbonne Avenue also has a bike lane, and the site provides residential and commercial bicycle storage. Traffic studies from two other recent projects on Narbonne Avenue found that a project of this size will have a minimal impact on traffic.

Site Plan Review Findings

Per Section 11-1.58.03, new buildings in the MUO Zone & shall be to the satisfaction of the Planning Commission and pursuant to the provisions of Section 11-1.70.07, "Site Plan Review". After reviewing the proposed development in accordance with Article 70, staff has determined that the proposed project is consistent with the following required findings:

1. *The Site Plan complies with all applicable provisions of Title 11.*

As set forth in the staff report, the proposed project complies with all the development standards in Title 11, except for the project's percentage of commercial area, and the off-street parking ratios. These requirements qualify for the Density Bonus law's exceptions.

2. *The site is suitable for the particular use or development intended, and the total development, including the application of prescribed development standards, is arranged as to avoid traffic congestion, will not adversely affect public health, safety and general welfare, will not have adverse effects on neighboring property and is consistent with all elements of the General Plan.*

The 13,250-square-foot site exceeds the minimum lot size for a mixed-use project and has 100 feet of street frontage. The project has incorporated the prescribed development standards is arranged to not cause traffic congestion, will not adversely affect public health, safety, and general welfare, will not have adverse effects on neighboring property and is consistent with all elements of the General Plan.

Specifically, the site will have only one-curb cut and will intersect with a secondary roadway. The building is set away from this property's driveway and the neighboring property's driveway to ensure adequate sightlines. The site is furnished with utilities, particularly water and sewer so it will not adversely affect public health, and the site will contain a six-foot-high masonry wall along the property line shared with the single-family-zoned properties. Last the site complies with all elements of the General Plan and implements the Land Use Elements designation and Housing Elements housing and affordability goals.

3. *The development design is suitable and functional. This requirement shall not be interpreted to require a particular style or type of architecture.*

The development design incorporates two uses into one building. The commercial space is located on the ground floor. It is orientated towards the street and storefront exceeds the percentage of window area requirement. A seven-foot-wide landscape bed buffers the unenclosed commercial parking area. The unimpeded access will facilitate its use. One driveway apron and aisle serve both the residential and commercial parking areas, and all parking stalls and aisle meet the city's required size. The design accommodates non/vehicle ingress and egress. The trash area, utility meters, and transformer away from street but are accessible.

The residential units are on the second and third floors. The 390-square-foot common open space area exceeds the minimum standard, and each unit has some private open space. The units fronting Narbonne Avenue have their kitchens closest to the street and bedrooms towards the building's center. The parking for the residential units is enclosed and contains, electrical vehicle charging station, some storage and bike parking. This design provides both security and avoids conflicts with commercial users.

Density Bonus Findings

State law has changed since the City adopted its density bonus code. The following findings address the municipal code (Sec. 11-1.52) and state requirements.

- 1) *The project complies with Government Code 65915 density bonus calculations.*

Per the current General Plan's MUO density, 22 units per acre are allowed (this density will increase to 30 units/acre pursuant to implementation of Program 14 in the updated Housing Element). Without a density bonus the project is entitled to 6.69 units. This value is considered the base density. Government Code Sec. 65915(q), states that "any density calculation, including base density and bonus density resulting in fractional units shall be separately rounded to the next whole number." Therefore, the base density becomes 7.

The amount of density bonus is based upon a sliding scale and determined by the percentage of affordable units and household income type assigned to the unit(s) produced in the development. This project allocates one two-bedroom unit to a very low-income household. With 14.2% of the project (1 of 7 units) providing housing to a very low-income household, the project is entitled to a 46.25% density bonus. This bonus calculates with rounding to 4 units, making the project eligible for 11 units.

2) The concession is required to ensure housing costs meet the affordability standards, as defined in Health and Safety Code § 50052.5, or any successor statute or regulation, or to ensure rents in the affordable units meet the requirements of this Article

The ground floor lacks available space for commercial parking without either removing more commercial space or relocating some of the ground floor commercial to the upper floor, which could force the removal or reduction in size of residential units. The developer did evaluate subterranean and above-ground parking. For a development of this size, the cost for the additional spaces would make the entire project infeasible. Subterranean parking is projected to cost \$1,540,000 or \$200 per square foot for a 7,700-square-foot lower level. The above-ground option was estimated to cost over \$2,000,000. In addition, the physical space required for the ramp, and structural supports, would take away from the ground-floor parking and the net gain would be nominal due to the loss of ground floor space. Similarly, building the additional commercial square footage is physically impossible on the ground floor due all the other features, such as trash, stairs, landscaping, parking, transformer, commercial bike parking, and sightline setbacks which have no alternative location except the ground floor. The option to create commercial space on the second floor without onsite additional parking to support the commercial tenants' needs is anticipated to cause higher vacancy and rents below cost. This scenario would also make the project financially infeasible. It should be noted that the amount of required commercial space increased due to the additional bonus residential square footage. In comparison to previously built mixed-use projects, this project is providing comparable percentage of commercial space.

3) The concession does not have a specific adverse impact, as defined in Government Code § 65589.5 upon public health and safety, or physical environment, or any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

The project with or without meeting all the development requirements does not have any adverse impact on public health and safety, or physical environment, or any real property that is listed in the California Register of Historical Resources.

4) The waiver from a development standard or reduction in development standards is necessary because development standard(s) would physically preclude the construction at the densities allowed.

No waivers or reductions in development standards are requested. Although, the site's size and configuration have limited ability to accommodate all the development standards, design

options to satisfy those standards would result in cost-prohibitive solutions, which is the reason for the commercial parking and commercial square footage concessions.

Environmental Determination

In accordance with Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as in-fill development meeting the conditions described in that section may be found to be exempt from the requirements of CEQA. The proposed mixed-use project consists of 1,198 square feet of commercial space and 11 residential units for a total building area of 20,682 square feet. The development is consistent with the applicable general plan and zoning designation, is fully located within city limits and is on less than five acres, is fully served by all required utilities, the site has no value for sensitive or endangered habitat. Further the project will not contain any use that cause excessive noise, pollute the air, or material affect traffic, nor will any use pollute the ground water. Last, stormwater drainage requirements will be met. It is determined that there is no substantial evidence that the project may have a significant effect on the environment and is requesting the Planning Commission confirm the Categorical Exemption.

Public Notice

Notice of this hearing, dated May 31, 2022 was mailed to property owners within 300 feet of the subject property and posted at the subject site, City Hall, Lomita Park and on the web page. As of the date this staff report was prepared, written correspondence against this specific proposed project is attached.

Recommended by:



Sheri Repp Loadsman
Planner

Prepared by:



Laura MacMorran
Associate Planner

EXHIBITS:

- A. Draft Resolution
- B. Vicinity Map
- C. Zoning Map
- D. General Plan Map
- E. Aerial Photograph
- F. Notice of Exemption
- G. Site Plan, Elevations, & Floor Plan
- H. State Density Bonus Law Gov. Code Sec. 65915
- I. Affordable Housing Agreement Example

RESOLUTION NO. PC 2022-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING CONDITIONAL USE PERMIT NO. 319 SITE PLAN REVIEW NO. 1213, AND DENSITY BONUS NO. 1 TO ALLOW FOR COMMERCIAL AND RESIDENTIAL MIXED USES AS LISTED IN SECTION 11-1.58.04(A), A SITE PLAN REVIEW FOR A THREE-STORY, MIXED-USE BUILDING CONSISTING OF 1,198 SQUARE FEET OF COMMERCIAL SPACE, 11 RESIDENTIAL UNITS LOCATED AT 24830-24838 NARBONNE AVENUE IN THE COMMERCIAL GENERAL (C-G) ZONE WITH A MIXED USE OVERLY DISTRICT AND CONFIRM THE CATEGORICAL EXEMPTION. FILED BY TIM RACISZ, 22939 HAWTHORNE BOULEVARD, SUITE 208, TORRANCE, CA 90505 (“APPLICANT”).

Section 1. Recitals

- A. The City of Lomita received an application to permit for commercial and residential mixed used development consisting of 1,198 square feet of commercial space, and 11 apartments in located at 24830-24838 Narbonne Avenue in the Commercial-G/Mixed Use Overlay (C-G/MUO) zone. Filed by Tim Racisz, 22939 Hawthorne Boulevard, Suite 208, Torrance, CA (“Applicant”).
- B. On June 13, 2022, the Planning Commission held a duly noticed public hearing and accepted public testimony.
- C. The subject site is zoned Commercial General/ (C-G) with a Mixed-Use Overlay district and designated Commercial with a Mixed-Use Overlay by the City’s General Plan.
- D. Section 11-1.58.04(A). of the Lomita Municipal Code allows for a mixed configuration of residential units and specified commercial uses with a conditional use permit.
- E. Section 11-1.45.04(1) of the Lomita Municipal Code requires the Planning Commission review the site plan of any use where new buildings are proposed.
- F. California Government Code Section 65915 et seq., which supersedes Section 11.1.52 of the Lomita Municipal Code, allows a project to build at a higher density in exchange for creating affordable housing unit, and to receive development standard concessions, incentives, and/or waivers when certain circumstances exist.
- G. Section 15332 (Infill Development) of the California Environmental Quality Act guidelines exempts projects characterized as in-fill development meeting the conditions described in that section. The proposed mixed-use project consists of 1,198 square feet of commercial space and 11 residential units for a total building area of 20,682 square feet. The development is consistent with the applicable general plan and zoning designation, is fully located within city limits and is on less than five acres, is fully served by all required utilities, the site has no value for sensitive or endangered habitat. Further the project will not contain any use that cause excessive noise, pollute the air, or material affect traffic, nor will any use pollute the ground water. Last, stormwater drainage requirements will be met.
- H. The Planning Commission finds that the applicant agrees with the necessity of, and accepts all elements, requirements, and conditions of this resolution as being a reasonable

manner of preserving protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

Section 2. Pursuant Section 11-1.70.09 (Conditional Use Permit) of the Lomita Municipal Code, after reviewing the proposed development, it is determined that the proposed project is consistent with the following required findings:

- 1) *The proposed use is allowed within the District with approval of a CUP and complies with all other applicable requirements of this Article.*

The project consisting of 1,198 square feet of commercial space and eleven residential units complies with Mixed Use's Article 58 with approval of a CUP, except the percentage of commercial space and number of commercial parking spaces has been reduced in accordance with Government Code Sec. 65915.

- 2) *The proposed use is consistent with the General Plan.*

The General Plan designates this site as Commercial with a Mixed-Use Overlay. The proposed project is a contains commercial and residential uses, and consistent with the General Plan's land use designation. The project's base density matches the General Plan's density of 22 units an acre and has been increased to 36 units/acre due to State Density Bonus law. The floor area ratio for the project is 1.56:1.0 and the General Plan allows for 2.0:1.0

- 3) *The design, location, size, and operating characteristics are compatible with existing and future land uses, building and structures in the vicinity and the proposed use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity.*

The project is designed with commercial space and parking on the ground floor, and residential dwellings on the second and third floors. The interior 13,250-square-foot lot exceeds the Code minimum lot size. 41% of the frontage is ground-floor-commercial space and is orientated towards the street. The ground-floor street-facing commercial unit is consistent with the commercial land uses and will activate the street.

The proposed mixed-use project is compatible with the surrounding commercial and assembly (Kiwanis) uses, which currently exist along Narbonne Avenue, 250th Street, and the residential uses that are located on 250th Street and Woodward Avenue, as well as future land uses which are expected to be commercial and residential.

Specifically, the project's residential use is setback 10 feet from the residential dwellings on Woodward Avenue and is located alongside the two southerly residential dwellings on 250th Street (this property is zoned C-G/MUO). A six-foot masonry wall will be built on the easterly property line where not existing and a portion of the northerly property line.

The site provides adequate circulation in compliance with the Zoning Code requirements. Pedestrian and ADA access is separated from the vehicular access points. The property will eliminate one of the two existing driveway aprons, which creates an additional street parking space for all. In addition, separate commercial and residential bike spaces/ storage will

promote bike travel.

Per Article 58, businesses operating in a mixed-use development cannot operate after 10:00 p.m. or before 7:00 a.m. and the uses allowed in the zone are compatible with existing and future residential and commercial uses.

For these reasons, the project will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to other property or persons in the vicinity.

- 4) *The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this chapter, or as required as a condition in order to integrate the use with the uses in the neighborhood.*

The site design contains landscaping, open space, trash area, parking stalls, including accessible stalls, bike parking, pedestrian walkways, a rear yard setback, walls and utilities, that integrate the commercial-residential use into the neighborhood. Unenclosed commercial parking abuts Narbonne Avenue and is buffered by a 7-foot-wide landscape bed. A portion of the building is recessed from Narbonne Avenue which allows for unobstructed sightlines to improve visibility for pedestrians and vehicles.

- 5) *The site is serviced by highways and streets adequate to carry the kind and quality of traffic such use would generate.*

The project site will be accessed from Narbonne Avenue which is a designated secondary highway within the City. Narbonne Avenue also has a bike lane, and the site provides residential and commercial bicycle storage. Traffic studies from two other recent projects on Narbonne Avenue found that a project of this size will have a minimal impact on traffic.

Section 3. Pursuant to Section 11-1.70.07 (Site Plan Review) of the Code, after reviewing the proposed development, it is determined that the proposed project is consistent with the following required findings:

- 1) *The Site Plan complies with all applicable provisions of Title 11.*

As set forth in the staff report, the proposed project complies with all the development standards in Title 11, except for the project's percentage of commercial area, and the off-street parking ratios. These requirements qualify for the Density Bonus law's exceptions.

- 2) *The site is suitable for the particular use or development intended, and the total development, including the application of prescribed development standards, is arranged as to avoid traffic congestion, will not adversely affect public health, safety and general welfare, will not have adverse effects on neighboring property and is consistent with all elements of the General Plan.*

The 13,250-square-foot site exceeds the minimum lot size for a mixed-use project and has 100 feet of street frontage. The project has incorporated the prescribed development standards is arranged to not cause traffic congestion, will not adversely affect public health, safety, and general welfare, will not have adverse effects on neighboring property and is consistent with all elements of the General Plan.

Specifically, the site will have only one-curb cut and will intersect with a secondary roadway. The building is set away from this property's driveway and the neighboring property's driveway to ensure adequate sightlines. The site is furnished with utilities, particularly water and sewer so it will not adversely affect public health, and the site will contain a six-foot-high masonry wall along the property line shared with the single-family-zoned properties. Last the site complies with all elements of the General Plan and implements the Land Use Elements designation and Housing Elements housing and affordability goals.

- 3) *The development design is suitable and functional. This requirement shall not be interpreted to require a particular style or type of architecture.*

The development design incorporates two uses into one building. The commercial space is located on the ground floor. It is orientated towards the street and storefront exceeds the percentage of window area requirement. A seven-foot-wide landscape bed buffers the unenclosed commercial parking area. The unimpeded access will facilitate its use. One driveway apron and aisle serve both the residential and commercial parking areas, and all parking stalls and aisle meet the city's required size. The design accommodates non/vehicle ingress and egress. The trash area, utility meters, and transformer away from street but are accessible.

The residential units are on the second and third floors. The 390-square-foot common open space area exceeds the minimum standard, and each unit has some private open space. The units fronting Narbonne Avenue have their kitchens closest to the street and bedrooms towards the building's center. The parking for the residential units is enclosed and contains, electrical vehicle charging station, some storage and bike parking. This design provides both security and avoids conflicts with commercial users.

Section 4 Pursuant to California Government Code Section 69515 et seq. (Density Bonus), the Planning Commission of the City of Lomita finds, after due study and deliberation that the following circumstances exist:

- 1) *The project complies with Government Code 65915 density bonus calculations.*

Per the current General Plan's MUO density, 22 units per acre are allowed (this density will increase to 30 units/acre pursuant to implementation of Program 14 in the updated Housing Element). Without a density bonus the project is entitled to 6.69 units. This value is considered the base density. Government Code Sec. 65915(q), states that "any density calculation, including base density and bonus density resulting in fractional units shall be separately rounded to the next whole number." Therefore, the base density becomes 7.

The amount of density bonus is based upon a sliding scale and determined by the percentage of affordable units and household income type assigned to the unit(s) produced in the development. This project allocates one two-bedroom unit to a very low-income household. With 14.2% of the project (1 of 7 units) providing housing to a very low-income household, the project is entitled to a 46.25% density bonus. This bonus calculates with rounding to 4 units, making the project eligible for 11 units.

- 2) *The concession is required to ensure housing costs meet the affordability standards, as defined in Health and Safety Code § 50052.5, or any successor statute or regulation, or to ensure rents in the affordable units meet the requirements of this Article*

The ground floor lacks available space for commercial parking without either removing more commercial space or relocating some of the ground floor commercial to the upper floor, which could force the removal or reduction in size of residential units. The developer did evaluate subterranean and above-ground parking. For a development of this size, the cost for the additional spaces would make the entire project infeasible. Subterranean parking is projected to cost \$1,540,000 or \$200 per square foot for a 7,700-square-foot lower level. The above-ground option was estimated to cost over \$2,000,000. In addition, the physical space required for the ramp, and structural supports, would take away from the ground-floor parking and the net gain would be nominal due to the loss of ground floor space. Similarly, building the additional commercial square footage is physically impossible on the ground floor due all the other features, such as trash, stairs, landscaping, parking, transformer, commercial bike parking, and sightline setbacks which have no alternative location except the ground floor. The option to create commercial space on the second floor without onsite additional parking to support the commercial tenants' needs is anticipated to cause higher vacancy and rents below cost. This scenario would also make the project financially infeasible. It should be noted that the amount of required commercial space increased due to the additional bonus residential square footage. In comparison to previously built mixed-use projects, this project is providing comparable percentage of commercial space.

- 3) *The concession does not have a specific adverse impact, as defined in Government Code § 65589.5 upon public health and safety, or physical environment, or any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.*

The project with or without meeting all the development requirements does not have any adverse impact on public health and safety, or physical environment, or any real property that is listed in the California Register of Historical Resources.

- 4) *The waiver from a development standard or reduction in development standards is necessary because development standard(s) would physically preclude the construction at the densities allowed.*

No waivers or reductions in development standards are requested. Although, the site's size and configuration have limited ability to accommodate all the development standards, design options to satisfy those standards would result in cost-prohibitive solutions, which is the reason for the commercial parking and commercial square footage concessions.

Section 5 The Planning Commission of the City of Lomita hereby approves Conditional Use Permit No. 319, Site Plan Review No. 1213, and Density Bonus No. 1 subject to the attached conditions.

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another.

2. This permit is granted for the plans dated April 01, 2022, (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, The Community and Economic Development Director may approve minor changes to the approved Plans. For numerical standards, the Community and Economic Development Director may approve deviations up to 10% provided that city code requirements are met. Modifications exceeding a 10% deviation shall be referred back to the Planning Commission.
3. Approval of this permit shall expire 24 months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby have commenced. One or more extensions of time for use inauguration may be requested. No extension shall be considered unless requested at least 30 days prior to the expiration date.
4. By commencing any activity related to the project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein.
5. Applicant agrees, as a condition of adoption of this resolution, at Applicant’s own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Applicant’s commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof.
6. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit.
7. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code.
8. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property.
9. Prior to issuance of building permits, Applicant shall sign a letter agreeing to the conditions of approval within this resolution.

PUBLIC WORKS CONDITIONS

10. Developer shall pay the applicable Water Facilities fee.
11. All public improvements, including new water service lines, meters, and frontage improvements shall be constructed per the City’s Standard Drawings and Standard Specifications. All new and modified utility lines shall be placed underground.
12. As required by the Public Works Department, the developer shall submit calculations, prepared by a licensed civil engineer, determining the size of the water service laterals, water meters and backflow device. A separate fire service line may be required. A separate irrigation meter may be required.
13. As required by the Public Works Department, each lot will require its own water and sewer service and laterals. New service laterals shall be installed per City Standard Drawings. Existing unused

water service lateral(s) shall be abandoned. New water service laterals shall not share the same trench as electrical service lines and shall maintain a minimum 2-foot separation.

14. All water meters shall be located outside of the driveway apron. The new location shall be to the satisfaction of the Public Works Director.
15. Remove and replace existing damaged curb, gutter, and sidewalk adjacent to the proposed development. Any modifications to the driveway location shall require curb, gutter and sidewalk modifications to replace the existing driveway.
16. All project driveways, approaches, and adjacent sidewalk area shall be constructed to meet American Disabilities Act requirements.
17. Civil engineering plans shall be submitted for all right-of-way improvement prior to plan submission to the Building and Safety Division.
18. The developer shall obtain an encroachment permit from the City of Lomita, and place bonds as necessary from the City of Lomita for all proposed public improvements, including payment of all plan check and inspection fees.
19. Prior to issuing a grading permit or final map approval the developer shall either construct or post security for all required public improvements.
20. Per Public Works Director review and approval, parkway trees shall be irrigated by onsite irrigation system until such time as the trees are well established and permanent irrigation is no longer necessary.
21. The parkway design shall comply with the Narbonne Avenue Parkway Requirements.

PLANNING STANDARD CONDITIONS

22. The final building plans submitted by the Applicant with the building permit application shall depict all building materials and colors to be used in construction.
23. Before the City issues building permits, Applicant shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project.
24. Developer shall provide utility meters, mailboxes and address directories, placed in decorative cabinets and clustered for efficient access for residents and service persons. All designs must be approved by the Community Development Director, the appropriate utility service provider and the United States Postal Service, as applicable.
25. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color.

26. The height of the structure including roof-mounted equipment shall not exceed 35'0" from average natural elevation.
27. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public rights-of-way, to the maximum extent feasible.
28. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Community Development Director.
29. Light standards illuminating interior walkways shall be no more than eight feet high. Light shall not intrude into private living or patio areas. Light standards serving recreational areas held in common shall be no more than 15 feet high. Light shall be directed away from dwelling units.
30. Applicant shall provide for dust control at all times during project property preparation and construction activities.
31. It is hereby declared to be the intent that if any provision of this permit is held or declared invalid, the permit shall be void and the privileges granted hereunder shall lapse.
32. That the Planning Commission may review this approval upon notice of violation by the Code Enforcement Officer.
33. That, in the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit.
34. That final inspection shall not be granted until all conditions of approval have been met and verified by staff.
35. Any new utility connects shall be installed underground and reviewed by the City of Lomita's Public Works.
36. This approval allows that contains an approximately 1,198-square-foot commercial unit, 11 apartments with a total of 23 parking spaces at 24830-248380 Narbonne Ave.

LANDSCAPING CONDITIONS

37. Prior to the issuance of grading permits, a landscape plan in compliance with MWELo shall be submitted to the Planning Division.
38. Prior to the Certificate of Occupancy, all landscaping and irrigation per plan must be inspected and approved by the City.

PLANNING SPECIAL CONDITIONS

39. Developer shall pay all development fees before issuance of building permits.
40. All required open space areas shall be equipped with a water bid.

DENSITY BONUS CONDITIONS

41. Prior to the issuance of grading permits, a 55-year affordable housing covenant agreement in a form approved by City Council shall be recorded with the Los Angeles County Registrar-Recorder/County Clerk. The covenant agreement shall provide that one two-bedroom unit shall be occupied by a person(s) or family whose annual household income does not exceed that of a Very Low-Income Household, adjusted for family size.

Section 6. Severability.

If any part, provision, or section of this resolution is determined by a court or other legal authority with jurisdiction over the subject matter of this resolution to be unenforceable or invalid, the remainder of the entirety of this resolution shall not be affected and shall continue in full force and effect. To this end, the provisions of this resolution are severable.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 13th day of June, 2022 by the following vote:

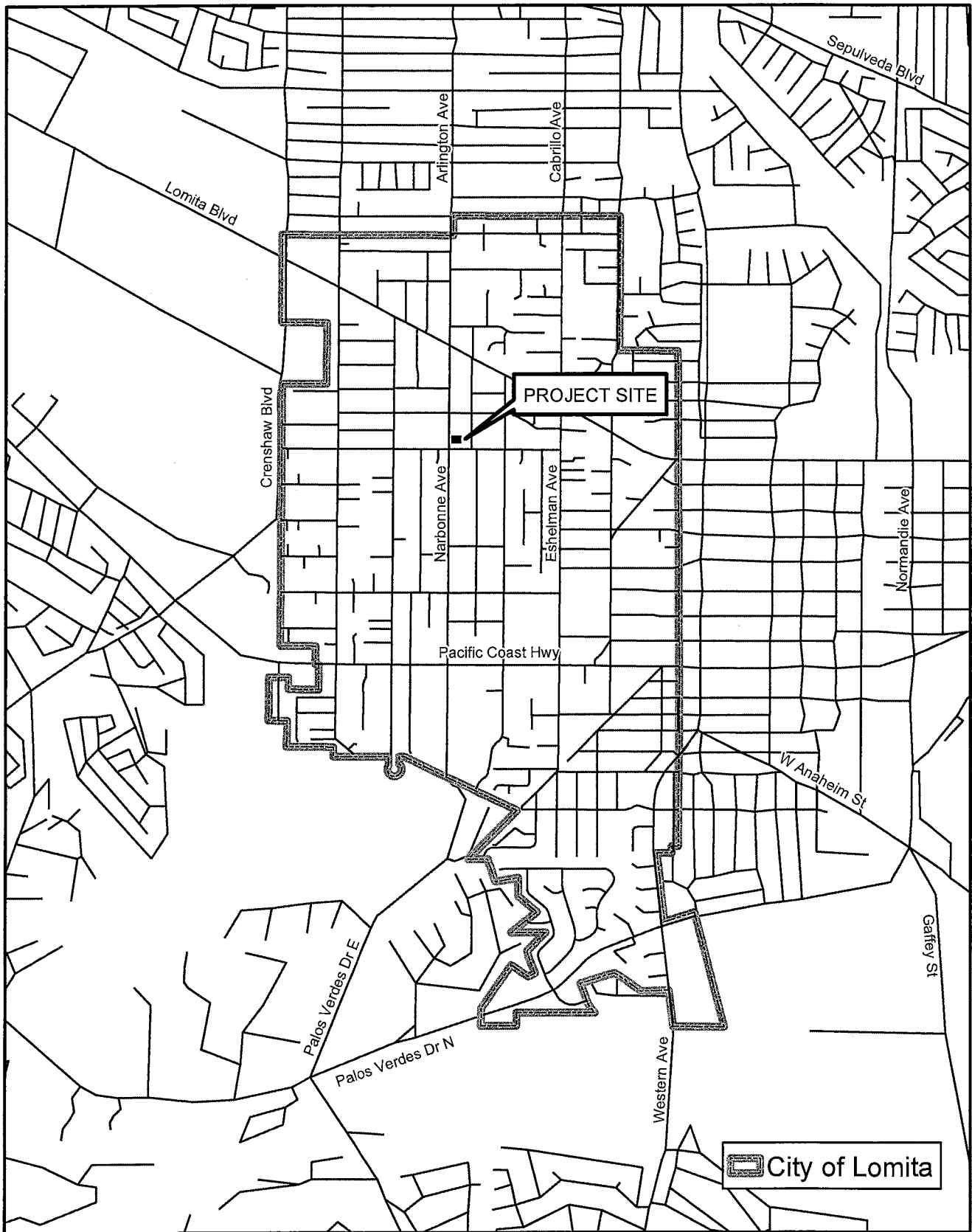
- AYES: Commissioners:
- NOES: Commissioners:
- ABSENT: Commissioners:
- RECUSE: Commissioners:

Steve Cammarata, Chairperson

ATTEST: _____
Sheri Repp Loadsman
Planner

Within 30 days of the date of this action, any person dissatisfied with the action of, or the failure to act by, the Commission may file with the City Clerk an appeal from such action upon depositing with said Clerk an amount specified by resolution of the City Council. (Gov. Code § 66452.5(a).)

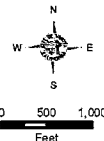
Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

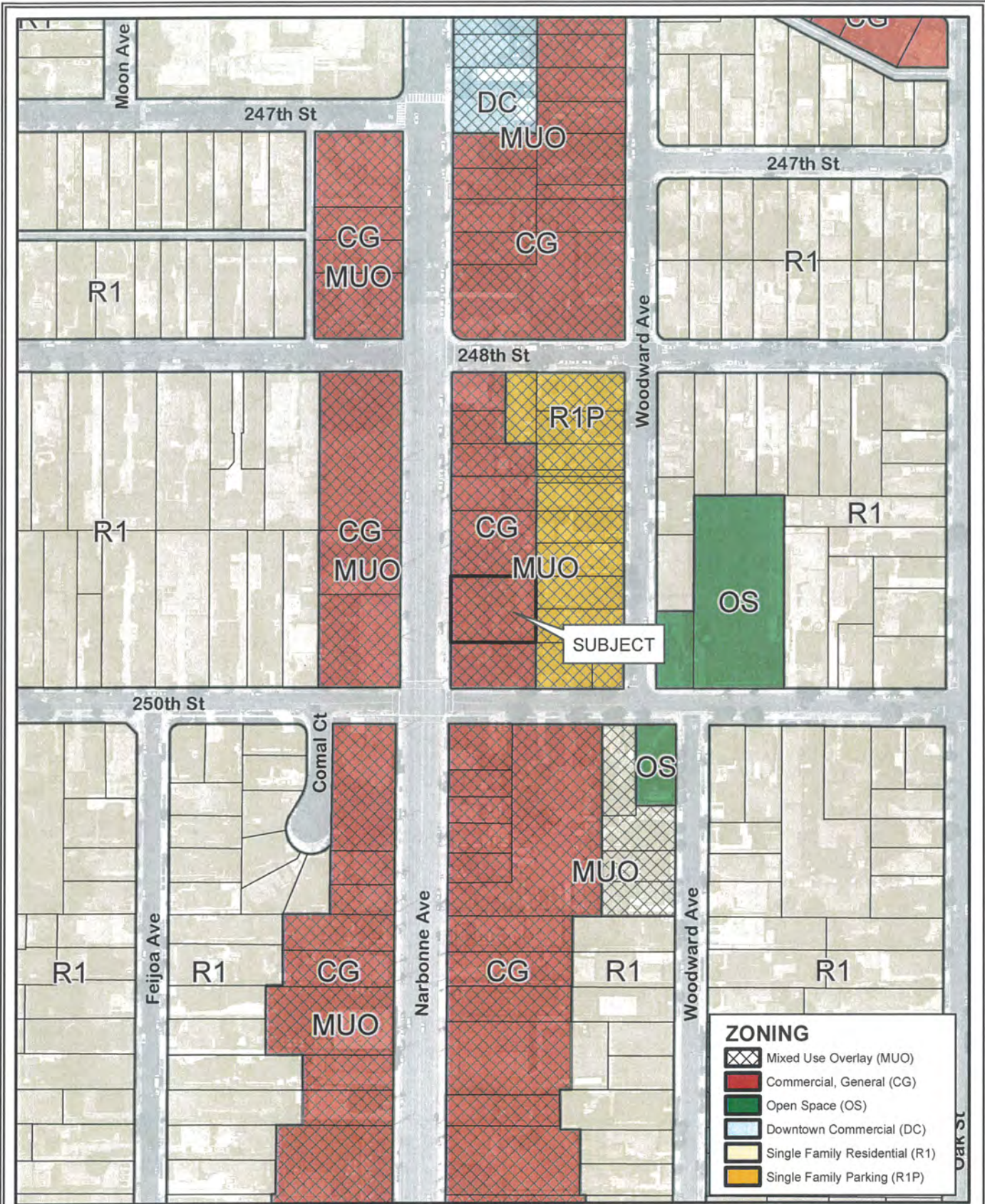


Conditional Use Permit No. 319
Site Plan Review No. 1213
24830 - 24838 Narbonne Avenue
Exhibit B

Community Development
 May 2022

Source: Lomita GIS Data Layers, TIGER Files
 GIS/Apps/24830Narbonne_vly.mxd





ZONING

	Mixed Use Overlay (MUO)
	Commercial, General (CG)
	Open Space (OS)
	Downtown Commercial (DC)
	Single Family Residential (R1)
	Single Family Parking (R1P)

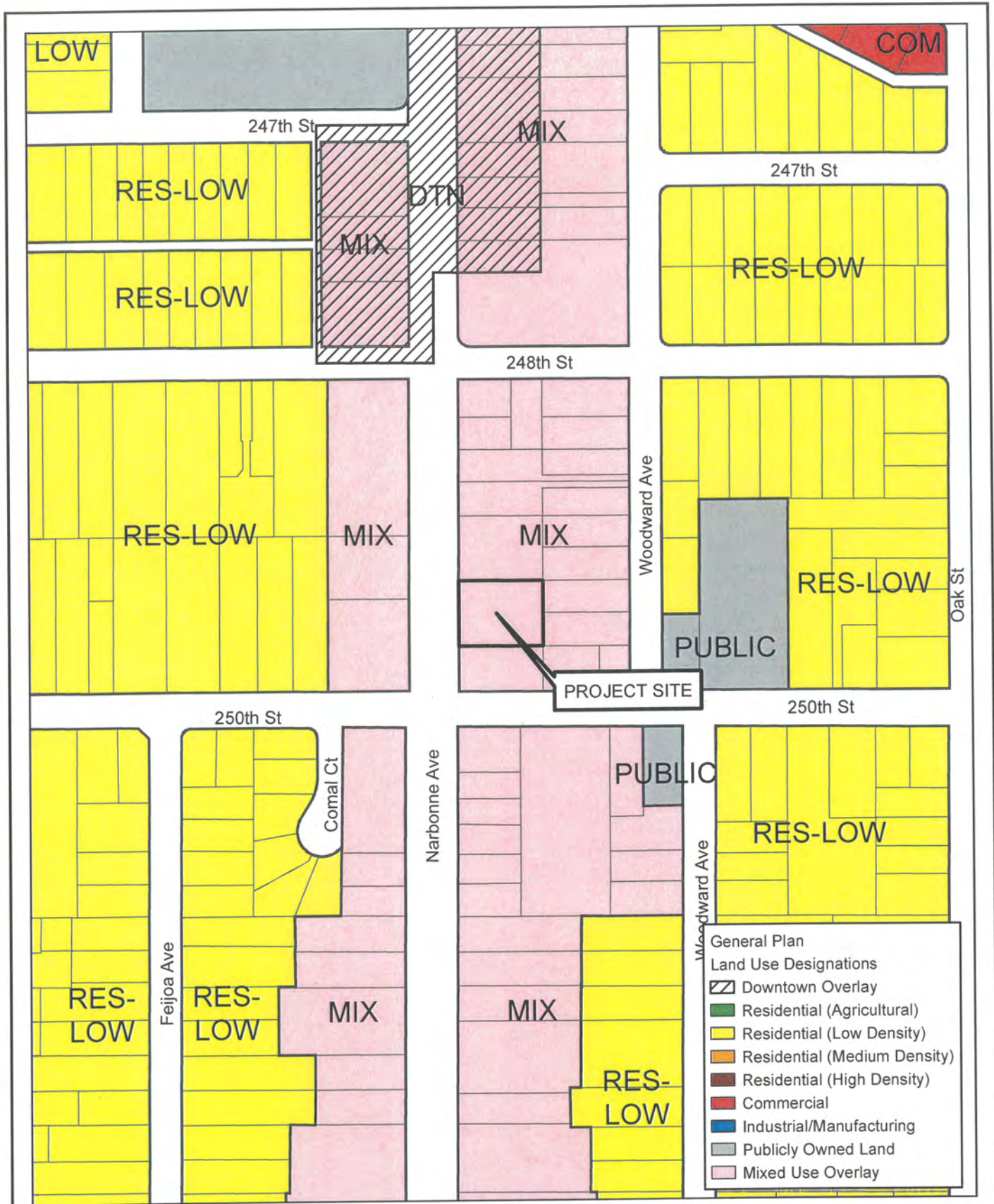


Conditional Use Permit No. 319
Site Plan Review No. 1213
24830 - 24838 Narbonne Avenue
Exhibit C

Community Development
 May 2022

Source: Lomita GIS Data Layers
 /Apps/24830Narbonne_zon.mxd





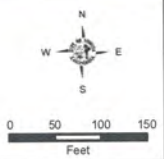
- General Plan**
Land Use Designations
- Downtown Overlay
 - Residential (Agricultural)
 - Residential (Low Density)
 - Residential (Medium Density)
 - Residential (High Density)
 - Commercial
 - Industrial/Manufacturing
 - Publicly Owned Land
 - Mixed Use Overlay



Conditional Use Permit No. 319
Site Plan Review No. 1213
24830 - 24838 Narbonne Avenue
Exhibit D

Community Development
 May 2022

Source: Lomita GIS Data Layers
 GIS/Apps/24830Narbonne_gp.mxd





**Conditional Use Permit No. 319
 Site Plan Review No. 1213
 24830 - 24838 Narbonne Avenue
 Exhibit E**

Community Development
 May 2022

Source: Lomita GIS Data Layers
 /Apps/24830Narbonne_sor.mxd





Community Development Department
 Planning Division
 24300 Narbonne Avenue
 Lomita, CA 90717
 310/325-7110
 FAX 310/325-4024

NOTICE OF EXEMPTION

Project Title: Conditional Use Permit No. 319, Site Plan Review No. 1213, and Density Bonus No.1

Project Description: A request for a conditional use permit to allow for residential and commercial uses listed in Sec. 11-1.58.04(A), and a site plan review for a three-story, mixed-use project consisting of a 1,198 commercial space, 11 apartments, and 23 parking spaces. The project also includes a density bonus to increase the project density to eleven (11) units, including one apartment being provided to a very low-income household and requests a reduction in the percentage of non-residential space and adjustment to parking. This project is categorically exempt from California Environmental Quality Act per Section 15332. Filed by Tim Racisz, 22939 Hawthorne Blvd. Suite 208, Torrance, CA 90505 (“Applicant”)

Finding:

The Planning Division of the Community Development Department of the City of Lomita has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption (CEQA Guidelines, Section 15332 (Infill Development Projects))
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

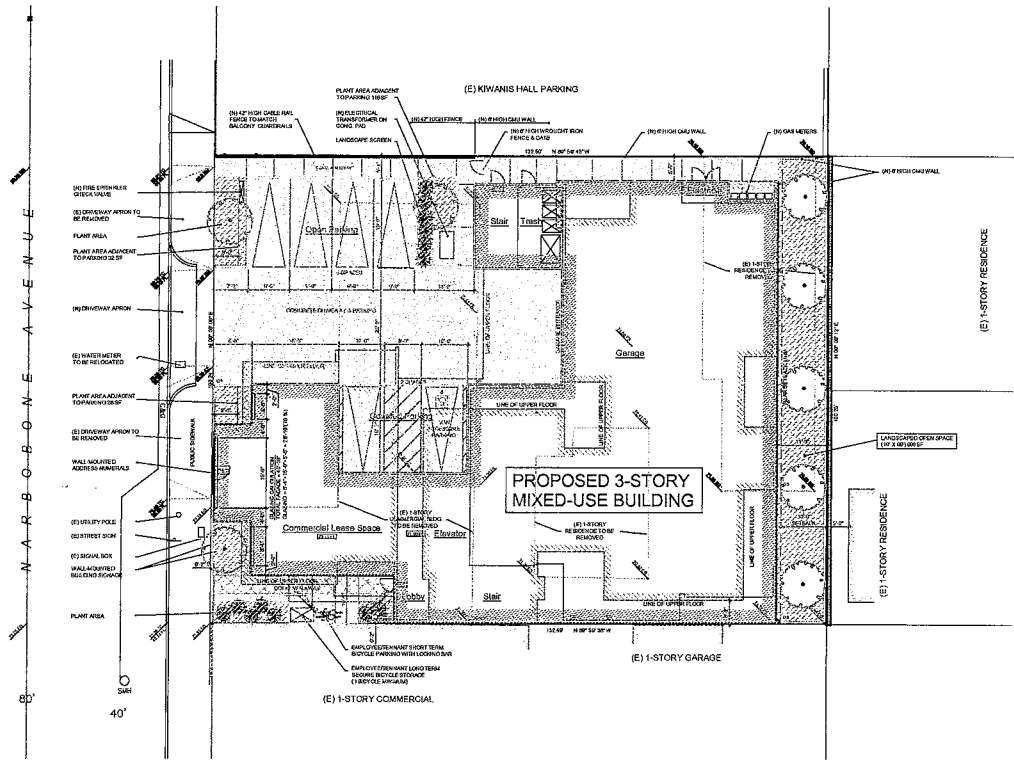
Supporting Reasons: In accordance with Section 15332 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, projects characterized as in-fill development meeting the conditions described in that section may be found to be exempt from the requirements of CEQA. The proposed mixed-use project consists of 1,198 square feet of commercial space and 11 residential units for a total building area of 20,682 square feet. The development is consistent with the applicable general plan and zoning designation, is fully located within city limits and is on less than five acres, is fully served by all required utilities, the site has no value for sensitive or endangered habitat. Further the project will not contain any use that cause excessive noise, pollute the air, or material affect traffic, nor will any use pollute the ground water. Last, stormwater drainage requirements will be met. Therefore, the Planning Commission has determined

that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Laura MacMorran
Associate Planner

**11-UNIT
 MIXED-USE
 DEVELOPMENT**
 2432-24 NARBORNE AVENUE
 LAWRENCE, GA 30047



PLOT PLAN
 SCALE: 1/8"=1'-0"

SITE PLAN LEGEND

- CONCRETE PAVING
- PLANT AREA
- ACCESSIBLE PATH OF TRAVEL AND MANEUVERING SPACE, 2'-0" MINIMUM CLEARANCE

PLOT PLAN

JUNE 1, 2011

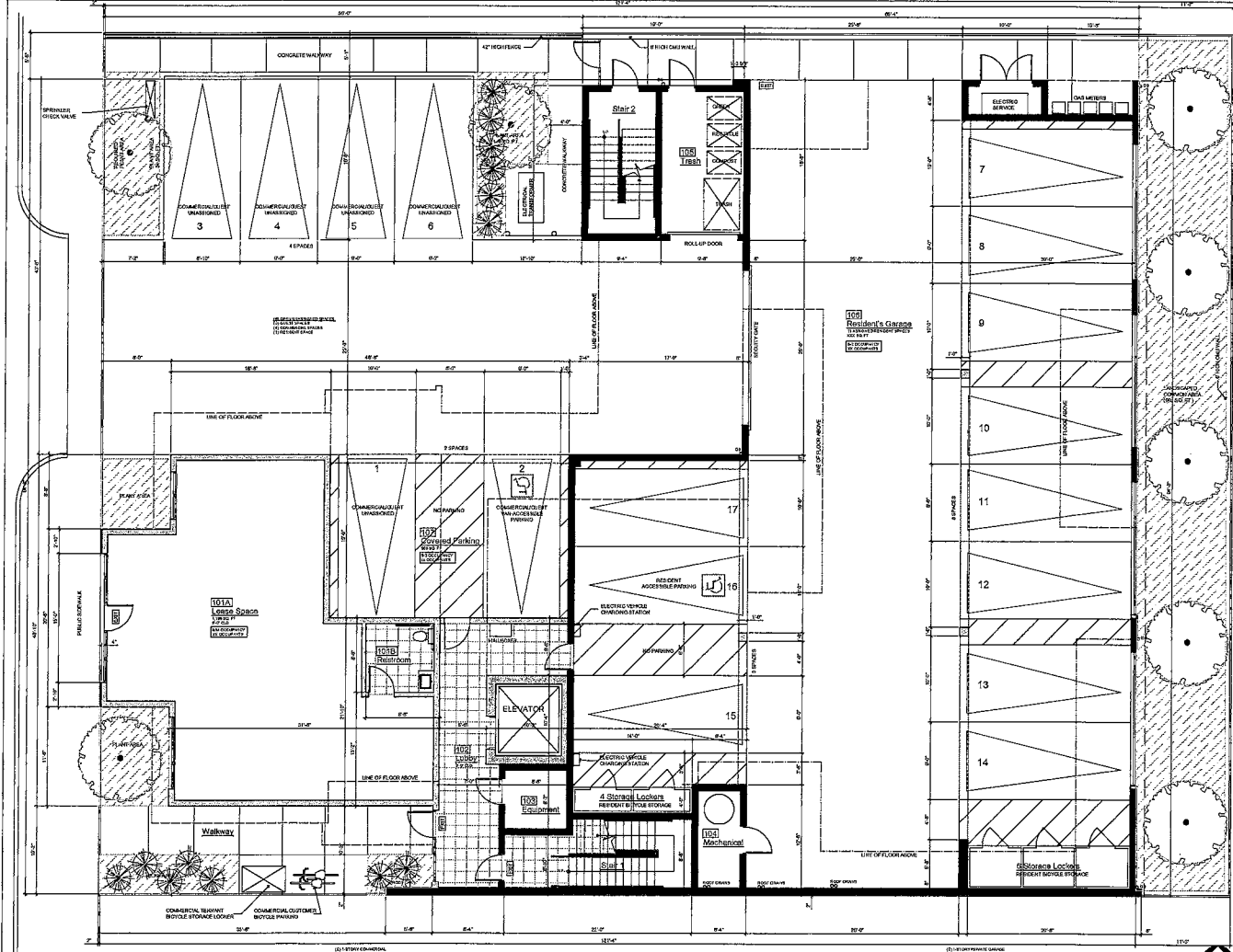
JOB NO. 21101

SHEET NUMBER **A1.1**

SHEET CP

TIMOTHY S. RAGSIZ
 ARCHITECT
 2501 CRENSHAW BLVD., SUITE 204
 TORRANCE, CA 90505
 (310) 572-0888

**11-UNIT
 MIXED USE
 DEVELOPMENT**
 24812-28 HARBORNE AVENUE
 LOMITA, CA 91717



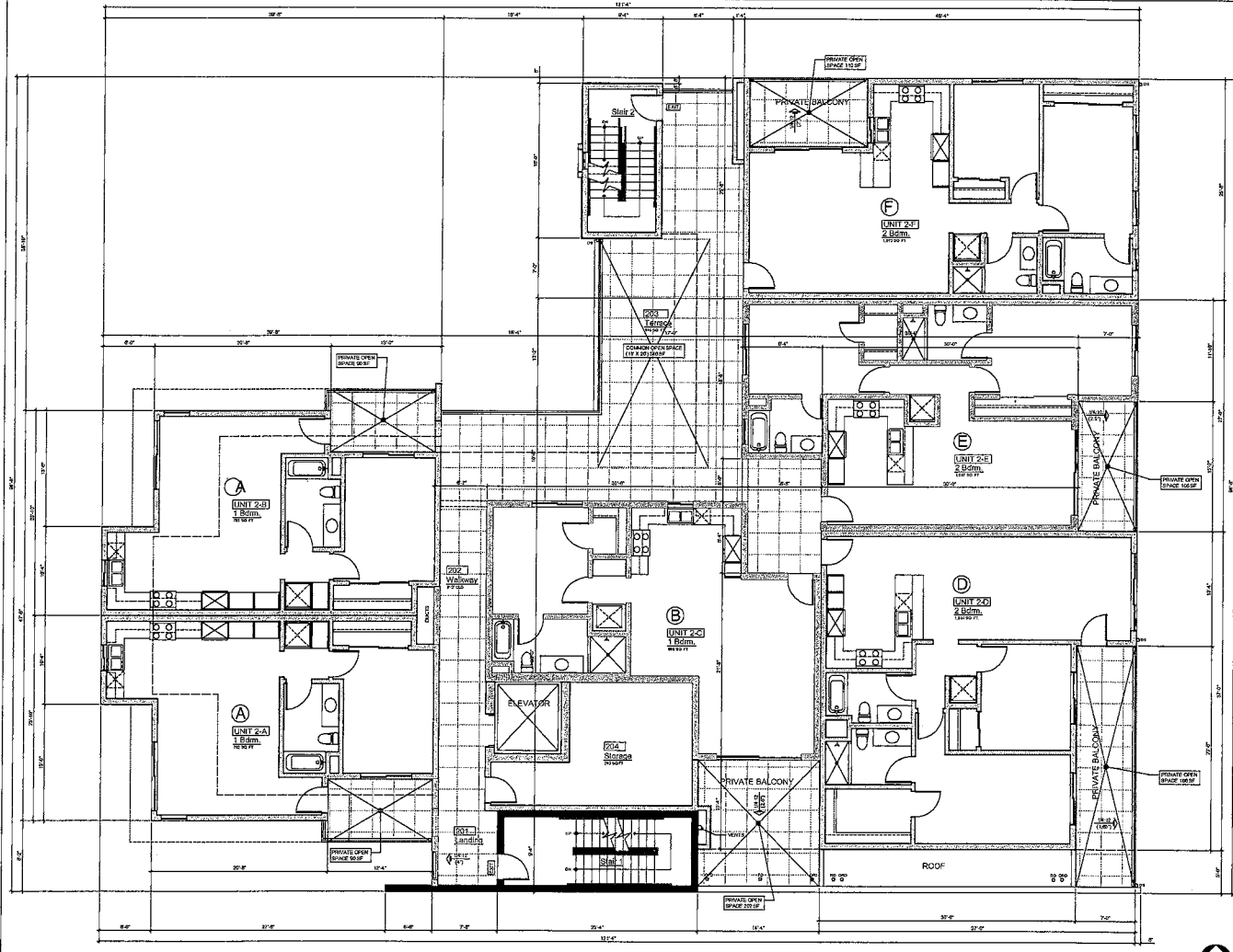
FIRST FLOOR PLAN
 SCALE: 1/8"=1'-0"

FIRST FLOOR PLAN

JUNE 3, 2022
 JOB NO: 21-191
 SHEET NUMBER
A2.1
 OF

TIMOTHY S. RACIBZ
 ARCHITECT
 22885 TOWNSEND BLVD #200
 TOWSON, GA 30086
 404.295.4400

**11-UNIT
 MIXED-USE
 DEVELOPMENT**
 2432-38 HARBORNE AVENUE
 LORITA, GA 30217



SECOND FLOOR PLAN
 SCALE: 1/8"=1'-0"

SECOND FLOOR PLAN

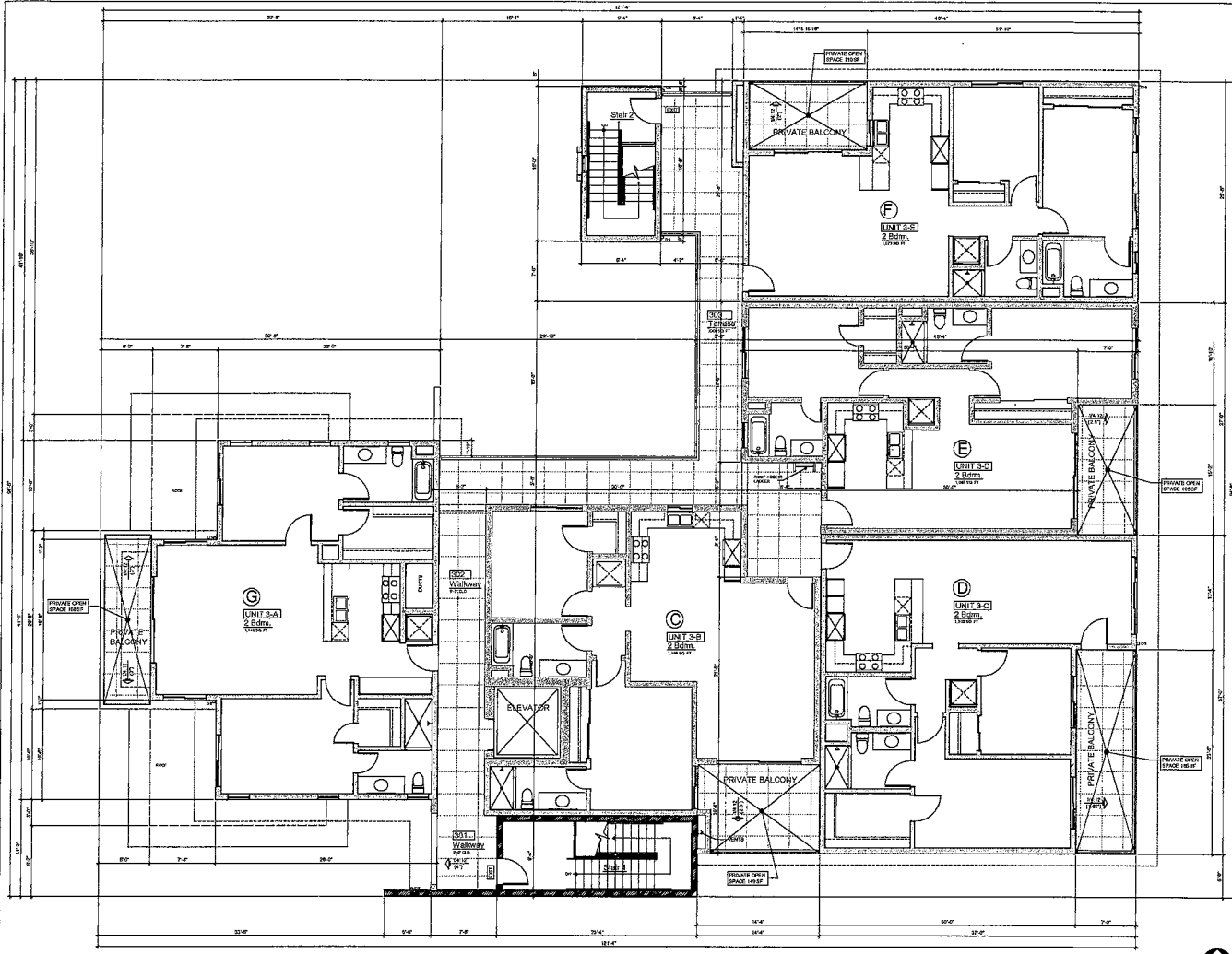
DATE: 7.2013
 JOB NO: 21-101



SHEET NUMBER
A2.2
 OF 2

TIMOTHY S. RACISE
 Architect
 2500 Riverwood Blvd., Suite 205
 Livermore, CA 94550
 (925) 255-0887

**11-UNIT
 MIXED-USE
 DEVELOPMENT**
 2492-96 MARSHBONE AVENUE
 LOMITA, CA 90717



THIRD FLOOR PLAN
 SCALE: 1/8"=1'-0"

THIRD FLOOR PLAN

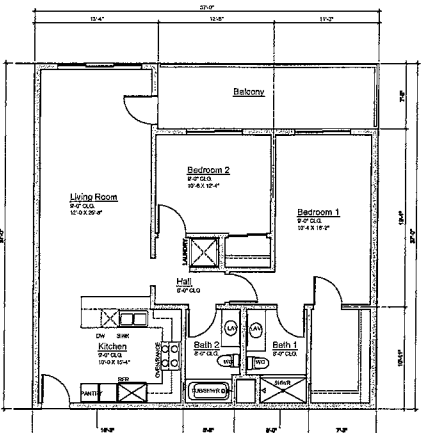
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 JOB NO: 21-191

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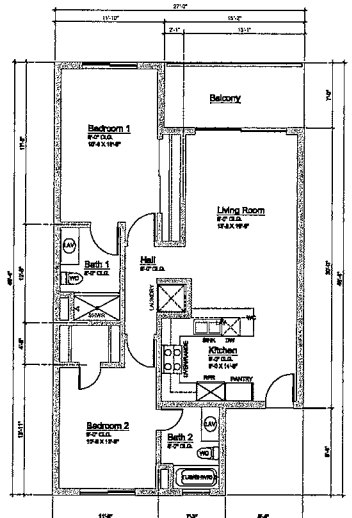


**11-UNIT
MIXED-USE
DEVELOPMENT**

24832-38 HARBORNE AVENUE
LOMITA, CA, 90717



PLAN D - UNITS 2-D & 3-C
SCALE: 1/4"=1'-0"
1/32" = 1/4" FT.



PLAN E - UNITS 2-E & 3-D
SCALE: 1/4"=1'-0"
1/32" = 1/4" FT.

UNIT PLANS
PLAN D
PLAN E

JUNE 2, 2022

JOB NO. 22-101

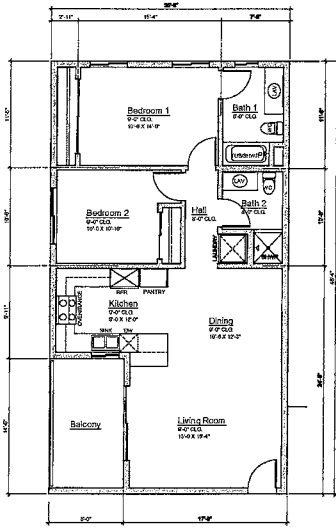
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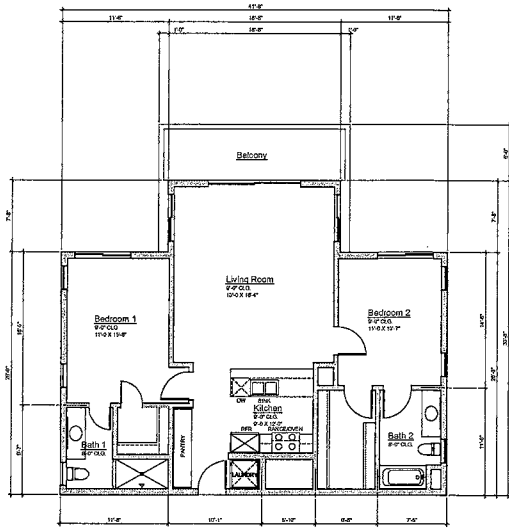
SHEET

TIMOTHY S. RACISZ
 Architect
 CIVIL
 14430-28 HARRISON AVENUE
 LOMITA, CA 90401
 310.335.2817

**14-UNIT
 MIXED-USE
 DEVELOPMENT**
 14430-28 HARRISON AVENUE
 LOMITA, CA 90401



PLAN F - UNITS 2-F & 3-E
 SCALE: 1/4" = 1'-0"
 1,073 SQ. FT.



PLAN G - UNITS 3-A
 SCALE: 1/4" = 1'-0"
 1,140 SQ. FT.

UNIT PLANS
 PLAN F
 PLAN G

JUNE 3, 2023

JOB NO. 21-101

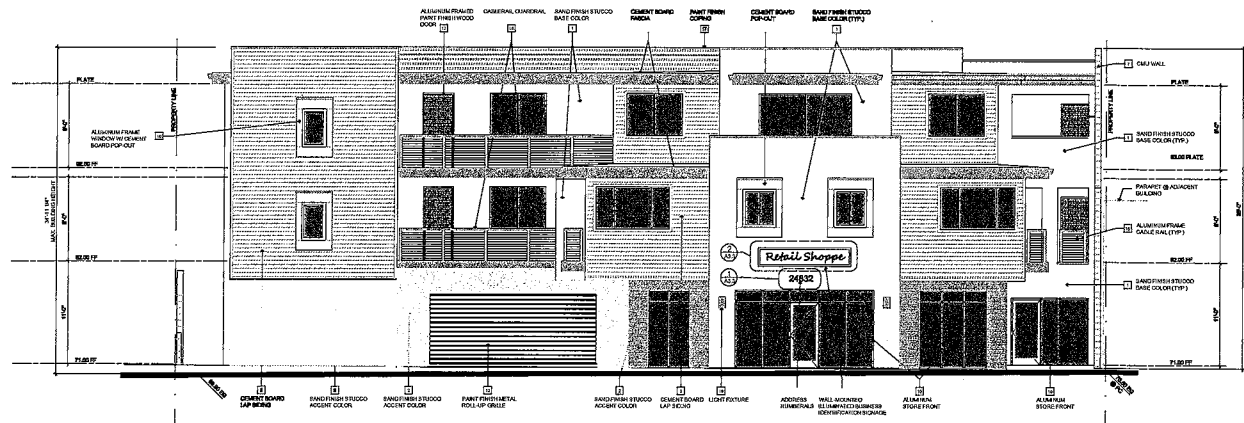
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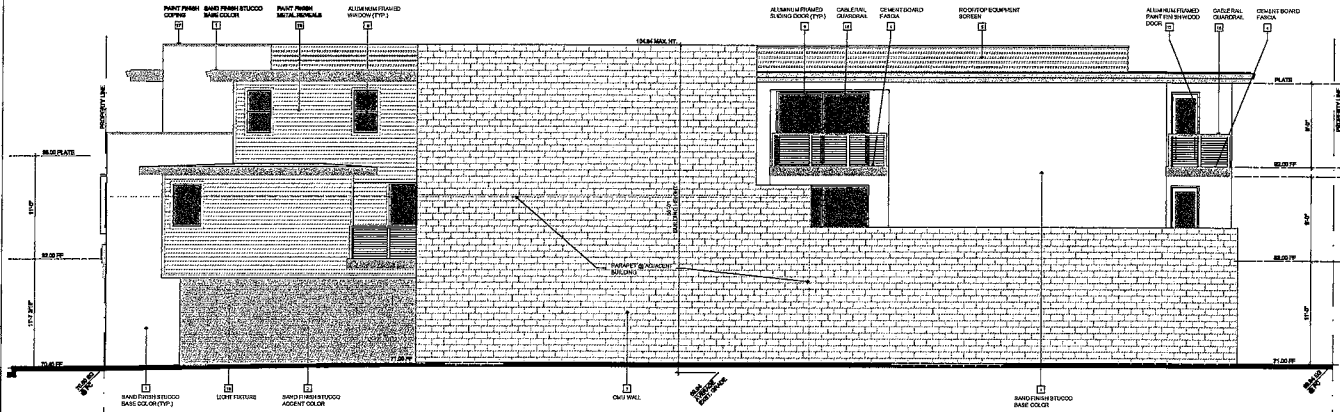
SHEET

TIMOTHY S. RACISZ
 Architect
 2332 FREDERICKS BLVD
 TORRENS, GA 30088
 (770) 332-4600

14-UNIT MIXED-USE DEVELOPMENT
 2432-38 HARBORVIEW AVENUE
 LOMITA, GA 30077



WEST (STREET) ELEVATION
 SCALE: 1/4"=1'-0"



SOUTH (RIGHT) ELEVATION
 SCALE: 1/4"=1'-0"

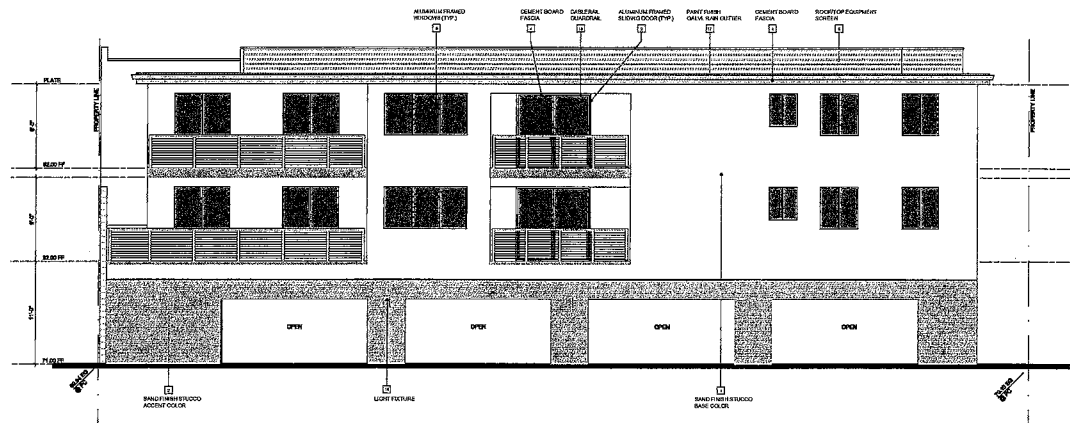
ELEVATIONS

SEE DRAWING A3.3 FOR
 EXTERNAL MATERIALS - SPECIFICATIONS &
 COLOR LEGEND

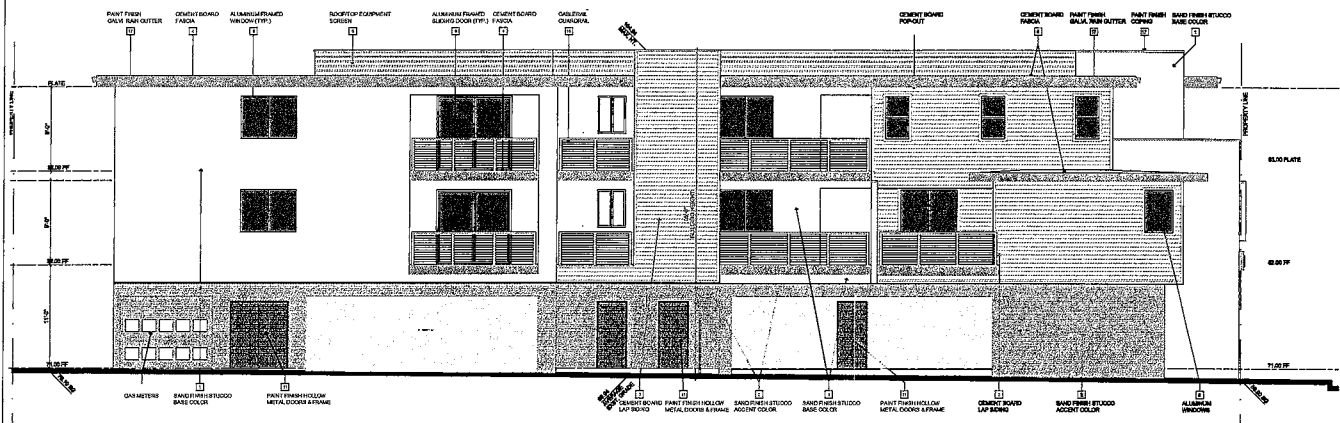
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 JOB NO. 17-101
 SHEET NUMBER
A3.1
 SHEET

TIMOTHY S. RACISZ
 ARCHITECT
 12301 TOWERS BLVD, SUITE 200
 TOWERS, CA 95055
 925.251.8007

**11-UNIT
 MIXED-USE
 DEVELOPMENT**
 2432-38 HARBORNE AVENUE
 LOMITA, CA 90117



EAST (REAR) ELEVATION
 SCALE: 1/4"=1'-0"



NORTH (LEFT) ELEVATION
 SCALE: 1/4"=1'-0"

SEE DRAWING A3.3 FOR
 EXTERNAL MATERIALS - SPECIFICATIONS &
 COLOR LEGEND

ELEVATIONS

JUNE 2, 2022
 JOB NO. 21-01
 SHEET NUMBER
A3.2
 SHEET

State of California

GOVERNMENT CODE

Section 65915

65915. (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Except as otherwise provided in subdivision (s), failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943.

(D) (i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), when an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(D) Ten percent of the total dwelling units in a common interest development, as defined in Section 4100 of the Civil Code, for persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(l) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city and county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this

subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(II) The applicable 20-percent units will be used for lower income students. For purposes of this clause, "lower income students" means students who have a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student under this clause shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education that the student is enrolled in, as described in subclause (I), or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver, from the college or university, the California Student Aid Commission, or the federal government shall be sufficient to satisfy this subclause.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(IV) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.

(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).

(3) For the purposes of this section, "total units," "total dwelling units," or "total rental beds" does not include units added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(c) (1) (A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

(B) (i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:

(I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(2) An applicant shall agree to, and the city, county, or city and county shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following apply to the equity sharing agreement:

(A) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation. The local government shall recapture any initial subsidy, as defined in subparagraph (B), and its proportionate share of appreciation, as defined in subparagraph (C), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(B) For purposes of this subdivision, the local government's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any downpayment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

(C) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the

replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant's application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:

(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income

households, or at least 10 percent for persons and families of moderate income in a common interest development.

(B) Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a common interest development.

(C) Three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a common interest development.

(D) Four incentives or concessions for projects meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b). If the project is located within one-half mile of a major transit stop, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health,

safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subdivision shall be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(3) A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless the city, county, or city and county agrees to additional waivers or reductions of development standards.

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35
21	38.75
22	42.5
23	46.25
24	50

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clause (ii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) If the housing development is located within one-half mile of a major transit stop, the city, county, or city and county shall not impose any maximum controls on density.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34

40	35
41	38.75
42	42.5
43	46.25
44	50

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or

diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

(A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

(B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.

(C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.

(D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government before the time of transfer.

(E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.

(F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.

(G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.

(H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

(A) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

(4) "Childcare facility," as used in this section, means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety

Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(2) "Located within one-half mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

(3) "Major transit stop" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(4) "Maximum allowable residential density" means the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

(p) (1) Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

(A) Zero to one bedroom: one onsite parking space.

(B) Two to three bedrooms: one and one-half onsite parking spaces.

(C) Four and more bedrooms: two and one-half parking spaces.

(2) (A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit.

(B) For purposes of this subdivision, a development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

(3) Notwithstanding paragraph (1), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose vehicular parking standards if the development meets either of the following criteria:

(A) The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.

(B) The development is a for-rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) Notwithstanding paragraphs (1) and (8), if a development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety

Code, and the development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code, then, upon the request of the developer, a city, county, or city and county shall not impose any minimum vehicular parking requirement. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(5) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

(6) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(7) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(8) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(9) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

(s) Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that incentivizes the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version

of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt from complying with the incentive and concession calculation amendments made to this section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (C) and (D) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).

(Amended by Stats. 2020, Ch. 197, Sec. 2. (AB 2345) Effective January 1, 2021.)

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of _____

Attn: _____

SPACE ABOVE LINE FOR RECORDER'S USE ONLY
EXEMPT FROM RECORDING FEES PURSUANT TO GOVT. CODE § 27383

CITY OF _____

DENSITY BONUS AND AFFORDABLE HOUSING AGREEMENT

(_____)

THIS DENSITY BONUS AND AFFORDABLE HOUSING AGREEMENT (“**Agreement**”) is dated as of _____, 20____, and is made by and between the CITY OF _____, a California municipal corporation (the “**City**”), and _____, a California limited liability company (“**Owner**”).

RECITALS

- A. Owner proposes the construction and operation of a _____ development consisting of _____ () multi-family residential units (“**Residential Units**”), as more specifically defined in Section 2 as the “**Project**,” on that certain real property specifically defined as the “**Property**” in Section 2 of this Agreement;
- B. The City Council adopted Resolution No. _____ approving _____ (the “**Project Approvals**”);
- C. Owner has agreed to rent _____ Residential Units on the Property to Lower Income Households (as defined in Section 2 of this Agreement), and _____ Residential Units on the Property to Very Low Income Households (as defined in Section 2 of this Agreement, which are more specifically defined in Section 2 of this Agreement as the “**Affordable Units**”);
- D. Pursuant to _____ Municipal Code Chapter _____, the City has granted an affordable housing density bonus of _____ Residential Units over the _____ Residential Units allowed by right on the Property (collectively, the “**Density Bonus**”);
- E. City and Owner desire to enter into this Density Bonus Agreement in accordance with the State Density Bonus Law and the City Density Bonus Ordinance to ensure that the Owner will construct and operate the Project in a manner that will ensure the provision of the required Affordable Units in exchange for the Density Bonus and additional Residential Units granted to Owner pursuant to the Project Approvals;

AGREEMENT

1. Recitals. The Recitals set forth above are true and accurate, and incorporated herein.
2. Definitions. For purposes of this Agreement, the terms listed below shall have the meanings thereafter specified:
 - a. **Affordable Rent**. Gross monthly rent for each Affordable Unit, as defined in California Health and Safety Code Section 50053(b) for lower income households for the Lower Income Unit, and for very low income households for the Very Low Income Unit, and accompanying regulations of the California Department of Housing and Community Development, which includes a reasonable utility allowance.
 - b. **Affordable Units**. Collectively, the Lower Income Units and the Very Low Income Units, each as defined in this Agreement.
 - c. **Density Bonus**. The density bonus granted to the Project through the Project Approvals, as more specifically described in Recital D of this Agreement.
 - d. **Density Bonus Law**. Chapter 4.3 of Division 1 of Title 7 of the California Government Code (Gov't Code §§ 65915 *et seq.*).
 - e. **Density Bonus Ordinance**. Chapter _____ of the _____ Municipal Code.
 - f. **Lower Income Units**. The _____ () bedroom dwelling units that will be offered exclusively at an Affordable Rent to Lower Income Households pursuant to this Density Bonus Agreement.
 - g. **Lower Income Households**. Households whose gross income does not exceed 80% of the median gross yearly income for _____ County, adjusted for household size as published by the State of California's Department of Housing and Community Development.
 - h. **Project**. The _____ multi-family residential dwelling units to be built on Property. The Project includes all required or associated on-site and off-site improvements, hardscape improvements, parking areas and landscaping improvements to the Property, in accordance with the Project Approvals, the plans and specifications approved by the City, any conditions imposed by the City in issuing the Project Approvals and any other development entitlements related to the Project and applicable law.

- i. **Project Records.** All books, records, statements, contracts and other records of the Owner relating in any way to the use, occupancy or operation of the Affordable Units, including Income Certification Forms completed by applicants or tenants of the Project.
 - j. **Project Approvals.** Has the meaning set forth in Recital B of this Agreement.
 - k. **Property.** That certain real property located within the City of _____, County of _____, State of California, specifically described in the legal description attached as **Exhibit "A"** to this Agreement, which is incorporated into this Agreement by this reference.
 - l. **Qualifying Household.** A household that: (1) intends to reside in one of the Affordable Units on the Property; and (2) whose income does not exceed the maximum income allowable for a Lower Income Household or a Very Low Income Household, as applicable to the Affordable Unit.
 - m. **Term.** The period of fifty-five (55) years from the date of recordation of this Agreement in the Official Records of _____ County.
 - n. **Very Low Income Household.** Households whose gross income does not exceed 50% of the median gross yearly income for _____ County, adjusted for household size as published by the State of California's Department of Housing and Community Development.
 - o. **Very Low Income Units.** The _____ () bedroom dwelling units that will be offered exclusively at an Affordable Rent to a Very Low Income Household pursuant to this Agreement.
3. Agreement to Record. Owner agrees that this Agreement shall be recorded against the Property in the official records of the County of _____.
4. Timing of Construction of Affordable Units. The Affordable Units shall be constructed and marketed simultaneously with the other Residential Units in the Project, and the Owner shall not receive certificates of occupancy for more than _____ of the market rate Residential Units in the Project unless and until the Owner has received a certificate of occupancy for both of the Affordable Units.
5. Reservation of Affordable Units for Affordable Rental Housing.
- a. Owner covenants and agrees to reserve and restrict the Affordable Units for the Term for the use and residential occupancy of those who, at the time of initial occupancy and continuously thereafter (subject to the other provisions of this Density Bonus Agreement), are members of a Qualifying Household.

- b. Owner covenants and agrees, for the benefit of City, to develop, own, manage and operate, or cause the management and operation of, the Project to include the Affordable Units as residential rental housing occupied or available for occupancy to Qualifying Households at an Affordable Rent and for no other purposes.
 - c. Owner will not knowingly permit the Affordable Units to be used on a transient basis and will not lease or rent the Affordable Units for a period of less than twelve (12) months. The Affordable Units will not, at any time, be leased or rented for use as a hotel, motel, time share, dormitory, fraternity house, sorority house, rooming house, hospital, nursing home, sanitary or rest home.
6. Affordable Rent. The monthly rent charged to a Qualifying Household for the occupancy of the Affordable Units may never exceed an Affordable Rent in accordance with this Agreement.
- a. Rent Increases. Rent for the Affordable Units may be increased only once in any twelve (12) month period, based on changes in Area Median Income; provided that the rent for the Affordable Units shall never exceed an Affordable Rent for the Qualifying Household occupying the Affordable Unit. All rent increases must be provided to Qualifying Households in writing.
 - b. Determination of Household Income. Determination of Qualifying Household income shall be made by Owner at the time of initial application by an individual or family for occupancy of each of the Affordable Unit. At the time of initial application, Owner shall require an applicant to complete an income certification form in a form as approved by the City (the "Income Certification Form") and certify the accuracy of the information provided on such form. Additionally, on the renewal of a lease for each Affordable Unit, or if the lease is for a term greater than twelve months on an annual basis, the Owner shall require the Qualifying Household occupying the Affordable Unit to recertify the Qualifying Household's income on an Income Certification Form.
 - c. Verification. Owner shall make a good faith effort to verify the accuracy of income information provided in any Income Certification Form by an applicant for occupancy of the Affordable Unit or by a recertifying Qualifying Household occupying the Affordable Unit, by taking one or more of the following steps, as reasonably required or indicated:
 - i. Obtain an income tax return and copy of each W2 Wage and Earnings Statement for the most recently concluded income tax year;
 - ii. Contact a credit reporting agency or conduct a similar search;
 - iii. Obtain an income verification form from the applicant's or the Qualifying Household's current employer(s);

- iv. Obtain an income verification form from the United States Social Security Administration or the California Department of Social Services, if the applicant or the Qualifying Household receives assistance from either of such agencies; or
 - v. If the applicant or an adult member of a Qualifying Household is unemployed and has no such income tax return, obtain another form of independent verification.
- d. Evidence. For purposes of this Section, Owner may conclusively rely upon the evidence of the age of a Person as presented in a valid California Driver's License or other form of identification issued by the State of California or the United States Government that includes a date of birth and a photograph of the subject person. All such verification information shall only be obtained by Owner after obtaining the applicant's or the Qualifying Household's written consent for the release of such information to Owner. Failure to consent in writing to the release of such income verification information to Owner may disqualify an applicant for occupancy of an Affordable Unit or be grounds for termination of Qualifying Household's occupancy of an Affordable Unit.
7. Tenant Selection Policies and Criteria. The Owner shall adopt written tenant selection policies and criteria applicable to the Affordable Unit that:
- a. are consistent with the purpose of providing affordable rental housing for Qualifying Households at an Affordable Rent;
 - b. are reasonably related to tenant eligibility and ability to perform the obligations of the lease for an Affordable Unit;
 - c. provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable;
 - d. give prompt written notice to any rejected applicant of the grounds for rejection;
 - e. provide for all of the Affordable Units to be available for occupancy on a continuous basis to Qualifying Households at an Affordable Rent;
 - f. do not give preference to any particular class or group of persons in leasing or renting the Affordable Unit except to the extent that a tenant must be a Qualifying Household;

The tenant selection policies and criteria prepared in accordance with this Section shall be subject to approval by the City.

8. Owner Covenant Regarding Lease of Affordable Units. Owner, for itself, its successors, assignees and affiliates, covenants and agrees that, when the Affordable Units are rented

or leased, the rental or lease of the Affordable Unit shall be accomplished through a written lease agreement and all of the following restrictions shall apply:

- a. Owner shall provide a legible copy of this Agreement to each prospective tenant of each Affordable Unit, prior to entering into a lease with such tenant.
- b. The leases for the Affordable Units shall expressly state that the leases are subject and subordinate to this Agreement and shall incorporate each and every provision of this Agreement, either expressly or by reference.
- c. Owner shall not lease an Affordable Unit to any occupant with any family relationship to Owner or who owns, directly or indirectly, any interest in the Project or the Property. For purposes of this section, indirect ownership by an individual shall mean ownership by a family member, ownership by a corporation, partnership, estate or trust in proportion to the ownership or beneficial interest in such corporation, partnership, estate or trust held by the individual or a family member, and ownership, direct or indirect, by a partner of the individual.
- d. The lease for each Affordable Unit shall not contain any of the following provisions:
 - i. An agreement by the Qualifying Household to be sued, to admit guilt or to the entry of a judgment in favor of the Owner in a lawsuit brought in connection with the lease;
 - ii. An agreement by the Qualifying Household that the Owner may take, hold or sell personal property of any member(s) of the Qualifying Household, without notice to the Qualifying Household and a court decision on the respective rights of the Owner and the member(s) of the Qualifying Household, other than an agreement by the Qualifying Household concerning disposition of personal property remaining in the Affordable Unit after the Qualifying Household has moved out of the Affordable Unit;
 - iii. An agreement by the Qualifying Household not to hold the Owner or its agents legally responsible for any action or failure to act, whether intentional or negligent;
 - iv. An agreement by the Qualifying Household that the Owner may institute a lawsuit, involving or affecting the Qualifying Household or any of the Qualifying Household's members, without notice to the Qualifying Household or any affected member;
 - v. An agreement by the Qualifying Household that the Owner may evict the Qualifying Household or any of the Qualifying Household's members without instituting a civil court proceeding in which the Qualifying Household or any affected member of the Qualifying Household has an

opportunity to present a defense, or before a court decision on the respective rights of the Owner and the Qualifying Household or any affected member of the Qualifying Household;

- vi. An agreement by the Qualifying Household to waive any right to a trial by jury;
 - vii. An agreement by the Qualifying Household to waive the Qualifying Household's right to appeal or to otherwise challenge a court decision in connection with the lease;
 - viii. An agreement by the Qualifying Household to pay attorney's fees or other legal costs, even if the Qualifying Household wins in a court proceeding by the Owner against the Qualifying Household; provided, however, the Qualifying Household may be obligated to pay reasonable attorney's fees and other legal costs, if the Qualifying Household loses such a legal action;
 - ix. An agreement by the Qualifying Household to pay one (1) or more security deposits (or the equivalent) totaling in excess of the amount of one month's rent for such Affordable Unit.
9. Annual Report. In a form acceptable to the City, the Owner shall submit its first Annual Report to City within thirty (30) days of the first-year anniversary of the receipt of the Certificate of Completion. Thereafter, within thirty (30) days of each successive anniversary date thereafter during the Term, Development shall submit an Annual Report to City. City shall maintain the confidentiality of the information contained in any Annual Report specifically relating to any particular Qualifying Household occupying a Unit, to the extent reasonably allowed by Law, as determined by the City Attorney.
10. Access to Common Amenities. Occupants of the Affordable Unit shall be provided the same rights and access to common amenities in the Project as occupants of the other units in the Project.
11. Retention of Project Records. The Owner shall prepare and maintain complete and accurate Project Records for so long as this Agreement remains in effect. The Owner shall, at all times following the initial lease of the Affordable Units, maintain, safe and intact, all of the Project Records for a period of not less than six (6) years from the generation of such Project Records. From time to time, upon request from the City, the Owner shall make all Project Records, whether in the custody or control of the Owner or its Affiliates, available to the City, the City's auditor, representative or agent for examination and copying at any reasonable time, on fifteen (15) calendar days advance notice. The Owner shall also provide the City any additional information concerning the Affordable Units, the Project or the Property reasonably requested by the City.

12. Continuous Operation Covenant. Owner covenants and agrees to, for the benefit of City, cause the Project to be continuously operated in accordance with the provisions of this Agreement for the length of the Term.
13. Administration Fee. Owner agrees to pay such fees and deposits as City Council may adopt by resolution to offset the administrative cost of the City performing the duties and responsibilities described in this Agreement.
14. Federal and State Laws. Notwithstanding the above provisions, nothing contained herein shall require Owner or City to do anything contrary to or refrain from doing anything required by federal and state laws or regulations applicable to the construction, management, maintenance, and rental of low and very low income housing units in the City of _____.
15. Prohibition Against Discrimination. Owner shall not discriminate against any tenant or potential tenant on the basis of sex, color, race, religion, ancestry, national origin, age, pregnancy, marital status, family composition, sexual orientation, or the potential or actual occupancy of minor children. Owner further agrees to take affirmative action to ensure that no such person is discriminated against for any of the above mentioned reasons.
16. Indemnification. Owner shall defend, indemnify and hold harmless City and its officers, agents, employees, representatives, and volunteers (collectively, "Indemnitees") from and against any loss, liability, claim or judgment relating in any manner to this Density Bonus Agreement. Owner shall not be required to indemnify and hold harmless Indemnitees for liability attributable to the active negligence or willful misconduct of Indemnitees, provided such active negligence is determined by agreement between the parties or by the findings of a court of competent jurisdiction. In instances where an Indemnitee is shown to have been actively negligent and where Indemnitees' active negligence accounts for only a percentage of the liability involved, the obligation of Owner will be for that entire portion or percentage of liability not attributable to the active negligence of Indemnitees.
17. City's Right to Inspect Affordable Units and Documents. City may inspect the Affordable Units at any reasonable time for so long as this Agreement remains in effect, to determine Owner's compliance with this Agreement.
18. Burden to Run with Land.
 - a. The covenants and restrictions set forth herein are covenants running with the land and shall pass to and be binding upon all parties having any interest in the Project and/or the Property. Each and every contract, deed, lease or other instrument covering, conveying or otherwise transferring the Property or any interest therein, as the case may be (each a "Contract"), shall conclusively be held to have been executed, delivered and accepted subject to this Agreement regardless of whether the other party or parties to such Contract have actual knowledge of this Agreement.

- b. All covenants and restrictions contained herein without regard to technical classification or designation shall be binding upon Owner for the benefit of City and Qualifying Households and such covenants and restrictions shall run in favor of such parties for the entire period during which such covenants and restrictions shall be in force and effect, without regard to whether City is an owner of any land or interest therein to which such covenants and restrictions relate.

19. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of City and Owner, and their respective successors, owners and assigns. City reserves the right to designate another public agency to perform City's obligations or to exercise City's rights and options under this Agreement.

20. Notices. All notices required herein shall be sent by certified mail, return receipt requested or express delivery service with a delivery receipt and shall be deemed to be effective as date received or the date delivery was refused as indicated on the return receipt, as follows:

If to City: City of _____

Attn: _____

With a copy to: Best Best & Krieger LLP

Attn: _____

If to Owner:

Attn: _____

21. Default. Failure or delay by either party to perform any term or provision of this Agreement, which is not cured within 30 days after receipt of notice from the other party, constitutes a default under this Agreement. The party who so fails or delays must immediately commence to cure, correct or remedy such failure or delay, and shall complete such cure, correction or remedy with due diligence. The injured party shall give written notice of default to the party in default specifying the default complained of by the injured party. Except as required to protect against further damages, the injured party may not initiate proceedings against the party in default until 30 days after giving such notice. Failure or delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default.

22. Remedies.

- a. Any individual who sells or rents (including subleasing) an Affordable Unit in violation of the provisions of this Agreement shall be required to forfeit to City all monetary amounts so obtained.

- b. City may institute any appropriate legal actions or proceedings necessary to ensure compliance with this Agreement, including but not limited to:
 - i. Actions to revoke, deny or suspend any permits and/or certificate of occupancy; and
 - ii. Actions for injunctive relief or damages.
23. Governing Law. The laws of the State of California shall govern this Agreement. Any legal action brought under this Density Bonus Agreement must be instituted in the Superior Court of the County of _____, State of California, or in Federal District Court in the _____ District of California.
24. Attorney's Fees. In any action brought to declare the rights granted herein or to enforce or to interpret any of the terms of this Agreement, the prevailing party shall be entitled to an award of reasonable attorney's fees in an amount determined by the court.
25. No City Responsibility for Project. City shall have no responsibility for the construction, installation, management, operation or maintenance of the Project.
26. Entire Agreement. The text herein, including attachments, constitutes the entire agreement between the parties. Each party to this Agreement acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that any other agreement, statement or promise not contained in this Agreement shall not be valid or binding. This Agreement may be amended only by written instrument signed by both City and Owner.
27. Non-Waiver. Failure to exercise any right City may have or be entitled to, in the event of default hereunder shall not constitute a waiver of such right or any other right in the event of a subsequent default.
28. Further Assurances and Recordation. Owner shall execute any further documents consistent with the terms of this Agreement, including documents in recordable form and do such further acts as may be necessary, desirable or proper as City shall from time to time find necessary or appropriate to effectuate its purpose in entering this Agreement.
29. Enforcement. City shall have the power to enforce this Agreement and no other person or entity shall have any right or power to enforce any provision of this Agreement on behalf of City, or to compel City to enforce any provision of this Agreement against Owner, the Project, the Property or any Residential Unit, including the Affordable Units.
30. Amendment. This Agreement may be amended only by a written instrument signed by both Owner and City.

31. Severability. If any term or provision of this Agreement or its application to any person or circumstance shall to any extent be invalid or unenforceable, then the remainder of this Agreement, or the application of such term or provision to persons or circumstances, other than those as to which it is invalid or unenforceable, shall not be affected by such invalidity. All remaining provisions of this Agreement shall be valid and be enforced to the fullest extent allowed by law.

**SIGNATURE PAGE
TO
DENSITY BONUS AND AFFORDABLE HOUSING AGREEMENT
()**

IN WITNESS WHEREOF, Owner and City have signed and entered into this Density Bonus Agreement by and through the signatures of their respective authorized representative(s), as set forth below:

CITY:

OWNER:

CITY _____,
a California municipal corporation

_____,
a _____

By: _____
City Manager

By: _____

Its: _____

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

BEST BEST & KRIEGER LLP

By: _____
_____, City Attorney

EXHIBIT "A"
TO
DENSITY BONUS AND AFFORDABLE HOUSING AGREEMENT
()

Property Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF _____, COUNTY OF _____, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

EXHIBIT "B"
SITE PLAN

[TO BE INSERTED]



CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission

June 13, 2022

FROM: Sheri Repp Loadsman, Planner
Lemesis Quintero, Assistant Planner

SUBJECT: Zone Text Amendment 2022-01 modifying regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units, establishing permanent regulations for Urban Lot Splits and Two-Unit Development (SB 9), establishing development standards for Planned Residential Developments and Multiple Single Family Dwellings, establishing provisions for shared and reduced parking in commercial zones and various text amendments for code clean up and clarification, and General Plan Amendment No. 2022-01 to the Lomita General Plan Land Use Element to modify the allowable density intensity with the Agricultural Residential, Low Density Residential and Medium Density Residential categories.

BACKGROUND

The City Zoning Ordinance, Title XI of the Lomita Municipal Code, specifies how each individual property can be used to achieve the wide ranging and long-term vision set forth by the General Plan. Zoning is the body of rules and regulations that control what is built on the ground and what uses occupy buildings and sites. It determines the form and character of development such as the size and height of buildings and includes provisions to ensure that new development and uses will fit into existing neighborhoods by establishing the rules for being a “good neighbor.”

The Need to Update the Zoning Code

The City completed the Sixth Cycle Housing Element Update of the General Plan in December 2021. The Housing Element programs created an obligation and opportunity to update the Zoning Ordinance to meet new State law requirements and to provide updated regulations to support new types of housing. This proposed zone text amendment specifically addresses the following Housing Element programs:

Program 6: Accessory Dwelling Units - amend the zoning code to permit Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) in all zones that permit residential uses, consistent with State law

Program 13: Zoning Revisions for Special Needs Housing – permit large residential care facilities in the Mixed Use Overlay and commercial zones; define and reduce standards for Senior Planned Developments; provide definitions and clarification of process for Reasonable Accommodation.

Program 15: Supporting Low Density - To increase opportunities for homeownership, the City will identify objective design standards and create a ministerial process by which a single-family or agriculture zoned lot can be subdivided to accommodate additional single-family units.

Program 29: Ongoing Code Updates - to update regulations, as necessary, in response to legislative changes and to amend zoning code to streamline, update, and simplify regulations related to housing, where possible.

Lomita's current Zoning Code is decades old and has been modified through minor amendments to keep up with new State requirements and to establish regulations for specific uses (e.g. brewpubs, Specific Plan for Picerne Apartments, regulation of commercial cannabis activities, updates to building code, etc.). The Zoning Code is lacking in administrative procedures, is poorly organized, and hard to use. This zone text amendment addresses some of the identified areas needing revision, including a process for a minor conditional use permit, standards for shared or reduced parking and minor clean up language to create consistency and more contemporary development standards. In addition, the regulations for small and large residential day care, and Urban Lot Splits and Two-Unit Development are amended to be consistent with State law.

The following information will describe some of the major components of the proposed text amendments. Zone Text Amendment 2022-01 includes three separate ordinances as follows:

1. Accessory Dwelling Units and Junior Accessory Dwelling Units – this ordinance replaces existing regulations. State law requires the State Department of Housing and Community Development (HCD) to review the ordinance for compliance with applicable laws. A separate ordinance will allow for the transmittal within 60 days of City Council adoption without forwarding any of the other text amendments.
2. Urban Lot Splits and Two-Unit Development – this ordinance adopts the same regulations contained in Urgency Ordinance 832U to implement SB 9 in single-family residential zones.
3. Miscellaneous Amendments establishing definitions, development standards for Planned Residential Developments and Multiple Single Family Dwellings, regulations for shared and reduced parking in commercial zones, amended regulations for small and large day care and residential care facilities and minor amendments to Article 30 (Residential Zones).

1. ORDINANCE FOR ADUs and JADUs

A zone text amendment to amend Section 11-1.30.06 pertaining to Accessory and Junior Accessory Dwelling Units is needed to comply with recent changes to State laws. The most recent amendment was in 2018 to update the City's regulations for second units to conform with new state regulations for accessory dwelling unit (ADU) development.

Background: In 2019, the State Legislature adopted another group of housing bills aimed at addressing the housing crisis, including AB 881, which amended Government Code sections 65852.2 and 65852.22 pertaining to ADUs and Junior ADUs (JADUs). The intent of AB 881 is to impose new limits on local governments to regulate ADUs which will further reduce regulatory barriers and costs, streamline approval, and expand the potential capacity for ADUs in response to

the State's housing shortage. Included in AB 881 is a provision that invalidates local ordinances which were not fully compliant with the new requirements. Those cities would default to Government Code section 65852.2 and 65852.22 in the regulation of ADUs submitted after January 1, 2020. Due to these changes in State law, the City's current regulations do not fully comply and the entirety of Section 11-1.30.06 (Accessory and Junior Accessory Dwelling Units) will need to be modified. The City is currently utilizing the revised Government Code to review and process ADU applications.

Analysis: AB 881 imposed significant changes to the City's ADU regulations; therefore, the entirety of Section 11-1.30.06 (Accessory and junior accessory dwelling units) is proposed to be modified. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU/ JADU.

Allowable Locations: ADUs are permitted in single-family, multifamily, and mixed-use zones, and on properties with single-family and multifamily units. State law eliminated minimum lot size requirements.

Types of ADUs/ JADUs: State law identifies two ADU types, an ADU (attached, detached and conversion) and a JADU. An attached ADU is an ADU attached to the primary structure. A detached ADU is an ADU separated from the primary structure. A converted ADU is an ADU created from converting existing space within the primary unit or converting an accessory structure (e.g., detached garage).

A JADU is a specific type of conversion of existing space that is contained entirely within a single-family residence. JADUs are limited to 500 square feet and require owner occupancy. JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to for JADUs.

Parking Requirements: Under State law effective January 1, 2020, the City cannot require parking for an ADU located within one-half mile walking distance of a transit stop, located within a historic district, ADUs within a primary residence, ADUs located along a street with on-street parking permits where the City does not issue permits to the ADU occupant, and where there is a car share vehicle within one block of the ADU. In addition, the City cannot require the replacement of parking for conversion of an existing garage, carport conversion, or if a covered parking structure is demolished to be replaced with an ADU or is converted to an ADU. In 2020, the State further defined a transit stop as including bus stops, which provides a parking exemption to the majority of residentially-zoned properties in Lomita.

Below is a comparison the current LMC, Gov. Code § 65852.2 and proposed LMC:

Standard	Current LMC Sec. 11-1.30.06	State Law Gov. Code § 65852.2	Proposed LMC Sec. 11-1.30.06
Location	Residentially zoned property improved with a single-family residence.	Allowed on a lot with an existing or proposed dwelling unit in a residential or mixed-use zone	Same as Gov. Code § 65852.2
Number of Units Permitted	On a property developed with a single-family residence, one ADU or one JADU; Not permitted on multi-family properties.	<p>One ADU and one JADU are permitted per lot within the existing or proposed space of a single-family dwelling</p> <p>Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.</p> <p>Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.</p>	<p>On a property developed with a single-family residence, one ADU and one JADU, subject to limitations.</p> <p>On multi-family properties, up to 25% of the number of existing units but at least one ADU located within the portion of multifamily structure not used as livable space <u>OR</u> two detached ADUs, subject to limitations.</p>
Owner-Occupancy Requirement	Owner must reside in either the primary residence or in the ADU/JADU.	For ADUs created between 1/1/2020 and 1/1/2025, the owner occupancy requirement has been suspended. For JADUs, the owner must reside on the property in either the newly created JADU or the single-family residence.	Same as Gov. Code § 65852.2

<p>Design and Development Standards</p>	<p>A street address shall be assigned to all accessory dwelling units and a separate exterior entry shall be provided to serve the accessory dwelling unit.</p>	<p>No design and development standards specified or imposed</p>	<p>Replacement of garage door shall include new façade which shall include one window or entryway</p> <p>New entry door shall not open directly toward an alley</p> <p>ADU/ JADU entrance shall include exterior light fixture</p> <p>ADUs/JADUs shall have separate main entrance</p> <p>Address numerals shall be clearly visible from street</p> <p>ADUs/JADUs shall match building architecture (e.g., roof pitch, roof type, exterior colors and materials of existing primary dwelling unit</p> <p>New construction shall identify the location of mature trees on site</p>
<p>Height</p>	<p>16 feet unless approved by "site plan review".</p>	<p>Does not impose height limitations provided that the limit is no less than 16 feet.</p>	<p>16 feet for attached or detached utilizing the minimum setback standards established by State law (4 ft. side and rear)</p> <p>27 feet for attached or detached compliant with underlying zone setbacks and height variation permit if required.</p>

<p>Minimum and Maximum Size</p>	<p>Minimum: 150 square feet</p> <p>Maximum: 1,200 square feet</p>	<p>Minimum ADU/ JADU: 150 square feet</p> <p>Maximum ADU: 1,200 square feet</p> <p>Maximum JADU: 500 square feet</p> <p>The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU/ JADU is not subject to size requirements.</p>	<p>ADU/ JADU Minimum: 220 square feet</p> <p>JADU Maximum: 500 square feet</p> <p>ADU Maximum: 850 square feet and 1,000 square feet for more than one bedroom.</p> <p>Attached ADUs limited to 50% of the existing primary dwelling but in no case less than 800 sq. ft.</p> <p>The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU/ JADU is not subject to size requirements.</p>
<p>Parking</p>	<p>No parking shall be required for the accessory dwelling unit</p> <p>When the existing principal unit's required parking is converted to an accessory dwelling unit, replacement parking for the principal unit shall be provided pursuant to sections 65852.5 and 65852.22 of the California Government Code.</p>	<p>One parking space, exemptions apply per Gov. Code § 65852.2(d)(1-5)</p>	<p>Same as Gov. Code § 65852.2</p>
<p>Open Space</p>	<p>A minimum of two hundred (200) square feet of open space per new accessory dwelling unit, with a minimum dimension of ten (10) feet in any direction is</p>	<p>No standard imposed</p>	<p>Accessory Dwelling Units shall provide, at a minimum, a continuous private recreation area of 225 square feet with minimum interior dimensions of 10 feet.</p>

	<p>required. At least fifty (50) percent of the above described area shall be developed for recreational or patio uses. Deviations to this requirement may be permitted with approval of a "site plan review."</p>		<p>The private recreation shall be open and unobstructed from the ground to the sky and may be located within the interior, street side, or rear setback areas.</p>
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HCD Review

State law requires that each local jurisdiction submit its ADU ordinance to HCD within 60 days after adoption so that HCD can verify compliance of the adopted ordinance with the State law. Failure to provide an ordinance that complies with State law would require HCD to notify the Attorney General that the local jurisdiction is in violation of State law. However, staff believes HCD would first work with the City to bring the ordinance into compliance if HCD determined changes were needed.

Consideration of Incentives

Housing Element Program 6 states the City will develop and adopt a program that incentivizes and promotes the creation of ADUs that can be offered at an affordable rent for very low, low, or moderate-income households. This proposed text amendment does not currently include any incentives. The Planning Commission is encouraged to consider such incentives and provide direction for future additional amendments. An example of incentives utilized by other communities includes waiver of water connection fees, waiver or reduction of plan check and permit fees and availability of pre-approved plans.

Additional incentives can be used to support fair housing options, such as incentives for ADUs which comply with the Americans with Disability Act. For example, eligible ADU designs could be provided a 50 sq. ft incentive for inclusion of a handicap accessible bathroom and kitchen. The Planning Commission is requested to consider if such an amendment would be beneficial. If so, the proposed zone text amendment can easily be amended to include an incentive for accessible ADU and JADU units.

ADU Bills in the Pipeline

Number	Title or Summary
AB 561	Help Homeowners Add New Housing Program: accessory dwelling unit financing.
AB 916	Increase heights for detached ADUs within multi-unit developments from 16 feet to 18 feet.
AB 1674	Building standards: exemption from photovoltaic requirements.
AB 2221	Clarifies setback measurements and allowances for conversions of nonliving spaces for multi-unit ADU conversions.
SB 897	Major overhaul: 25' heights, fire sprinkler waiver, permanently removes owner-occupancy requirements, further parking reductions for multi-unit structures processed with ADUs.

2. ORDINANCE FOR URBAN LOT SPLITS AND TWO-UNIT DEVELOPMENT (SB 9)

The proposed text amendment incorporates all of the interim standards contained in Ordinance No. 832U without modification. The Planning Commission reviewed these standards during the May 9, 2022 workshop and did not recommend any changes.

Background: On September 16, 2021, the Governor signed into law Senate Bill No. 9 (SB 9). This bill requires the ministerial approval of two dwelling units per parcel in single-family residential zones, where previously only one primary dwelling unit would have been permitted. This is in addition to permitting accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs), in some cases. Additionally, SB 9 requires ministerial approval of lot splits in single-family residential zones and allows two units to be built on each resulting parcel. If a local jurisdiction did not adopt their own regulations, the provisions of SB 9 as adopted by the State became effective January 1, 2022.

On February 28, 2022, City Council adopted a 45-day Urgency Ordinance to implement SB 9 with local objective standards. City Council extended the Urgency Ordinance prior to the expiration day. Consistent with State law, the proposed extension had been noticed and published.

On April 5, 2022, City Council extended Ordinance No. 832U for an additional 10 months and 15 days, as permitted by Government Code Sections 36934, 36937, and 65858, to allow for the development of regulations for incorporation into the Lomita Municipal Code. The adopted interim standards contain the following provisions:

- A prohibition on ADUs and JADUs in conjunction with projects seeking to incorporate both an urban lot split and development of a two-unit residential development or duplex;
- A requirement to limit the size of new units to 800 square feet for projects that cannot comply with existing single-family development standards;
- A one-story height limitation of 16 feet for each unit;
- A requirement of one parking space per new unit created, with exemptions as required under SB 9;
- Requirement of an owner-occupancy affidavit for lot split applications, consistent with SB 9;
- The maximum lot coverage shall not exceed 50%. The lot coverage shall include all buildings and structures (primary and accessory), covered porches and patios and covered parking areas. This lot coverage standard shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.
- Landscaping and open space requirements to ensure sufficient open space including the retention of existing trees on-site or planting of new trees; and
- A prohibition on short-term rental of units developed under the provisions of SB 9.
- A requirement that second units, and both units of a two-unit development, if rented, shall only be rented at an affordable rent for lower-income households, as defined in Health and Safety Code Section 50053, and shall only be rented to lower-

income households, as defined in Health and Safety Code Section 50079.5, for a minimum of 30 years.

3. ORDINANCE FOR MISCELLANEOUS AMENDMENTS

The proposed text amendment provides for various minor amendments, establishes new regulations for Planned Residential Development and Multiple Single-Family Dwellings, and updated regulations for Shared and Reduced Parking in Commercial Zones.

Article 15 – Definitions

Article 15 will be amended to include definitions for the following:

- Dwelling, Accessory
- Dwelling, Junior
- Dwelling, Primary
- Dwelling, Two-Unit Housing Development
- Kitchen, Efficiency
- Reasonable Accommodation, Major
- Reasonable Accommodation, Minor
- Urban Lot Split

Article 30 – Residential Zones

Lomita Municipal Code Title XI Article 30 (Residential Zones) is proposed to be amended to comply with changes to State laws, to update standards as well as to clarify and avoid conflicts.

The following are proposed changes

- Clarifying language to avoid conflict with amendments to Sec. 11-1.30.06, Sec. 11-1.30.10, Sec. 11-1.30.15 and Sec. 11.1.30.16 including but not limited to changes to the residential uses and development standards chart
- Revising the location of utility and mechanical equipment on single family lots
- Revising Sec. 11-1.30.03 to allow carports pursuant to a “Modification” and “Site Plan Review”
- Amending Sec. 11-1.30.07 to include hedges, clarifying the height limit applicable to secondary front yards, introducing required and prohibited materials for fences and walls
- Amending Sec. 11-1.30.10 to establish and clarify standards for State licensed community care facilities and large family childcare facilities and to allow large family childcare as a permitted use in residential zones
- Amending Sec. 11-1.30.14 pertaining to senior housing to include minimum unit sizes, include compliance with Gov. Code § 65915 and § 65918

Planned Residential Development

Through numerous discussions involving the Housing Element, the Planning Commission and City Council supported the concept of allowing more single-family dwellings to be developed on large properties located in the A-1 and R-1 zones. The approach recommended by staff seeks to incentivize new subdivisions supporting detached single-family development by increasing the density to 1 dwelling unit per 4,000 sq. ft. of lot area. These new developments will redevelop large properties and create new options for those entering the housing market by increasing opportunities for fee-simple type of ownership.

Housing Element Program 15 establishes the City’s goal to increase opportunities for homeownership by identifying objective design standards and creating a ministerial process by which properties in the A-1 or R-1 zones can be subdivided to accommodate additional single-family units. The proposed text amendment establishes design and development standards for an Administrative Site Plan Review for Planned Residential Developments in all residential zones. As an alternative to using a RVD zone, the establishment of a Planned Residential Development as a permitted use in the residential zones allows for streamlined approach to facilitate infill development based upon adopted objective design standards. Each project will be required to provide single-family homes with shared facilities, such as drive aisles, trash areas and common recreation space, permanently reserved and maintained by a homeowner’s association. The Planning Commission will review and approve the subdivision to establish the Planned Residential Development.

Section 11-1.30.02 (Development Standards) is proposed to be modified to identify Planned Residential Development within the chart. The permitted density for a Residential Planned Development will increase up to 10.89 dwelling units per acre which equates to one dwelling unit per 4,000 square feet. All other residential uses in the A-1 and R-1 shall remain at the existing density of 8.71 dwelling units per acre.

General Plan Amendment No. 2022-01

General Plan Amendment No. 2022-01 is proposed to amend the current land use categories for Agricultural - Residential and Low Density Residential to increase the density of 8.7 units per acre (1 dwelling unit per 5,000 square feet) to allow a higher density of up to 10.89 units per acre (1 dwelling unit per 4,000 square feet). The Medium Density land use category requires adjustment to correspond to the changes in the land use categories for Agricultural - Residential and Low Density Residential. The proposed changes are as follows:

Development Standards		
GP Land Use Designation	Zone District	Development Standards
Agricultural - Residential	A-1	8.71 <u>10.89</u> du/acre (10,000 s.f. lots)
Low Density Residential	R-1 R-1-P RVD-5000 R-1-6000 R-1-7000 R-1-7500	5.8 to 8.71 <u>10.89</u> du/acre 2,200 – 5,000 s.f. lots 6,000 s.f. lots 7,000 s.f. lots 7,500 s.f. lots
Medium Density	RVD-2500	8.72 <u>10.90</u> – 19.8 du/acre

Multiple Single-Family Dwellings

Large properties in the A-1 and R-1 are proposed to be eligible for the development of additional single-family dwellings subject to compliance with existing single-family development standards. This will provide an enhanced option to develop a larger single-family dwelling and not be constrained by the standards applicable to ADUs and Two-Unit Developments allowed by SB 9.

The A-1 and R-1 districts already include many properties that provide additional detached single-family dwellings that are used as rentals or, in some cases, are subdivided to allow for individual ownership. The proposed text amendment requires that a property eligible for an additional single-family dwelling must be a minimum of 10,000 sq. ft. in size, the density cannot exceed one dwelling unit per 5,000 sq. ft. of lot area and guest parking must be provided at 1 parking space per two units.

Article 66 Off-Street Parking, Storage and Loading

Regulations for Shared and Reduced Parking in Commercial Zones

The Lomita Municipal Code Article 66 *Off-Street Parking, Storage, and Loading* does not currently provide a process and findings for a reduction in required parking spaces in commercial zones. The proposed zone text amendment introduces Sec. 11-1.66.10(B) provisions for *parking space reduction, shared parking, and off-site parking*. The addition of these provisions will introduce the flexibility required to attract new businesses to the City and allow existing Lomita businesses to grow without the restraint of off-street parking requirements. The provisions allow for three types of shared and reduced parking; reduction in the number of off-street parking spaces required, a shared provision of parking serving more than one use, off -site provision of parking or a combination of all three. The approval of a shared and reduced parking reduction is subject to approval by the Planning Commission pursuant to a Minor Conditional Use Permit. The process and findings of a Minor Conditional Use Permit are identical to those of a Conditional Use Permit, the only difference being the application fee. Article 70- Zoning Ordinance Administration is proposed to be amended to include the findings for a Minor Conditional Use Permit. In approving a Minor Conditional Use Permit for shared and reduced parking the Planning Commission shall consider a required parking demand study submitted by the applicant and evidence that the shared and/or reduction of parking will not adversely affect nearby properties. As a condition of approval for such Minor Conditional Use Permit the Planning Commission shall require a written agreement between landowners and the City.

Article 66- *Off-Street Parking, Storage, and Loading* is additionally proposed to be amended to reflect the insertion of the Minor Conditional Use Permit process and overall code clean up and clarification.

The following are proposed changes:

- Introducing location and dimensions for compact parking spaces
- Introducing location and dimensions for motorcycle parking spaces
- Revising fractional space requirement when calculating parking spaces required
- Requiring bicycle parking, designated parking spaces for fuel efficient vehicles and electric vehicle charging equipment as required by the California Green Building Standards Code
- Introducing standards for driveway pavement
- Clarifying language throughout Article 66 to comply with and create cohesiveness throughout the zoning code and with other proposed text amendment sections

GENERAL PLAN

In accordance with Section 11-1.70.05(C)(2), the Commission must make a written recommendation to the Council whether to approve, approve in modified form, or deny the proposed zone amendment and must include reasons for the recommendation and the relationship between of the proposed amendment to the General Plan.

Housing Element Policy 2.1 *“Support programs and incentives that expand housing options, especially for lowerincome households and those experiencing homelessness”* and Housing Element Policy 2.4 *“Promote and encourage innovation and creativity in housing development through regulations that increase transparency and flexibility in the development approval process.”* The proposed text amendment provides greater opportunities to development residential dwellings by establishing development standards that promote a wide range of housing types.

Land Use Policy 9 *“The City will work to protect and promote property values by promoting the more efficient use of underutilized properties and structures consistent with the City’s economic development.”* The proposed text amendment will encourage the redevelopment of underutilized residential properties and will allow for the more dynamic use of commercial properties by providing for a beneficial mix of businesses.

Land Use Policy 13 *“The City will work to manage growth and development in the City consistent with historic development trends in the City.”* The proposed text amendment seeks to provide enhanced residential development opportunities while preserving the single-family character of neighborhoods. Amendments also lead toward better land use compatibility and enhanced development standards.

Circulation Policy 7 *“The City will evaluate parking restrictions/ regulations to increase the availability of parking whenever possible without jeopardizing safety.”* The proposed zone text amendment is an example of the City’s encouragement of this policy. The creation of provisions for a reduction in off-site parking.

Economic Development Policy 3 *“The City will promote the improvement and revitalization of existing commercial areas and neighborhood shopping centers.”* The provisions will allow flexibility for existing commercial shopping centers and allow a greater variety of land uses.

RECOMMENDATION

Staff recommends that the Planning Commission take the following action:

1. Adopt a resolution recommending approval to the City Council of Zone Text Amendment No. 2022-01 modifying regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units, establishing permanent regulations for Urban Lot Splits and Two-Unit Development (SB 9), establishing development standards for Planned Residential Developments and Multiple Single Family Dwellings, establishing provisions for shared and reduced parking in commercial zones and various text amendments for code clean up and clarification.
2. Adopt a resolution recommending approval to the City Council of General Plan Amendment No. 2022-01 amending the City of Lomita General Plan Land Use

Development Standards to modify the density for Agricultural – Residential, Low Density Residential and Medium Density Residential land use designations.

PUBLIC NOTICE

Notices of this hearing dated June 3, 2022 were published in the Daily Breeze Newspaper, and posted at City Hall, the Lomita Library, and at Lomita Park. As of the date this staff report was prepared, staff has not received any correspondence either for or against the proposed project.

Environmental Determination

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendment and general plan amendment will not have a significant effect on the environment because the proposed amendments would provide for new standards consistent with State Law and do not propose any physical construction.

Recommended by:

Sheri Repp Loadsman
Planner

Prepared by:

Lemesis Quintero
Assistant Planner

Attachments:

1. Draft Resolution for ZTA No. 2022-01 with attachments:
 - a. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE 11 (PLANNING AND ZONING, CHAPTER 1(ZONING)), REVISING THE CITY'S REGULATIONS FOR ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).
 - b. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, ESTABLISHING REGULATIONS RELATING TO URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES AS ALLOWED BY THE STATE OF CALIFORNIA SENATE BILL 9 AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).
 - c. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE 11

(PLANNING AND ZONING, CHAPTER 1 (ZONING), AMENDING THE CITY'S REGULATIONS FOR ARTICLE 15 - DEFINITIONS, ARTICLE 30- RESIDENTIAL ZONES, ARTICLE 49 D-C (DOWNTOWN COMMERCIAL), ARTICLE 58 - MIXED OVERLAY DISTRICT, ARTICLE 66 OFF-STREET, PARKING, STORAGE AND LOADING, ARTICLE 70 - ZONING ORDINANCE ADMINISTRATION AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

2. Draft Resolution for GPA No. 2022-01
3. Planning Commission Staff Report dated May 9, 2022 (link to website here: <https://lomitacity.com/wp-content/uploads/2022/05/2022-05-09-PC-Full-Packet.pdf>)
4. ADU Development Standards Draft Chart
5. Notice of Exemption

DRAFT RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2022-01, AMENDING LOMITA MUNICIPAL CODE TITLE 11 (PLANNING AND ZONING, CHAPTER 1(ZONING)), REVISING THE CITY'S REGULATIONS FOR ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS; ESTABLISHING REGULATIONS RELATING TO URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES AS ALLOWED BY THE STATE OF CALIFORNIA SENATE BILL 9, AMENDING ARTICLE 15- DEFINITIONS, ARTICLE 30- RESIDENTIAL ZONES, ARTICLE 49 D-C (DOWNTOWN COMMERCIAL), ARTICLE 58- MIXED OVERLAY DISTRICT, ARTICLE 66 OFF-STREET, PARKING, STORAGE AND LOADING, ARTICLE 70 – ZONING ORDINANCE ADMINISTRATION AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

THE PLANNING COMMISSION OF THE CITY OF LOMITA DOES HEREBY FIND, ORDER AND RESOLVE AS FOLLOWS:

Section 1. Recitals

- A. The Planning Commission of the City of Lomita has considered a request for a Zone Text Amendment modifying regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units, establishing permanent regulations for Urban Lot Splits and Two-Unit Development (SB 9), establishing development standards for Planned Residential Developments and Multiple Single Family Dwellings, establishing provisions for shared and reduced parking in commercial zones and various text amendments for code clean up and clarification.
- B. The proposed Zoning Ordinance amendments are exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendment and general plan amendment will not have a significant effect on the environment because the proposed amendments would provide for new standards consistent with State Law and do not propose any physical construction.
- C. On June 13, 2022, the Planning Commission held a duly noticed public hearing and accepted public testimony and evidence to consider the Zoning Text Amendment, in accordance with Municipal Code sections 11-1.70.04 and 11-1.70.05
- D. After review and consideration of all evidence and testimony presented in connection with this hearing, the Planning Commission recommends that the City Council approve the Zoning Text Amendment to define, establish and modify requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units, establishing permanent regulations

for Urban Lot Splits and Two-Unit Development (SB 9), establishing development standards for Planned Residential Developments and Multiple Single Family Dwellings, establishing provisions for shared and reduced parking in commercial zones and various text amendments for code clean up and clarification.

Section 2. In accordance with Municipal Code section 11-1.70.05, the Planning Commission finds that the zone text amendment is consistent with the General Plan as follows:

Housing Element Policy 2.1 *“Support programs and incentives that expand housing options, especially for lower income households and those experiencing homelessness”* and Housing Element Policy 2.4 *“Promote and encourage innovation and creativity in housing development through regulations that increase transparency and flexibility in the development approval process.”* The proposed text amendment provides greater opportunities to development residential dwellings by establishing development standards that promote a wide range of housing types.

Land Use Policy 9 *“The City will work to protect and promote property values by promoting the more efficient use of underutilized properties and structures consistent with the City’s economic development.”* The proposed text amendment will encourage the redevelopment of underutilized residential properties and will allow for the more dynamic use of commercial properties by providing for a beneficial mix of businesses.

Land Use Policy 13 *“The City will work to manage growth and development in the City consistent with historic development trends in the City.”* The proposed text amendment seeks to provide enhanced residential development opportunities while preserving the single-family character of neighborhoods. Amendments also lead toward better land use compatibility and enhanced development standards.

Circulation Policy 7 *“The City will evaluate parking restrictions/ regulations to increase the availability of parking whenever possible without jeopardizing safety.”* The proposed zone text amendment is an example of the City’s encouragement of this policy. The creation of provisions for a reduction in off-site parking.

Economic Development Policy 3 *“The City will promote the improvement and revitalization of existing commercial areas and neighborhood shopping centers.”* The provisions will allow flexibility for existing commercial shopping centers and allow a greater variety of land uses.

Section 3. Based on the foregoing, the Planning Commission of the City of Lomita hereby recommends City Council approval of the Zone Text Amendment 2022-01 as attached hereto as follows:

Attachment A: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE 11 (PLANNING AND ZONING, CHAPTER 1(ZONING), REVISING THE CITY’S REGULATIONS FOR ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Attachment B: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, ESTABLISHING REGULATIONS RELATING TO URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES AS ALLOWED BY THE STATE OF CALIFORNIA SENATE BILL 9 AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

Attachment C: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE 11 (PLANNING AND ZONING, CHAPTER 1(ZONING), AMENDING AND REVISING THE CITY'S REGULATIONS FOR ARTICLE 15- DEFINITIONS, ARTICLE 30- RESIDENTIAL ZONES, ARTICLE 49 D-C (DOWNTOWN COMMERCIAL), ARTICLE 58- MIXED OVERLAY DISTRICT, ARTICLE 66 OFF-STREET, PARKING, STORAGE AND LOADING, ARTICLE 70 – ZONING ORDINANCE ADMINISTRATION AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 8th day of November, 2021 by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

Steve Cammarata, Chair

ATTEST:

Sheri Repp Loadsman
Planner

Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE 11 (PLANNING AND ZONING, CHAPTER 1(ZONING), REVISING THE CITY'S REGULATIONS FOR ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

THE CITY COUNCIL OF THE CITY OF LOMITA HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals.

- A. An Existing ordinance addressing accessory dwelling units and junior accessory dwelling units is codified in Title XI of the Lomita Municipal Code
- B. The City desires to amend Title XI of the Lomita Municipal Code to amend its accessory dwelling unit regulations as necessary to bring them into compliance with Government Code Sections 65852.2 and 65852.22 while retaining local control to the maximum extent permitted under these state law provisions.
- C. Government Code Section 65852.2(a)(1)(B) authorizes cities to impose standards on accessory dwelling units in conformance with state law that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum unit size, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources.
- D. Government Code Section 65852.2(h)(A) provides that the state Department of Housing and Community Development (HCD) is to make findings regarding local agency ordinance compliance with Section 65852.2.
- E. On June 13, 2022, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2022-01 where public testimony was accepted on the item and recommended City Council approval.

Section 2. CEQA. The City Council finds and determines that the adoption of an ordinance regarding second units (ADUs) in a single-family or multifamily residential zone to implement the provisions of Government Code Sections 65852.2 and 65852.22 is exempt from CEQA review pursuant to Public Resources Code Section 21080.17. Therefore, this ordinance does not require any environmental review under CEQA.

Section 3. Section 11-1.30.06 of Title XI of the Lomita Municipal Code is amended to read as follows:

(A) Purpose.

- (1) The purpose of this Section, is to provide for the creation of Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with Section 65852.2 of the Government Code, as amended from time to time. In any instance where there is conflict, State law shall govern.

(B) Definitions

- (1) "Accessory dwelling unit/ ADU" has the same meaning as that stated in Government Code Section 65852.2 as that section may be amended time to time.
- (2) "Attached ADU" means an ADU that shares at least one common wall with the primary dwelling unit.
- (3) "Converted ADU" means an ADU that is constructed within all or a portion of the legally permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, and storage areas.
- (4) "Detached ADU" means an ADU that is physically separated from, but located on the same lot as, a primary dwelling structure.
- (5) Existing. A structure is "existing" if it was legally constructed, and the construction has passed all required final inspections.
- (6) "Junior accessory dwelling unit/ JADU" shall have same meaning as that stated in Government Code Section 65852.22(h)(1) as that section may be amended time to time.
- (7) "Public transit" has the same meaning as that stated in Government Code Section 65852.2 as that section may be amended time to time.
- (8) "Floor area" of an accessory dwelling unit means, for the purpose of this chapter, the area of each floor level included within the walls enclosing each dwelling unit. The floor area shall be measured from the outside face of the walls enclosing each dwelling unit including all closet space and storage areas contained within the unit, including habitable basements and attics, but not including unenclosed porches, balconies, or any enclosed garages or carports. For purposes of calculating allowable floor area of accessory dwelling units based on a proportion of the size of the primary residence, only the livable floor area of the primary residence shall be counted. The floor area of any other structures, for purposes of calculating total floor area, lot coverage, or other calculations, shall be calculated in the manner described in the relevant zoning regulations.

(C) Applicability and Permissible Use.

- (1) Accessory Dwelling Units Required by State Law. Accessory dwelling units required by State law are allowed on lots located within a residential or mixed-use zone as provided in Section 65852.2(e) of the Government Code, in compliance with all applicable provisions of subsection (d) of this Section, Development Standards and Requirements, except for those provisions which do not allow an accessory dwelling unit otherwise in compliance with Section 65852.2(e) of the Government Code. An

accessory dwelling unit pursuant to Section 65852.2(e)(1)(B) of the Government Code shall be limited to a maximum floor area size of eight hundred (800) square feet and a maximum height of sixteen (16) feet. The combination of accessory dwelling unit categories set forth in Section 65852.2(e)(A) through (D) of the Government Code is prohibited.

- (2) Applications for accessory dwelling units and junior accessory dwelling units shall be reviewed within sixty (60) days from the date the city receives a complete application if there is an existing single-family or multifamily dwelling on the lot. If the application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the city may delay acting on the application for the accessory dwelling unit or the junior accessory dwelling unit until the city acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.
 - (3) Approval of a permit for the creation of an accessory dwelling unit or junior accessory dwelling unit shall not be conditioned on the correction of nonconforming conditions on the subject property. However, this does not prevent the City from enforcing compliance with applicable building standards in accordance with California Health and Safety Code Section 17980.12.
 - (4) For the purpose of this Section, a structure with two (2) or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings. A lot with multiple detached single-family dwellings is eligible for creation of one (1) accessory dwelling unit per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure or new construction of a detached accessory dwelling unit.
 - (5) It is prohibited to convert existing floor area or construct an accessory dwelling unit without first obtaining approval and issuance of a building permit. Such permit shall be issued if it is determined that the accessory dwelling unit will conform to the provisions of this Section.
 - (6) Applicant shall pay all applicable development impact fees established by City Council resolution. Accessory dwelling units of less than seven hundred fifty (750) sq. ft. in size shall be exempt from all impact fees. Accessory dwelling units of greater than 750 sq. ft. in size shall be charged impact fees.
- (D) State Exempt Accessory Dwelling Units
- (1) ADUs of 800 square feet or less. All development standards (including lot coverage, open space, and landscaping requirements) are reduced solely to the extent necessary to allow either of the following:
 - a. On a lot with a proposed or existing single-family dwelling, one attached or detached ADU that is 800 square feet or less, with a height not exceeding 16 feet, with setbacks of at least 4 feet from the side and rear yards and complies with applicable front yard setbacks.

- b. On a lot with an existing multifamily dwelling, up to 2 detached ADUs that are 800 square feet or less and which have a height not exceeding 16 feet, and which comply with setbacks of at least 4 feet from the side and rear yards, and which comply with front yard setbacks.

(E) Development Standards and Requirements. Accessory dwelling units shall comply with the following development standards and requirements:

(1) Number of Units

- a. For lots with an existing or proposed single-family dwelling, one (1) accessory dwelling unit shall be allowed on a lot.
- b. For lots with an existing multifamily residential dwelling structure
 - 1. No more than 25% of the number of the existing units, but at least one unit, shall be permitted as ADUs constructed within the non-livable space and are enclosed on at least three sides (e.g., storage rooms, boiler rooms, attics, basements, or garages) of the existing multifamily dwelling structure provided that applicable building codes are met; Fractions shall be rounded down to the next lower number of dwelling units, except that at least one accessory dwelling unit shall be allowed; OR
 - 2. Up to two (2) accessory dwelling units shall be permitted as detached from the multifamily residential structure and may be attached or detached to each other.

(2) Height

- a. Attached or Detached ADUs complying with a 4ft. side and 4ft. rear setback shall not exceed one story and a height of sixteen (16) feet
- b. An attached or detached accessory dwelling unit complying with the setback requirements of the underlying zone shall not exceed eighteen (16) feet at one (1) story and twenty-seven (27) feet at two (2) stories. ADUs shall not exceed two (2) stories.
- c. Properties located South of Pacific Coast Highway.
 - 1. An accessory dwelling unit attached to the primary dwelling or a detached accessory dwelling unit shall not exceed sixteen (16) feet and shall not exceed one (1) story. Pursuant to Section 11-1.70.11 Residential lots south of Pacific Coast Highway shall obtain a Height Variation Permit for new structures or additions over sixteen (16) feet in height measured from the natural grade.

(3) Setbacks

- a. Front Yard. Twenty (20) feet to a front property line.
 - 1. Secondary front. Ten (10) feet to property line.
- b. Side Yard. Four (4) feet to a side property line.
- c. Rear Yard. Four (4) feet to a rear property line.
- d. Building Separation. Six (6) feet to the exterior wall of a dwelling, garage, or accessory structure located on the same lot.
- e. Setbacks required by utility easements and recorded setbacks shall be maintained. No portion of an ADU shall be constructed on

- a public or private easement. Roof eaves may not be eliminated to meet this requirement.
- f. No setback is required for an existing living area or existing accessory structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.
 - g. ADUs are not eligible for modifications to yard setbacks pursuant to Article 70.
- (4) Lot Coverage. An accessory dwelling unit exceeding 800 sq. ft. shall comply with the lot coverage and floor area ratio of underlying zone requirements of Article 30.
- (5) Useable Open Space. Accessory Dwelling Units shall provide, at a minimum, a continuous private recreation area of 225 square feet with minimum interior dimensions of 10 feet. The private recreation shall be open and unobstructed from the ground to the sky and may be located within the interior, street side, or rear setback areas.
- (6) Floor Area Size
- a. Maximum Floor Area Size
 - 1. Attached accessory dwelling units with zero (0) bedrooms or one (1) bedroom are subject to a maximum size of eight hundred fifty (850) square feet or fifty percent (50%) of the size of the dwelling unit, whichever is less. Attached accessory dwelling units with two (2) or more bedrooms are subject to a maximum size of one thousand (1,000) square feet or fifty percent (50%) of the size of the dwelling unit, whichever is less. In no event less than less than (800) square feet. Accessory Dwelling Units located on lots with multifamily dwelling structures shall not exceed 800 square feet.
 - 2. Detached accessory dwelling units with zero (0) bedrooms or one (1) bedroom are subject to a maximum size of eight hundred fifty (850) square feet. The maximum size of an accessory dwelling unit with two (2) or more bedrooms is one thousand (1,000) square feet. Accessory Dwelling Units located on lots with multifamily dwelling structures shall not exceed 800 square feet.
 - b. Minimum Floor Area Size. An attached or detached accessory dwelling unit shall provide a minimum floor area no less than 220 square feet.
 - c. Converted Floor Area Size. The conversion of an existing accessory structure or a portion of the existing primary dwelling to an accessory dwelling unit is not subject to the maximum floor area size requirement when no expansion or addition is proposed beyond the physical dimensions of the structure or dwelling other than an expansion of not more than one hundred fifty (150) square feet limited to

- accommodating ingress and egress for the purpose of an accessory dwelling unit; otherwise the converted floor area size shall be governed by the maximum floor area size requirement.
- d. An accessory dwelling unit shall not be subject to the accessory buildings and structures requirements of Section 11-1.30.05.
 - e. Accessory structures including but not limited to garages and patios attached to Accessory Dwelling Units shall comply with Section 11-1.30.05 – Accessory buildings and structures.
- (7) Floor Area Ratio. In general, the floor area ratio for all ADUs shall be subject to the floor area ratio requirements of Section 11-1.30.02. However, ADUs which are 800 square feet or less are exempt from floor area ratio calculation.
- (8) Density. For purposes of calculating allowable density under the General Plan and Zoning Code an accessory dwelling unit is an accessory use that does not count toward the allowable density for the lot.
- (9) Parking and Vehicular Access.
- a. One (1) parking space is required per accessory dwelling unit.
 - b. Parking shall be located on the same lot containing the accessory dwelling unit and may be provided as tandem parking on a driveway. Parking shall conform to the requirements of Article 66.
 - c. Parking for the accessory dwelling unit is waived pursuant to Section 65825.2(d)(1) through (5) of the Government Code.
 - d. Replacement parking is not required if a garage or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit
- (10) City and Public Utilities
- a. All ADUs must be connected to public utilities, or their private equivalent, including water, electric, and sewer services. For example, if required by the Building Standards Code, dwelling units that are proposed to be installed on a property with only septic tanks are prohibited.
 - b. Except for ADUs created solely by converting an existing single-family dwelling or a single-family accessory structure, the city may require a separate utility connection.
- (11) Design Standards
- a. Building architecture including roof type, roof pitch, exterior materials, finishes and color shall match the primary dwelling
 - b. Address numerals of all dwelling units shall be clearly visible from the street or displayed in a building directory
 - c. ADUs shall have a main entrance separate from the primary dwelling
 - d. New entry door shall not open directly toward an alley
 - e. Replacement of the garage door shall include a new façade. The new façade shall include a minimum of one window or entryway

- f. Entryway shall include an exterior light fixture
- g. Tree Preservation: Any plans for an addition or new construction shall identify the location of any mature trees onsite and provide protective measures to ensure preservation of mature trees. A mature tree is defined as any tree having a main trunk or stem measuring 24 inches in diameter, or 75 inches in circumference, measured at a height of 4 ½ feet above ground level at the root crown. A removal includes moving a tree or removing more than one-third of a tree's vegetation. Sites without an existing mature tree must provide at least two 24-inch box trees within the front yard setback or open space area.

(12) Notice of Construction

- a. At least thirty (30) business days before starting any construction of an Accessory Dwelling Unit, the property owner shall give written notice to all the owners of record of each of the adjacent residential parcels, which notice shall include the following information:
 - i. Notice that construction has been authorized
 - ii. The anticipated start and end dates for construction
 - iii. The hours of construction
 - iv. Contact information for the project manager (for construction-related complaints)
 - v. Contact information for LA County Building Division.
- b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. This notice requirement is purely to promote neighborhood awareness and expectation.

(13) Owner-Occupancy

- a. Effective January 1, 2020, the owner-occupancy requirement is waived until January 1, 2025, as provided in State law. The owner-occupant requirement shall not be required for an accessory dwelling unit permitted between January 1, 2020, to December 31, 2024, during which time the owner-occupant requirement is waived as provided in State law. However, if the lot is developed with both an accessory dwelling unit and a junior accessory dwelling unit, the junior accessory dwelling unit is subject to the owner-occupancy requirement.

- (14) Covenant Restriction. Prior to issuance of the building permit for an accessory dwelling unit, a covenant restriction, approved by the City Attorney, shall be recorded with the Los Angeles County Recorder's Office, which shall include the pertinent restrictions and limitations of an accessory dwelling unit identified in this Section. Said covenant restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded covenant restriction shall be filed with the Community Development Department as part of the building permit application. The recorded covenant restriction shall state that:

- a. The accessory dwelling unit shall not be sold, or title transferred separate and apart from the remainder of the property, except as provided in Section 65852.26 of the Government Code; and
- b. The accessory dwelling unit shall be restricted to the floor area and height allowed per the development standards at the time of building permit issuance;
- c. The accessory dwelling unit shall not be operated as a short-term rental or rented for a period less than thirty (30) days; and
- d. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain an accessory dwelling unit on the property.

(15) **Illegal Accessory Dwelling Units.** This Section shall not validate any existing illegal accessory dwelling units. Any conversions from illegal units to a conforming legal accessory dwelling unit shall be considered a new accessory dwelling unit subject to the provisions of this Section.

- a. Effective January 1, 2020, the property owner of a lot containing an accessory dwelling unit built before January 1, 2020, that receives a notice to correct a violation of building standards may submit an application to the Community Development Department requesting that enforcement of the violation be delayed for up to five (5) years on the basis that correcting the violation is not necessary to protect health and safety as determined by the Building Official; provided, that all other violations not related to the accessory dwelling unit are corrected. This provision shall expire January 1, 2030, as provided in State law.

(F) Junior Accessory Dwelling Units

(1) **Purpose.** The purpose of this Section, Junior Accessory Dwelling Units, is to provide for the creation of junior accessory dwelling units consistent with California Government Code Section 65852.22, as amended from time to time. In any instance where there is conflict, State law shall govern.

(2) **Definitions**

- a. "Junior accessory dwelling unit" is a unit no more than five hundred (500) square feet in size and contained entirely within a proposed or existing single-family dwelling or within the walls of a garage attached to an existing single-family dwelling. It shall include permanent provisions for living, sleeping, eating, and cooking. A junior accessory dwelling unit shall not be operated as a short-term rental or rented for a period less than thirty (30) days.

(3) **Applicability and Permissible Use**

- a. Junior accessory dwelling units are allowed on lots located that contain a proposed or existing single-family dwelling. Junior accessory dwelling units are not allowed on a lot with more than one residence.
- b. Junior accessory dwelling units may be combined with an accessory dwelling unit on lots located within a residential or

mixed-use zone with a proposed or existing single-family dwelling as provided in Section 65852.2(e) of the Government Code.

- c. Junior accessory dwelling units are prohibited on lots that contain multiple detached single-family dwellings.
- (4) Development Standards and Requirements. Junior accessory dwelling units shall comply with the following development standards and requirements:
- a. Number of Units. One (1) junior accessory dwelling unit shall be allowed on a lot
 - b. Owner-Occupancy. The property owner shall reside on the lot. The owner may reside in the remaining portion of the single-family dwelling or the newly created junior accessory dwelling unit.
 - c. Covenant Restriction. A covenant restriction shall be completed and recorded, as provided in subsection (13) of this Section.
 - d. Location of Junior Accessory Dwelling Unit. A junior accessory dwelling unit shall be created within the walls of a proposed or existing single-family dwelling, or within the walls of a garage attached to an existing single-family dwelling.
 - e. Separate Entry Required. An exterior entrance is required for all junior accessory dwelling units, independent of the exterior entrance for the single-family dwelling and shall not open directly toward an alley.
 - f. Kitchen Requirements. The junior accessory dwelling unit shall include an efficiency kitchen, which includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are reasonable to size of the unit.
 - g. Common Sanitation: Where a junior accessory dwelling unit shares the bathroom facilities contained in the single-family dwelling, a direct unobstructed interior connection shall be provided at all times between the junior accessory dwelling unit and the bathroom facilities, and the interior connection shall not require passage through a locked door (except for a privacy lock on the bathroom door) or passage outside of the gross floor area of the junior accessory dwelling unit or single family dwelling.
- (5) Design Standards
- a. Building architecture, exterior materials, finishes and color shall match the primary dwelling
 - b. Address numerals of all dwelling units shall be clearly visible from the street or displayed in a building directory
 - c. JADUs shall have a main entrance separate from the primary dwelling
 - d. New entry door shall not open directly toward an alley
 - e. Replacement of the garage door shall include a new façade. The new façade shall include a minimum of one window or entryway
 - f. Entryway shall include an exterior light fixture
- (6) Parking. No parking is required for the junior accessory dwelling unit beyond the required parking for the proposed or existing single-family dwelling.

However, replacement parking for the existing single-family dwelling is required when an attached garage or portion thereof is converted to a junior accessory dwelling unit. Parking shall conform to the requirements of Article 66.

- (7) Setbacks and Other Zoning Regulations. The junior accessory dwelling unit shall be considered a part of the single-family dwelling and shall be subject to the same requirements of the underlying zoning district as required for the single-family dwelling.
- (8) Density. For purposes of calculating allowable density under the General Plan and Zoning Code a junior accessory dwelling unit is an accessory use that does not count toward the allowable density for the lot.
- (9) Maximum Floor Area. A junior accessory dwelling unit shall not exceed five hundred (500) square feet in floor area.
- (10) Minimum Floor Area. A junior accessory dwelling unit shall provide a minimum floor area no less than 220 square feet
- (11) Utility Service. For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. An inspection may be assessed to confirm the junior accessory dwelling unit complies with development standards.
- (12) Illegal Junior Accessory Dwelling Units. This Section shall not validate any existing illegal junior accessory dwelling units. Any conversions from illegal units to a conforming legal junior accessory dwelling unit shall be considered a new junior accessory dwelling unit subject to the provisions of this Section.
- (13) Covenant Restriction
 - a. Prior to issuance of the building permit for a junior accessory dwelling unit, a covenant restriction, approved by the City Attorney, shall be recorded with the Los Angeles County Recorder's Office, which shall include the pertinent restrictions and limitations of a junior accessory dwelling unit identified in this Section. Said covenant restriction shall run with the land, and shall be binding upon any future owners, heirs, or assigns. A copy of the recorded covenant restriction shall be filed with the Community Development Department as part of the building permit application. The recorded covenant restriction shall state that:
 - i. The junior accessory dwelling unit shall not be sold separately from the single-family dwelling
 - ii. The junior accessory dwelling unit shall be restricted to the maximum size allowed per the development standards
 - iii. The junior accessory dwelling unit shall be considered legal only so long as either the single-family dwelling or the junior accessory dwelling unit is occupied by the property owner
 - iv. The junior accessory dwelling unit shall not be operated as a short-term rental or rented for periods less than thirty (30) days

- v. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance with this provision may result in legal action against the property owner, including revocation of any right to maintain a junior accessory dwelling unit on the property.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Lomita hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after the date of its passage; and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2022.

CINDY SEGAWA, Mayor

ATTEST:

KATHLEEN HORN GREGORY, CMC, City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, ESTABLISHING REGULATIONS RELATING TO URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES AS ALLOWED BY THE STATE OF CALIFORNIA SENATE BILL 9 AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

THE CITY COUNCIL OF THE CITY OF LOMITA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopted Urgency Ordinance 832U on February 28, 2022, establishing objective standards and regulations regarding urban lot splits and two-unit residential developments authorized by SB 9.

Section 2. On April 5, 2022, the City Council adopted an extension to Urgency Ordinance 832U, for a period of 10 months and 15 days, to implement State of California Senate Bill 9 to allow urban lot splits and two-unit residential developments in single-family residential zones.

Section 3. Out of an abundance of caution, the City Council now wished to adopt regulations through the regular ordinance process to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9.

Section 4. On June 13, 2022, the Planning Commission considered this ordinance and made a recommendation to the City Council.

Section 5. The City Council approves of the following amendments to the Lomita Municipal Code:

Section 6. Section 11-1.30.15 is hereby added to Title XI of the Lomita Municipal Code to read as follows:

Section 11.1.30.15 Urban Lot Splits

- (A) Purpose. The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.
- (B) Definition. An “urban lot split” means a ministerial application to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code and complying with the provision of Sec. 11-2.76.1.
- (C) Application.

1. Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
2. An application for an urban lot split must be submitted on the city's approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
3. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

(D) Approval.

1. An application for a parcel map for an urban lot split is approved or denied ministerially, by the Community Development Director, without discretionary review.
2. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

(E) An urban lot split must satisfy each of the following requirements:

1. Map Act Compliance.
 - A. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., "SMA"), including implementing requirements in this code, except as otherwise expressly

provided in this section.

B. If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:

a. The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.

b. The city has all the remedies available to it under the SMA, including but not limited to the following:

i. An action to enjoin any attempt to sell, lease, or finance the property.

ii. An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

iii. Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.

iv. Record a notice of violation.

v. Withhold any or all future permits and approvals.

c. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lot split.

C. Zone. The lot to be split is in the A-1 or R-1 Single-Family Residential Zone.

D. Lot Location.

a. The lot is not located on a site that is any of the following:

i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.

ii. A wetland.

iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

- iv. A hazardous waste site that has not been cleared for residential use.
 - v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - vi. Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - ix. Habitat for protected species.
 - x. Land under conservation easement.
- b. The purpose of subpart A.4.a above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)
- E. Not Historic. The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
- F. No Prior Urban Lot Split.
- a. The lot to be split was not established through a prior urban lot split.

- b. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.
- G. No Impact on Protected Housing. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:
 - a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years. [The applicant and the owner of a property for which an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.]
- H. Lot Size and Configuration.
 - a. The lot to be split must be at least 2,400 square feet.
 - b. The resulting lots must each be at least 1,200 square feet.
 - c. Each of the resulting lots must be between 60 percent and 40percent of the original lot area.
 - d. Side lines shall be at right angles to the streets on which the lots front and substantially parallel to each other; or project radially from the approximate center locus on cul-de-sac streets and other curves or knuckles having a radial curve of less than one hundred (100') and project in essentially straight lines.
- I. Easements.

- a. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- b. Each easement must be shown on the tentative parcel map.
- c. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with subpart B above.

J. Lot Frontage.

- a. Where 50 feet of frontage on a public right-of-way is not proposed for both lots created by an Urban Lot Split, each lot shall have a minimum of 30 feet of frontage on a public right-of-way and an average width of 30 feet, or
- b. Where 30 feet of frontage on a public right-of-way is not proposed for both lots created by an Urban Lot Split, one of the lots shall be provided with access by a corridor of at least 12 feet but not more than 15 feet of frontage on a public street.
- c. Where one of the lots created by an Urban Lot Split does not propose frontage on a public right-of-way, direct access to the public right-of-way must be provided through an access corridor easement for ingress and emergency access of at least 12 feet but not more than 15 feet of frontage on a public street.
- d. The access corridor shall be kept free and clear of building or structures of any kind except for lawful fences and underground or overhead utilities. public right-of-way must be provided through an access corridor easement for ingress and emergency access of at least 12 feet but not more than 15 feet of frontage on a public street.

K. Unit Standards.

- a. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 11-1.30.16 of this code, an ADU, or a JADU.

L. Separate Conveyance.

- a. Within a resulting lot.
 - i. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.
 - ii. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.
 - iii. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.

- b. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, the owner must record appropriate CC&Rs, easements, or other documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

M. Regulation of Uses.

- a. Residential-only. No non-residential use is permitted on any lot created by urban lot split.
- b. No Short-Term Rentals. No dwelling unit on a lot that is created by an urban lot split or containing a two-unit residential development may be rented for a period of less than 30 days.
- c. Owner Occupancy. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.
- d. Housing Crisis Act Replacement Housing Obligations. If the proposed development will result in the demolition of protected housing, as defined in California Government Code Section 66300, the applicant shall replace each

demolished protected unit and comply with all applicable requirements imposed pursuant to subsection (d) of Government Code Section 66300.

N. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:

- a. Expressly prohibits the use of any lot created by an urban lot split for any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. States that the property is formed by an urban lot split and is therefore, subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development and the only development permitted on the lot are two-unit projects subject to Section 11-2.76.1.

(F) Specific Adverse Impacts.

1. Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

Section 7. Section 11-1.30.16 is hereby added to Title XI of the Lomita Municipal Code to read as follows:

Section 11-1.30.16 Two-Unit Housing Development

- (A) Purpose. The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.
- (B) Definition. A “two-unit housing development” means a housing development containing no more than two residential dwelling units within a single-family residential zone, other than an accessory dwelling unit or junior accessory dwelling unit, that qualifies for ministerial review pursuant to California Government Code Section 65852.21. A housing development contains two residential dwelling units if the development proposes no more than two new residential dwelling units, or proposes to add one new residential dwelling unit to one existing residential unit, or retention of two existing legal non-conforming residential dwellings units where one or both units are subject to a proposed addition or alteration.
- (C) Application.
1. Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
 2. An application for a two-unit project must be submitted on the city’s approved form.
 3. The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
 4. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.
- (D) Approval.
1. An application for a two-unit project is approved or denied ministerially, by the Community Development Director.

2. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

(E) Requirements. A two-unit project must satisfy each of the following requirements:

1. Map Act Compliance. The lot must have been legally subdivided.
2. Zone. The lot is in the A-1 or R-1 Single-Family Residential Zone.
3. Lot Location.
 - a. The lot is not located on a site that is any of the following:
 - i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - ii. A wetland.
 - iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - iv. A hazardous waste site that has not been cleared for residential use.
 - v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - vi. Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain

management criteria of the National Flood Insurance Program.

- vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.
 - viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.
 - ix. Habitat for protected species.
 - x. Land under conservation easement.
4. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.
5. No Impact on Protected Housing. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:
- a. Housing that is income-restricted for households of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
6. Unit Standards, Development Standards and Design Criteria
- a. Quantity.
 - i. No more than two dwelling units of any kind may be built on a lot

that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 11-1.30.16 of this code, an ADU, or a JADU.

ii. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city's ADU ordinance.

b. Unit Size.

i. The total floor area of each primary dwelling built that is developed under this section shall not exceed 800 square feet.

ii. Each new primary dwelling unit shall be at least the following minimum sizes based on the number of sleeping rooms provided:

- i. Studio / One bedroom: 500 square feet.
- ii. More than one bedroom: 700 square feet.

iii. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.

iv. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.

c. Demolition Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.

d. Lot Coverage. The maximum lot coverage shall not exceed 50%. The lot coverage shall include all buildings and structures (primary and accessory), covered porches and patios and covered parking areas. This lot coverage standard shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.

e. Open Space. Each new primary dwelling unit shall provide, at a minimum, a continuous private recreation area of 225 square feet with minimum interior dimensions of 10 feet. The private recreation shall be open and unobstructed from the ground to the sky and may be located within the interior, street side or rear setback areas. This open space standard shall apply to the maximum extent feasible so that two primary

dwelling units on the lot at 800 square feet are permitted.

f. Setbacks.

- i. New Primary Dwelling Units. The following minimum setbacks from the property lines shall be observed for each new primary dwelling unit and any garages and accessory structures that are attached to a new primary dwelling unit. Detached garages and accessory structures shall comply with the setbacks contained in subsection 2. The required setbacks shall be maintained open and unobstructed from the ground to the sky, except for the permitted intrusions.
 - I. Front Setback: 20 feet
 - II. Interior Side Setback: 4 feet
 - III. Street Side Setback: 10 feet
 - IV. Rear Setback: 4 feet.
- ii. Detached Garages and Accessory Structures. The following minimum setbacks from the property lines shall be observed for detached garages and accessory structures on a lot
 - I. Front Setback: 20 feet
 - II. Interior Side Setback: 4 feet
 - III. Street Side Setback: 10 feet
 - IV. Rear Setback: 4 feet or minimum 10 feet from centerline of alley.
- iii. Any construction occurring on a lot that abuts a street that has not been fully improved shall observe all building setbacks from the ultimate right-of-way of the street.
- iv. Exceptions. Notwithstanding subpart E.6.f above:
 - I. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - II. A required minimum setback may be reduced pursuant to this section to the degree it would (i) physically preclude the development or maintenance of two dwelling units on a lot or (ii) physically preclude any new primary dwelling unit from being 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
 - III. Permitted Intrusions. The following permitted intrusion may project into any required setback a maximum of two feet: cornices, eaves, belt courses, sills, buttresses,

planter boxes, masonry planters, guard railings, chimneys, and architectural projections with no floor area, including, but not limited to, windows and pilasters.

- g. Parking. Off-street parking for an existing primary dwelling unit shall continue to be provided in accordance with the standards of the underlying zone. Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:
- i. The lot is located within one-half mile walking distance of either (i) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, or (ii) a major transit stop as defined by Section 21064.3 of the California Public Resources Code, including but not limited to the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - ii. The site is located within one block of a car-share vehicle location. A car share vehicle is a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization allowing for hourly or daily service.
- h. Utilities. Each primary dwelling unit on a lot must have its own direct utility connection to the utility /public service provider. Submitted plans shall show the location and dimension of all above-ground and underground utility and public service facilities serving each lot and each dwelling unit and the location and dimensions of all related easements.
- i. Unit Height; Stories. Each new primary dwelling unit shall be one story, constructed at ground level, and shall not be more than 16 feet in height measured from ground level to the highest point on the roof.
- j. Building Separation. Except as otherwise allowed by state law, a minimum building separation of six (6) feet shall be maintained between all detached structures on a lot, including all residential units, garages and accessory structures.
- k. Tree Preservation: Any plans for an addition or new construction shall identify the location of any mature trees onsite and provide protective measures to ensure preservation of mature trees. A mature tree is defined as a tree is defined as any tree having a main trunk or stem measuring 24 inches in diameter, or 75 inches in circumference, measured at a height of 4 ½ feet above ground level at the root crown. A removal includes

moving a tree or removing more than one-third of a tree's vegetation. Sites without an existing mature tree must provide at least two 24-inch box trees within the front yard setback or open space area.

- l. Each new primary dwelling unit shall have a main entry that is clearly defined, and to the extent possible, be oriented directly toward the street(s) in order to provide a consistency with the neighborhood character. The main entry shall be covered, with a minimum depth of three (3) feet. Each covered entry shall be in proportion to the building and shall incorporate architectural features that are used in the overall building design.
- m. Water Heaters: Each new primary dwelling unit shall have a separate hot water heater. The location of the water heater shall be incorporated into the design of each unit. No exterior water heater enclosures shall be permitted. Tankless water heaters may be utilized subject to compliance with applicable building codes.
- n. Refuse Storage Areas. All developments shall provide each unit with the appropriate number of containers for recyclables, organics and non-recyclable solid waste ("trash containers") as required by the designated waste hauler, and shall comply with the following:

 - i. Trash containers shall be stored within designated storage areas only and not within the garage parking area.
 - ii. The area required for each container shall be a minimum of 38 inches by 38 inches.
 - iii. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.
- o. Building & Safety. All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.
- p. Affordability: Second units, and both units of a two-unit development, if rented, shall only be rented at an affordable rent for lower-income households, as defined in Health and Safety Code Section 50053, and shall only be rented to lower-income households, as defined in Health and Safety Code Section 50079.5, for a minimum of 30 years. Prior to the issuance of a certificate of occupancy for any second unit or any unit of a two-unit development, the owner of the property shall execute and record on the property a deed restriction, in a form approved by the director and the city attorney, establishing legal restrictions consistent with this Section.

- q. Other Standards. All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of Statelaw.

7. Separate Conveyance.

- a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted within the lot.
- c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

8. Regulation of Uses.

- a. Residential-only. No non-residential use is permitted on the lot.
- b. No Short-Term Rentals. No dwelling unit on the lot may be rented for a period of less than 30 days.
- c. Owner Occupancy. Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

9. Notice of Construction.

- a. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - i. Notice that construction has been authorized,
 - ii. The anticipated start and end dates for construction,
 - iii. The hours of construction,
 - iv. Contact information for the project manager (for construction-related complaints), and
 - v. Contact information for the Building & Safety Department.
- b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

10. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lot.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. If the lot is not created by an urban lot split, expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
- e. If the lot is created by an urban lot split, then it is subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development and the only development permitted on the lot are two-unit projects subject to this section.

(F) Specific Adverse Impacts.

- a. Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a "specific adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- b. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
- c. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific adverse impact.

(G) Remedies.

If a two-unit project violates any part of this code or any other legal

requirement:

- a. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.
- b. The city may:
 - a. Bring an action to enjoin any attempt to sell, lease, or finance the property.
 - b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.
 - c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
- d. Record a notice of violation.
- e. Withhold any or all future permits and approvals.
- f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

Section 8. Section 11-2.76.1 is hereby added to Title XI of the Lomita Municipal Code to read as follows:

Sec. 11-2.76.1 – Urban Lot Splits

- A. The provisions of this section apply to the processing of parcel maps for urban lot splits pursuant to California Government Code Section 66411.7 and Section 11-1.30.15 of this code.
- B. Approval. Notwithstanding the Subdivision Map Act or any other provision of this chapter, an application for a parcel map for an urban lot split is approved or denied ministerially, by the city's community and economic development director, without discretionary review. A tentative parcel map for an urban lot split is approved ministerially if it complies with the requirements of Section 11-1.30.15 and applicable objective requirements of this chapter and the Subdivision Map Act. The tentative parcel map may not be recorded. A final parcel map is approved ministerially, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements.
- C. Guidance and Procedures. The city engineer has the authority to interpret and establish guidance and procedures for the processing, approving, and finalizing parcel maps for urban lot splits, which are consistent with state and local law.
- D. Application.

1. Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
2. An application for an urban lot split must be submitted on the city's approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
3. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

Section 9. Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 10. Effective Date. This Ordinance takes effect immediately upon its adoption and shall become operative on January 1, 2022.

Section 11. CEQA. Under California Government Code sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, adoption of this Ordinance is statutorily exempt from CEQA because it implements these new laws enacted by SB 9. The project is further exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendments will not have a significant effect on the environment because the proposed zone text amendments would provide for new standards consistent with State Law and do not propose any physical construction.

Section 12. The City Council finds that the proposed amendment is consistent with the general objectives, principles, and standards of General Plan.

PASSED, APPROVED and ADOPTED this ___th day of _____ 2022

Cindy Segawa, Mayor

ATTEST:

Kathleen Horn Gregory, MMC, City Clerk

APPROVED AS TO FORM:

Trevor Rusin, City Attorney

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE 11 (PLANNING AND ZONING, CHAPTER 1(ZONING), AMENDING AND REVISING THE CITY'S REGULATIONS FOR ARTICLE 15- DEFINITIONS, ARTICLE 30- RESIDENTIAL ZONES, ARTICLE 49 D-C (DOWNTOWN COMMERCIAL), ARTICLE 58- MIXED OVERLAY DISTRICT, ARTICLE 66 OFF-STREET, PARKING, STORAGE AND LOADING, ARTICLE 70 – ZONING ORDINANCE ADMINISTRATION AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

THE CITY COUNCIL OF THE CITY OF LOMITA HEREBY ORDAINS AS FOLLOWS:

Section 1. Recitals.

- A. The City desires to amend Title XI of the Lomita Municipal Code to define, establish and modify requirements for Accessory Dwelling Units and Junior Accessory Dwelling Units, establishing permanent regulations for Urban Lot Splits and Two-Unit Development (SB 9), establishing development standards for Planned Residential Developments and Multiple Single Family Dwellings, establishing provisions for shared and reduced parking in commercial zones and various text amendments for code clean up and clarification.
- B. On June 13, 2022, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2022-01 where public testimony was accepted on the item and recommended City Council approval. [LQ1]

Section 2. CEQA. The City Council finds that the text amendments to Title 11 are exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendments will not have a significant effect on the environment because the proposed zone text amendments would provide for new standards consistent with applicable State Laws and do not propose any physical construction.

Section 3. Section 11-1.15.04(D) of Title XI of the Lomita Municipal Code is amended to add the following:

Dwelling, Accessory, shall mean an "accessory dwelling unit (ADU)" as that stated in Government Code Section 65852.2 as that section may be amended time to time.

Dwelling, Junior, shall mean a "junior accessory dwelling unit (JADU)" as that stated in Government Code Section 65852.22(h)(1) as that section may be amended time to time.

Dwelling, Primary, shall mean a building used as a one-family or two-family dwelling other than an accessory dwelling unit or junior accessory dwelling unit.

Dwelling, Two-Unit Housing Development means a housing development containing no more than two residential dwelling units within a single-family residential zone, other than an accessory dwelling unit or junior accessory dwelling unit, that qualifies for ministerial review pursuant to California Government Code Section 65852.21. A housing development contains two residential dwelling units if the development proposes no more than two new residential dwelling units, or proposes to add one new residential dwelling unit to one existing residential unit, or retention of two existing legal non-conforming residential dwellings units where one or both units are subject to a proposed addition or alteration.

Section 4. Section 11-1.15.11(K) of Title XI of the Lomita Municipal Code is amended to add the following:

Kitchen, Efficiency, shall mean as defined in Government Code Section 65852.22, is a kitchen that contains at least 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 junior accessory dwelling unit.

Section 5. Section 11-1.15.12(L) of Title XI of the Lomita Municipal Code is amended to read and add the following:

Large family day care home shall mean any residential home which provides day care, protection and supervision for seven (7) to ~~twelve (12)~~ fourteen (14) children on a less than twenty-four hours-per-day basis, including those children under the age of ten (10) who reside at the home or are the children of the caregiver.

Lot coverage shall mean the horizontal area measured within the outside of the exterior walls on the ground floor of all buildings and accessory structures on a lot including garages, carports and covered porches. ~~that portion of net lot area that is covered by primary and/or accessory building(s) or structure(s).~~

Section 6. Section 11-1.15.18(R) of Title XI of the Lomita Municipal Code is amended to add the following:

Reasonable Accommodation, Major, shall mean any deviation requested and/or granted from the strict application of this Title XI, resulting in a physical modification to the property which cannot be restored or terminated within 90 days or less after the reasonable accommodation ends.

Reasonable Accommodation, Minor, shall mean any deviation requested and/or granted from the strict application of this Title XI and which can be removed or terminated in 90 days or less after the need for the reasonable accommodation ends.

Section 7. Section 11-1.15.19(S) of Title XI of the Lomita Municipal Code is amended to read and add the following:

Single-family residential zone shall have the same meaning as in California Government Code Section 65852.21. A single-family residential zone includes the A-1 and R-1 zones.

Small family day care home shall mean any residential home which provides day care, protection and supervision for ~~six (6)~~ eight (8) or fewer children on a less than 24-hours-per-day basis, including those children under the age of ten (10) who reside at the home or are the children of the caregiver.

Section 8. Section 11-1.15.21(U) of Title XI of the Lomita Municipal Code is amended to read and add the following:

Urban Lot Split means a ministerial application for a parcel to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code.

Section 9. Section 11-1.49.06(D) of Title XI of the Lomita Municipal Code is amended to read as follows:

(D) *Off-street parking and loading.* For new development, each lot or parcel of land in Zone D-C shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." If a use is located within 500 feet of a municipal parking lot and in the event standards cannot be met, the planning commission will review the development proposal pursuant to a Minor Conditional Use permit and determine the nature and extent of any new parking.

Section 10. Article 30 of Title XI of the Lomita Municipal Code is amended to read as follows:

PART 3. RESIDENTIAL ZONES

Article 30. Residential Zones

Sec. 11-1.30.00. Purpose and intent.

- (A) The residential zones are established to provide a range of housing types and densities to accommodate different life stages and income segments of the community.
- (B) Designation of residential zones:

A-1	Agriculture, Noncommercial
R-1	Single-Family Residential
RVD	Residential Variable Density

(Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.01. Uses.

Use	Zone			Supplemental Requirements
	A-1	R-1	RVD	
Accessory dwelling unit (9)	P	P	P	Sec. 11-1.30.06
Accessory structures	P	P	P	Sec. 11-1.30.05
Accessory structures that do not meet Code requirements	S	S	S	
Childcare facilities not in a residence			C	
Civic and public buildings	C	C	P	
Condominium conversions	C	C	C	Sec. 11-2.370
Farm pets	P			Sec. 11-1.30.08
Home occupations	P	P	P	Sec. 11-1.30.11
Hospitals			C	
Junior Accessory Dwelling Unit (9)	P	P		Sec. 11-1.30.06
Large family day care up to 14 persons	P	P	P	Sec. 11-1.30.10 As defined in California Code of Regulations Sec. 102416.5
Manufactured homes	P	P	P	Sec. 11-1.30.09
Multifamily housing (1)			P	Sec. 11-1.70.07
Nursery stock	C			
Organizational house (convent, etc.)			C	
Parking lots adjoining or located directly across the street from a commercial use	C	C	C	
Parking pads in front yard	S	S	S	See "Off-street Parking, Storage and Loading"
Planned Residential Development (10)	P	P	P	Sec. 11-1.70.07. Sec. 11-1.30.17
Private tennis clubs	C			
Public parks	P	P	P	
Public utilities	C	C	C	

Religious facilities <u>and assembly halls</u>	C	C	C	See "Special Development Standards"
Rooming house			P	
Schools (2)	C	C	C	Unless otherwise exempted by the school district, schools with a total capacity of more than fifty students (as determined by the Department of Building and Safety) shall be subject to the development standards in Section 11-1.68.04
Senior Housing PUD			CP	Sec. 11-1.30.14
Similar uses not listed	DOS	DOS	DOS	
Single-family residence	P	P	P	
<u>Small family day care</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Sec. 11-1.30.10</u> <u>As defined in California Code of Regulations Sec. 102416.5</u>
State-licensed community care and childcare facilities with six (6) or fewer persons	P	P	P	As defined in the California Health and Safety Code Sec. 1502, and 1596.750 et seq.
State-licensed community care and childcare facilities with seven (7) to <u>fifteen (15) persons or more residents in addition to the caregiver</u>	C	C	C	As defined in the California Health and Safety Code sections 1502 and 1596.750 <u>Sec. 11-1.30.10</u>
Supportive housing	P	P	P (1)	As defined in 11-1.15.019 (S)
Transitional housing	P	P	P (1)	As defined in 11-1.15.20 (T)
<u>Two-unit residential development (8)</u>	<u>P</u>	<u>P</u>		<u>Sec. 11-1.30.16</u>
<u>Urban Lot Split (8)</u>	<u>P</u>	<u>P</u>		<u>Sec. 11-1.30.15</u>

Wireless communication facilities	WCFP	WCFP	WCFP	See "Wireless Communications Facilities"
P — Permitted Use S — Site Plan Required C — Conditional Use Permit Required WCFP — Wireless Communication Facility Permit DOS — Determination of Similarity	<i>Notes:</i>			
	(1) Additions and new buildings requiring additional parking must receive "site plan" approval pursuant to this title.			
	(2) Nonprofit organizations which existed prior to 1979 may apply for a conditional use permit provided that the school is located on the same site as the organization.			

(Ord. No. 724, § 2(pt. 4), 5-18-09; Ord. No. 731, § 2(pt. 2), 6-7-10; Ord. No. 744, § 2, 6-20-11; Ord. No. 748, § 2(pt. 6), 1-17-12; Ord. No. 759, § 2, 7-1-13; Ord. No. 796, §§ 7, 8, 3-20-18; Ord. No. 832U, § 9, 2-28-22)

Sec. 11-1.30.02. Development standards.

Development Standard	Zone				
	A-1 (8)	R-1 (8)		RVD	RPD (7)(10)
Minimum lot area (square feet) (8)	5,000	5,000		(1)	Varies
Minimum lot width (2)(8)	50'	50'		50'	Varies
Maximum floor area ratio	.60	.60		NA	NA
Dwelling units per acre	8.7	8.7		(1)	(3)
Front yard setback*	20'	20'		20'	20
Corner lot—Secondary front*	10'	10'		10'	10'
Side yard setbacks* (4)(8)	5'	5'		5'	5'

Rear yard setback for principal structure	20'	20'		20'	15'
Maximum height of principal structure (5)(8)	27'	27'		27'	27'
Maximum height of accessory structures, detached accessory dwelling units and two-unit residential development (6)	16'	16'		16'	NA
Maximum height of accessory dwelling unit complying with the setback requirements of the principal structure	27'	27'		[LM2]27'	27'
Minimum rear and side yard setbacks for newly constructed accessory dwelling units not exceeding 16 ft height	4'	4'		4'	NA
Minimum rear and side yard setback for accessory building and structures pursuant to Sec. 11.1.30.05	3'	3'		3'	3'
					Sec. 11-

					1.30.03(1) [SR3]	
<i>Notes:</i>						
*			Modifications to yard setbacks subject to the provisions for "Modifications" (Sec. 11-1.70.08) and "Site Plan Review" (Sec. 11-1.70.07).			
(1)			The RVD zone has multiple density levels and the allowable densities are dictated by the number following the zoning symbol as indicated on the City of Lomita Zoning Map (e.g., RVD-1,500: 1 unit per 1,500 square feet and 29.04 du/acre).			
(2)			50' of frontage must be on a dedicated public street. A lot fronting a turnaround portion of a cul-de-sac may be 40' wide. Modification subject to development standards and requirements applicable to Sec. 11-1.30.15 for urban lot split and Sec. 11-1.30.16 for two-unit residential development.			
(3)			Density subject to the general plan designation of the subject property as follows: Low Density — 5.8 to 10.89 Medium Density — 10.90 to 19.8			
(4)			Setback equals ten percent of the lot width, but not less than three feet and need not exceed five feet.			
(5)			Residential properties located south of Pacific Coast Highway shall be limited to 16', and no more than one story, in height unless a height variation permit is granted. Section 11-1.30.12.			
(6)			Accessory structures, accessory dwelling and new dwelling units subject to Sec. 11-1.30.16 are limited to one story.			
(7)			Refer to Section 11-1.30.14 for additional requirements.			
(8)			Refer to Section 11-1.30.16 for development standards applicable to two-unit residential development; Section 11-1.30.17 for Planned Residential Development.			
(9)			Refer to Section 11-1.30.06 for development standards applicable to Accessory Dwelling Units and Junior Accessory Dwelling Units			
(10)			Refer to Section 11-1.30.17 for development standards applicable to Planned Residential Developments. The number of dwelling units per acre may be increased up to 10.89 for a Planned Residential Development.			

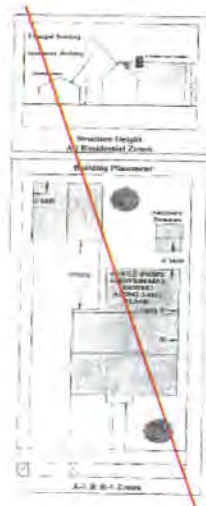
(Ord. No. 724, § 2(pt. 4), 5-18-09; Ord. No. 796, § 9, 3-20-18; Ord. No. 832U, § 9, 2-28-22)

Development Standard	Zoning District			PRD
	A-1 (8)	R-1(8)	RVD (Residential Variable Density)	PRD (Planned Residential Development) Senior PUD (7)(10)
Minimum lot area (square feet) (8)	5,000	5,000	(1)	2000 <u>Varies</u>
Minimum lot width (2)(8)	50'	50'	50'	<u>Varies</u>
Maximum floor area ratio	.60	.60	NA	NA
Dwelling units per acre (3)	8.7 <u>-10.89</u>	8.7 <u>-10.89</u>	(1)	(3)
Front yard setback*	20'	20'	20'	4520
Corner lot— Secondary front*	10'	10'	10'	10'
Side yard setbacks* (4)(8)	5'	5'	5'	5'
Rear yard setback for main unit <i>principal structure*</i>	20'	20'	20'	15'
Maximum height of principal structure (5)(8)	27'	27'	27'	27'
Maximum height of accessory structures, <u>and</u> detached accessory dwelling units <u>and two-unit residential</u>	16'	16'	16'	NA

<u>development</u> (6)				
<u>Maximum height of accessory dwelling unit complying with the setback requirements of the principal structure</u>	<u>27'</u>	<u>27'</u>	<u>27'</u>	<u>NA</u>
Minimum rear and side yard setbacks for newly constructed accessory dwelling units <u>not exceeding 16 ft height (9)</u>	<u>5' 4'</u>	<u>5'4'</u>	<u>5'4'</u>	<u>NA</u>
Minimum rear and side yard setback <u>for non-habitable accessory structures pursuant to Sec. 11-1.30.05 and second units</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>	<u>3'</u>
Solar panels				<u>Sec. 11-1.30.03(l)</u>
Parking requirements				<u>Off-Street Parking Standards</u>
Notes:				
*	Modifications to yard setbacks subject to the provisions for "Modifications" (<u>Sec. 11-1.70.08</u>) and "Site Plan Review" (<u>Sec. 11-1.70.07</u>) found in this title.			
(1)	The RVD zone has multiple density levels <u>levels</u> , and the allowable densities are dictated by the number following the zoning symbol as indicated on the City of Lomita Zoning Map (e.g., RVD-1,500: 1 unit per 1,500 square feet and 29.04 du/acre).			
(2)	50' of frontage must be on a dedicated public street. A lot fronting a turnaround portion of a cul-de-sac may be 40' wide. <u>Modification subject to</u>			

	<i>development standards and requirements applicable to Sec. 11-1.30.15 for urban lot split and Sec. 11-1.30.16 for two-unit residential development.</i>
(3)	Density subject to the general plan designation of the subject property. Single-family dwellings in the A-1 and R-1 zones are limited to 1 unit per 5,000 square feet except as may be permitted for a Planned Residential Development which may be up to 1 unit per 4,000 square feet.
(4)	Setback equals ten percent of the lot width, but not less than three feet and need not exceed five feet.
(5)	Residential properties located south of Pacific Coast Highway shall be limited to 16', and no more than one story, in height unless a height variation permit is granted. Section 11-1.30.12.
(6)	Accessory structures, <i>accessory dwelling</i> and second - <i>new dwelling</i> units <i>subject to Sec. 11-1.30.16</i> are limited to one story.
(7)	Refer to <u>Section 11-1.30.14</u> for additional requirements.
(8)	<u>Refer to Section 11-1.30.15 for development standards applicable to Urban Lot Splits; Refer to Section 11-1.30.16 for development standards applicable to two-unit residential development; Section 11-1.30.17 for Planned Residential Development.</u>
(9)	<u>Refer to Section 11-1.30.06 for development standards applicable to Accessory Dwelling Units and Junior Accessory Dwelling Units</u>
(10)	<u>Refer to Section 11-1.30.17 for development standards applicable to Planned Residential Developments. The number of dwelling units per acre may be increased up to 10.89 for a Planned Residential Development.</u>

Sec. 11-1.30.03. General standards of development.



The following general standards of development apply to all property in residential zones, except two-unit housing developments described in section 11-1.30.16.

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- (A) A minimum of fifty (50) percent of the front yard shall be irrigated and landscaped with drought-tolerant species and adhere to the city's "water conservation ordinance" found at chapter 4 of title XII of this Code.
 - (B) Single-story side yard additions may follow the existing legal building line provided that the setback is no less than three (3) feet from the property line. Site plan approval shall be required for second-story additions with less than a five-foot setback.
 - (C) Garages shall be located a minimum of twenty (20) feet from front and secondary front property lines. Garages accessed by an alley may be located at the rear property line with a minimum distance of ten (10) feet from the alley centerline.
 - (D) Garages shall not occupy more than fifty (50) percent of the linear frontage facing the right-of-way.
 - (E) A minimum distance of six (6) feet is required between all buildings unless otherwise provided by the zoning ordinance.
 - (F) Carports are only permitted subject to the provisions for "Modifications" (Sec. 11-1.70.08) and "Site Plan Review" (Sec. 11-1.70.07) ~~prohibited~~.
 - (G) Solar collectors and solar energy systems may exceed height limits and setback requirements mandated by this Code to the minimum extent necessary for their safe and efficient operation in accordance with the California Building Code and other applicable provisions of state law. Where feasible, ancillary solar equipment shall be located inside a building or screened from public view. Solar collectors and solar energy systems shall require written approval by the director of community development or the designee of that individual to ensure compliance with this subsection.



(Ord. No. 724, § 2(pt. 4), 5-18-09; Ord. No. 832U , § 9, 2-28-22)

Sec. 11-1.30.04. Location of other structures and projections into yards.

The following requirements apply to structures and projections into required yards:

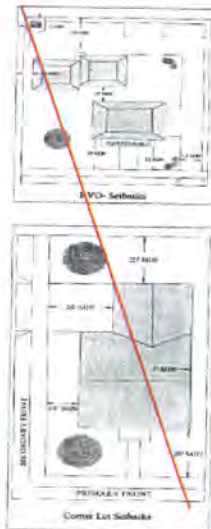
- (A) Surface-mounted architectural features such as, but not limited to, cornices, eaves, and chimneys may project up to fifty (50) percent or two and one-half (2.5) feet into the required side yard setback, whichever is less, and up to five (5) feet in the required front, rear, and corner side yard setback.
- (B) Lattice and covered unenclosed porches located along the first floor and attached to a residential dwelling unit may project up to ten (10) feet into the required front and rear setback irrelevant of the unit's conformity to setback requirements.
- (C) Decks, balconies, open stairways, and other types of landings with any portion located above grade may project up to five (5) feet into the front, rear, and corner side yard setbacks provided that they shall not project into interior side yard setbacks. The floor of any landing must be located at least six (6) feet

below the maximum height limit for that zone. Access to any deck located above the ground level shall be provided directly from interior living space.

- (D) Rain conductors, spouts, utility service risers, and shutoff valves may project a maximum distance of one (1) foot into any required yard setback.
- (E) ~~All ground-mounted~~ Utility equipment locations excluding solar equipment,
 - (1) All ground-mounted utility equipment shall be a minimum of two (2) feet from interior property lines, ten (10) feet from corner property lines and not located within the required front yard setback area. All ground-mounted utility equipment shall be effectively screened from public view.
 - (2) Utility and mechanical equipment that is visible from the public right of way or an adjacent property may not be located on the roof of a single-family residence.
 - (3) Modifications to this requirement may be made subject to the provisions for "Modifications" (Sec. 11-1.70.08) and "Site Plan Review" (Sec. 11-1.70.07).
- (F) Pools, spas, and their associated equipment shall be a minimum of three (3) feet from interior property lines, ten (10) feet from the secondary front and not located within the front yard.
- (G) A freestanding lattice structure shall be subject to the same requirements as accessory buildings in rear yards.

(Ord. No. 724, § 2(pt. 4), 5-18-09; Ord. No. 832U , § 9, 2-28-22)

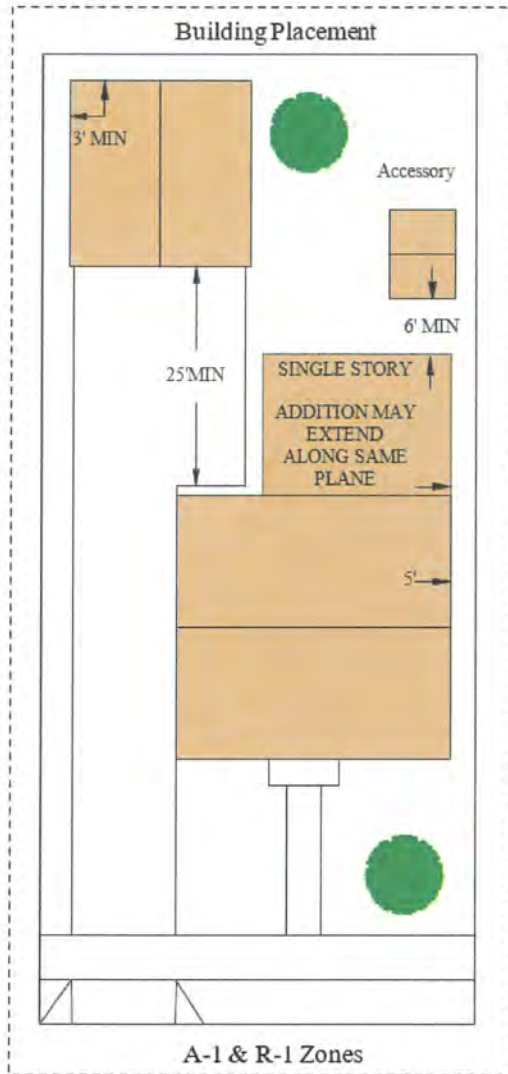
Sec. 11-1.30.05. Accessory buildings and structures.



- (A) This section does not apply to accessory dwelling units as described in section 11-1.30.06 and two-unit housing developments described in section 11-1.30.16.

(B) In addition to any other applicable development standards, accessory structures must meet the following requirements:

- (1) No kitchen, bathrooms, permanent dividing wall, or drain pipes larger than two (2) inches shall be constructed in said structure.
- (2) No accessory structure shall be located within the required front setback area, nor be located closer than ten (10) feet to any corner side property line.
- (3) Maximum combined area for accessory buildings and structures is seven hundred fifty (750) square feet, excluding attached garages and second units.
- (4) Maximum combined area for ~~accessory~~ accessory buildings and structures shall not occupy more than fifty (50) percent of the required rear yard. Modifications to this requirement may be made subject to the provisions for "Modifications" (Sec. 11-1.70.08) and "Site Plan Review" (Sec. 11-1.70.07) found in this title.



(Ord. No. 724, § 2(pt. 4), 5-18-09; Ord. No. 796, § 10, 3-20-18; Ord. No. 832U, § 9, 2-28-22)

11-1.30.06. Accessory and junior accessory dwelling units.

(A) (Note: See Attachment 1-A to the Draft Planning Commission Resolution for ZTA No. 2022-01 for amendments to this section)

Sec. 11-1.30.07. Fences, hedges, and walls.

The following requirements apply to fence, hedges, and walls:

- (A) Fences, hedges, and walls within the required front yard setback shall not exceed forty-two (42) inches in height.

- (B) Fences, hedges, and walls within the required secondary front yard— corner lots shall not exceed forty-two (42) inches in height.
- (C) Fences, hedges, and walls along rear and interior side property lines shall not exceed six (6) feet in height.
- (D) Fences, hedges, and walls shall be erected to not create visual obstruction of vehicular and pedestrian traffic.
- (E) A gate across a vehicular driveway shall not be located in the front or secondary front-corner setback from the property line
- (F) The height of a fence or wall shall be measured from the side with the higher finished grade.
- (G) Fences and walls shall be built with attractive, durable materials, including, but not limited to redwood, wrought iron, textured concrete block, or formed concrete with reveals. Chain link fencing, corrugated metal fencing, and/or fiberglass fencing, and "tennis windscreens" are not permitted within the front yard or secondary front yard areas.
- (H) All fences, hedges and walls shall be maintained in an orderly, neat and safe condition.
- (I) Deviations to fence and wall height requirements may be made subject to "site plan review" and "modification" approval.

(Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.08. Pets—Household and farm.

- (A) Household pets are permitted in all residential zones provided that the number does not exceed three (3) dogs or cats over the age of six (6) months.
- (B) Farm pets are permitted in the A-1 Zone subject to the following:
 - (1) A minimum lot size of nine thousand five hundred (9,500) square feet.
 - (2) Each horse, mule, or donkey shall have a minimum enclosed area of five hundred (500) square feet for the first such animal and three hundred (300) square feet for each additional animal.
 - (3) Farm pets shall be kept not closer than thirty-five (35) feet to any food establishment, residence, hospital, school, or other building used for the habitation of human beings.
 - (4) A maximum of three (3) horses, mules, donkeys, or any combination thereof may be permitted on one (1) subject site.
 - (5) The total number of farm pets shall not to exceed twelve (12) on one lot.

(Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.09. Manufactured homes.

Manufactured homes are permitted provided that they meet the following requirements:

- (A) The manufactured home shall have the insignia of approval by the U.S. Department of Housing and Urban Development as set forth in Health and Safety Code (HSC) section 18026 and as defined in 18007, as amended.
- (B) It shall be attached to a permanent foundation system and in compliance with all applicable building regulations.
- (C) It shall have a minimum width of twenty (20) feet.
- (D) It shall be covered with an exterior material customarily used on conventional dwellings and approved by the director of community development director. The exterior covering material shall extend to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
- (E) The roof pitch shall not be less than a two-inch vertical rise for each twelve (12) inches of horizontal run and shall have eaves.
- (F) It shall have a porch consistent with the architecture of the surrounding neighborhood as determined by the director of community development director.

(Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.10. State licensed community care and large family childcare facilities with seven to fifteen or more persons.

- (A) Applicability. The following development and operation standards apply to State licensed community care facilities and large family childcare facilities with seven or more persons. Residential care facilities serving six or fewer residents, in addition to the caregiver, are allowed in all zoning districts that permit single-family residences and shall not be required to meet any requirement of this section. ~~The parcel on which said use is located shall contain only one (1) residential dwelling unit.~~
- (B) A State licensed community care facility with seven (7) or more residents in addition to the caregiver shall be subject to the following:
 - (1) No part of a parcel containing a community care facility with seven (7) or more residents shall be located closer than three hundred (300) feet to any part of another parcel containing a community care facility with seven (7) or more children and/or adults, ~~whether on a~~ twenty-four-hours-per-day basis or less.

(2) The proposed use shall be licensed by the State and shall be conducted in a manner that complies with applicable provisions of the California Health and Safety Code for this kind of occupancy. If the State license is suspended or revoked, the conditional use permit may also be suspended or revoked.

(C) Large family day care homes shall be subject to the following:

(1) The business shall be operated in a single-family dwelling unit.

(2) No other licensed large family day care home shall be located within six hundred (600) feet of the exterior property boundaries of the proposed property.

(3) Business signs shall be prohibited in order to preserve the integrity of the residential neighborhood.

(4) Hours of outdoor play activities shall only be permitted between the hours of 8:00 a.m. to 8:00 p.m.

(5) The facility shall comply with State Fire Marshal standards for large-family day care facilities

(6) Provide a drop-off/pickup area, such as a driveway area, to minimize interference with traffic and promote the safety of the children.

(7) On-site garages and parking areas needed to meet the parking requirements of the zone shall not be converted to any other use.

~~A city business license shall be obtained.~~

~~(D) — (8) All necessary permits and licenses shall be obtained from the department of social services shall be filed with the city and the facility shall meet all State requirements as specified in the Health and Safety Code.~~

~~(E) — (9) Separate all outdoor play areas from vehicular circulation, parking areas, equipment enclosures, unsecured storage areas, refuse and recycling areas.~~

~~(F) — (10) Enclose all outdoor play areas with a natural barrier, wall, fence or other solid structure having a maximum height of six feet and conforming to all requirements of this code. If an outdoor play area is located within thirty (30) feet of a residential use, a six-foot high block wall shall be constructed along the property line. Should said wall obstruct pedestrian or vehicular visibility, or otherwise be not permitted pursuant to the zoning ordinance, an alternate method of buffering shall be designed, including, but not limited to, a landscape buffer area, subject to approval by the director of community development director.~~

~~(G) — (C) General Requirements:~~

~~(1) Should the care provider not be the owner of the property, the owner shall provide a notarized written authorization for the use.~~

(2) A city business license shall be obtained.

(3) The facility may also be subject to other requirements (e.g., California Health and Safety Code, the California Administrative Code, and the Uniform Building Code).

(Ord. No. 724, § 2(pt. 4), 5-18-09)

[SR4]

Sec. 11-1.30.11. Home occupations.

(A) Home occupations may be conducted in residential zones provided the home occupation is approved in writing by the director of community development ~~director~~ as valid and conforming with the following criteria and conditions and provided further that the applicant agrees thereto in writing:

- (1) There shall be no more than one (1) employee for the home occupation other than the members of the resident family.
- (2) Total floor area devoted to the home occupation shall not exceed four hundred (400) square feet. This may be in either the home and/or in an accessory structure.
- (3) The use shall not generate pedestrian or vehicular traffic appreciably beyond that normal to the district in which it is located.
- (4) The use shall not generate commercial vehicle traffic for delivery of materials appreciably beyond that normal to the district in which it is located.
- (5) There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby uses.
- (6) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
- (7) There shall be no excessive or unsightly outdoor storage of materials or supplies for purposes other than those permitted in the district in which it is located.
- (8) The home occupation shall not involve the use of signs or structures other than those permitted in the district of which it is a part.
- (9) In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use either by color, materials or construction, lighting, signs, sounds or noises, vibrations, and so forth.

(B) Should the director of community development ~~director~~ deny an application for a home occupation use, the applicant may file an appeal in writing within five working days of the denial, to the planning commission.

(Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.12. Reserved.

Editor's note(s)—Ord. No. 733, § 2(pt. 1), adopted Sept. 7, 2010, repealed § 11-1.30.12, which pertained to height variation permit and derived from Ord. No. 724, § 2(pt. 4), adopted May 18, 2009.

Sec. 11-1.30.13. Reasonable accommodation.

(A) *[Purpose.]* The purpose of this section is to establish the process for disabled persons to request reasonable accommodation in the application of the city's zoning laws where necessary to afford the disabled person an equal opportunity to use and enjoy a dwelling within the city.

(B) *Process for requesting reasonable accommodation.*

- (1) A completed application form and the required fee provided by the community development department.
 - a. A description of how the property will be used by the disabled individual(s);
 - b. The basis for the claim that the fair housing laws apply to the individual(s) and evidence satisfactory to the city supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a handicapped license, or any other appropriate evidence;
 - c. A detailed explanation of why the accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling in the city;
 - d. Verification by the applicant that the property is the primary residence of the person for whom reasonable accommodation is requested.

(C) *Decision on application.*

- (1) The director of community development shall consider an application for a minor reasonable accommodation. The director shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may (1) grant the accommodation request with or without nondiscriminatory conditions of approval, (2) deny the request, or (3) refer the matter to the planning commission, which shall render a decision on the application in the same manner as it considers a major reasonable accommodation.

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- (2) The planning commission shall consider an application for a major reasonable accommodation, or any minor reasonable accommodation request referred to it by the director. The planning commission shall (1) grant the accommodation request with or without nondiscriminatory conditions of approval, or (2) deny the request. Notice of the planning commission meeting shall be made in writing, ten (10) days prior to the meeting and mailed to the applicant and property owners who are located immediately adjacent to the subject property.
 - (3) If necessary to reach a determination on any request for reasonable accommodation, the director of community development may request further information from the applicant consistent with this chapter, specifying in detail what information is required. In the event a request for further information is made, the thirty-day period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
 - a. The director of community development, planning commission or city council shall approve the request for a reasonable accommodation subject to the following findings:
 1. The housing, which is the subject of the request for reasonable accommodation, will be occupied as the primary residence by an individual protected under the fair housing laws.
 2. The request for reasonable accommodation is necessary to make specific housing available to one or more individuals protected under the fair housing laws.
 3. The requested reasonable accommodation will not impose an undue financial or administrative burden on the city.
 4. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the city.
 5. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this chapter.
 6. That the reasonable accommodation shall only be applicable to the particular individual(s) or property.

(D) Appeals.

- (1) The director of community development's ~~director's~~ decision on a minor reasonable accommodation may be appealed to the planning commission within ten (10) days of the date the city issues the written determination.
 - a. The appellant shall pay an appeal fee as established by resolution of the city council.
 - b. The planning commission shall conduct a duly noticed public hearing as described within this title prior to taking action on the appeal.

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- c. The appeal shall be filed with a written statement of the basis for the appeal, and shall state all facts and arguments known to support the claim.
 - (2) The decision of the planning commission may be appealed to the city council pursuant to the provisions within the "appeals" section within this title.
 - (E) *Waiver of time periods.* Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the city of the pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.
- (Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.14. Senior citizen housing planned unit developments and multiple-family housing development standards.

- (A) *Applicability.* The following development standards apply to multiple-family housing with three (3) or more units located on one parcel and senior citizen housing planned unit developments.
- (B) *General standards of development.*
 - (1) *[Distance.]* Ten-foot minimum distance shall be required between buildings.
 - (2) *Minimum unit sizes*
 - a. Senior housing
 - i. Efficiency as defined in Heath and Safety Code section 17958.1.
 - ii. Studio apartment: 350 square feet;
 - iii. One (1) bedroom, 400 hundred (400) square feet.
 - iv. Two (2) bedrooms, six hundred (600) square feet.
 - b. Multiple-family housing
 - i. Efficiency as defined in Heath and Safety Code section 17958.1.
 - ii. One (1) bedroom, eight hundred (800) square feet.
 - iii. Two (2) bedrooms, one thousand (1,000) square feet.
 - iv. An additional one hundred fifty (150) square feet per bedroom over two (2).
 - (3) *[Parking.]* In addition to the requirements for "off-street parking, storage and loading" in this title, the following parking requirements shall apply.

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- a. Two (2) enclosed parking spaces per unit.
 - b. Tandem parking shall be permitted subject to site plan approval by the planning commission.
 - c. Garages shall not occupy more than fifty (50) percent of the linear building frontage facing the right-of-way and shall be set back a minimum of five (5) feet from the front facade of the residential building.
 - d. One (1) guest parking space per two (2) units. Residential units having a minimum of twenty-five (25) feet of frontage on a public street shall not be counted towards the number of units used to calculate the required number of guest parking spaces.
- (4) *[Reduction in parking requirements.]* The planning commission may approve a reduction in parking spaces pursuant to ~~a completed parking study and with approval of a condition use permit if the following additional findings can be made~~ the following:
- a. In compliance with § 65915 and § 65918 of the California Government Code, the City shall utilize parking requirements for a density bonus project upon the written request of a developer
 - b. A completed parking study and with approval of a Minor conditional use permit if the following additional findings can be made:
 - i. The intent of the parking regulations, in compliance with all other applicable provisions of this chapter, is met; and
 - ii. Sufficient parking would be provided to serve the use intended and potential future uses of the subject parcel.
- (5) *Open space.* A minimum of three hundred (300) square feet of open space per residential dwelling unit, with a minimum dimension of ten (10) feet in any direction is required. At least fifty (50) percent of the above described area shall be developed for recreational or patio uses. Required side yards shall not count towards this requirement.
- (6) *Laundry facilities.* One (1) washer and dryer shall be required for every six (6) units.
- (7) *Trash areas.* Projects shall provide adequate trash storage space as determined by the planning commission and the building official. The garage may not be used to store the containers unless a dedicated space in excess of the four hundred (400) square foot requirement is provided. Trash containers shall be stored within designated storage areas only and not within the garage parking area.
- (8) *Street width.* Private streets and driveways shall meet the requirements of the Los Angeles County Fire Department for access and circulation. The planning

commission may approve private streets for subdivisions which do not meet the minimum street frontage requirements as part of a conditional use permit.

- (9) *Sewer study.* For projects with five (5) or more units, a sewer area study shall be submitted with the application. The study shall show the project's impact on local and main sewer capacity. If deficiencies are identified, the study shall also show what upgrades are proposed to correct the deficiencies.
- (10) *Water study.* For projects with five (5) or more units, a water study shall be submitted with the application. The study shall show the project's impact on local water availability and fire flow. If deficiencies are identified, the study shall also show what upgrades are proposed to correct the deficiencies.
- (11) — *Density.* In compliance with § 65915 and § 65918 of the California Government Code, the City shall provide a density bonus and an additional incentive(s) for qualified affordable and senior housing developments upon the written request of a developer, unless the City makes a written finding based on substantial evidence that the additional incentive(s) is not necessary to make the housing development economically affordable to the occupants.
- (12) *Additional ~~senior planned development~~ housing requirements.*
 - a. *Occupancy.* Residents shall meet the requirements described in section 51.3 of the California Civil Code or any successor statute or regulation. No one other than a senior person shall be the principal occupant or lessee of a unit constructed in compliance with this Section. No person shall permit any person to violate this Section. No person shall rent any housing to any person who may not lawfully occupy the same in compliance with the provisions of this Section.
 - b. *Elevators.* For structures over one (1) story in height, a minimum of one (1) elevator shall be provided. Additional elevators may be required based on the design of the structures. The elevator shall be centrally located and in close proximity to entries. An elevator shall not be required for detached single-family residential units that are two (2) stories in height.
 - c. *Laundry facilities.* Space for a washer and dryer shall be provided within each unit.

(Ord. No. 724, § 2(pt. 4), 5-18-09)

Sec. 11-1.30.17 Planned Residential Development

- (A) *Purpose.* The purpose of this section is to provide an alternative to standard residential development wherein the existing General Plan densities are preserved but flexibility is provided by allowing the clustering of units and

combining of open space, recreation areas and roadways under common ownership.

(B) *Permit Required.* A Site Plan Review before the Planning Commission shall be required for the establishment of a Planned Residential Development, pursuant to the provisions of Article 70. Once the Planned Residential Development is established, the Site Plan Review shall be binding upon the applicants, their successors, and assignees, and shall regulate the construction, location and maintenance of all land and structures within the development.

(1) The director of community development shall prescribe the form of the application and data and information to be filed with the application.

(2) *Minor modification.* The director of community development may approve an administrative site plan review for a minor modification to a previously approved Planned Residential Development when the change/modification does not add additional building square footage or substantially alter the design or specifications approved by the site plan. The director of community development may request that a minor modification be reviewed by the Planning Commission.

(3) *Major modification.* A modification to a Planned Residential Development that proposes to add additional square footage or substantially alter the design or specifications approved by the site plan shall be approved by the Planning Commission.

(C) *Permitted Locations:* Planned Residential Developments may be located in any zone district zoned for residential use.

(D) *Underlying Zone Standards Apply.* Unless otherwise specified in this section or as a condition of the Site Plan Review, all development standards of the zone in which the Planned Residential Development is proposed shall apply.

(E) *Minimum Area.* The lot area approved by the Commission shall be deemed the minimum area or required area per dwelling unit established by the Planned Residential Development.

(F) *Development Plan.* A general development plan shall be submitted with at least the following details:

(1) The dimensions of the total site, including gross and net acreage.

(2) Location and use proposed for each proposed structure, the number of stories, gross building area, all setbacks, and approximate location of entrances.

(3) All existing and proposed driveway approaches, driving lanes, streets, and parking areas.

(4) A calculation of the total number of parking spaces required and provided.

- (5) All pedestrian walks and open areas for the use of the occupants of the proposed development and/or the public.
- (6) Types of surfacing for all proposed walks, parking areas, driveways, streets, and commonly owned areas.
- (7) A conceptual plan for the landscaping of the development, including location and height of all proposed and existing walls, fences and screen planting.
- (8) Calculation and identification of areas reserved for private and common open space.
- (9) A grading plan for the entire development.
- (10) All existing and proposed easements.
- (11) Elevations or architectural renderings of the project to indicate architectural type and the materials of construction.
- (12) An anticipated phasing plan or schedule.

(G) *Required Standards.* In approving a Site Plan Review for a Planned Residential Development, the following standards shall apply:

- (1) Final Subdivision Map or Parcel Map. No building permit shall be issued for any building within an approved Planned Residential Development, except for sales models, recreational buildings or community facilities, unless a Final Subdivision Tract Map or Parcel Map has first been recorded for the property on which the building is located.
- (2) Preservation of Commonly Owned Areas.
 - a. All commonly owned areas shall be permanently reserved and maintained in perpetuity, by establishment of a homeowner's association or other appropriate means or methods to ensure to the satisfaction of the Planning Commission or director of community development the permanent reservation and continued perpetual maintenance of the required commonly owned areas.
 - b. Each dwelling unit shall be sold together with an undivided interest in any commonly owned areas. Such undivided interest shall include either:
 1. An undivided interest in the commonly owned areas; or
 2. A Share in the corporation or voting membership in an association owning commonly owned area.
- (3) Distance. Ten-foot minimum distance shall be required between buildings.
- (4) Driveway Guidelines.

- a. Driveways on corner lots should be located as far as possible from street intersections.
 - b. No curb cut shall be permitted except in connection with approved driveways that provide access to a garage or parking.
 - c. No more than one curb cut per residential lot shall be permitted along the same frontage.
 - d. Driveway widths are encouraged to be kept at a minimum. Where a driveway is proposed adjacent to another driveway on an adjacent property, a minimum of an 18-inch width planter should be provided. If feasible, shared driveways between adjacent properties is encouraged.
 - e. A minimum of 15% of the driveway area shall be surfaced with brick, pavers or other comparable decorative paving systems. The use of alternative materials to pave driveways is encouraged to reduce impervious surfaces.
- (5) Dwelling Unit Type. All dwelling units shall be single-family residences. The inclusion of an attached accessory dwelling unit is encouraged to increase housing affordability, create a wider range of housing options within the community, support multigenerational housing, and facilitate better use of the existing housing fabric in established neighborhoods.
- (6) Open Space. A minimum of three hundred (300) square feet of open space per residential dwelling unit, with a minimum dimension of ten (10) feet in any direction is required. At least fifty (50) percent of the above-described area shall be developed for recreational or patio uses. Required side yards shall not count towards this requirement.
- (7) Parking. In addition to the requirements for "off-street parking, storage and loading" in this title, the following parking requirements shall apply.
- a. Two (2) enclosed parking spaces per unit.
 - b. Tandem parking shall be permitted subject to approval by the planning commission.
 - c. Garages shall not occupy more than fifty (50) percent of the linear building frontage facing the right-of-way and shall be set back a minimum of five (5) feet from the front facade of the residential building.
 - d. One (1) guest parking space per two (2) units. Residential units having a minimum of twenty-five (25) feet of frontage on a public street shall not be counted towards the number of units used to calculate the required number of guest parking spaces.

(8) *Trash areas.* Projects shall provide adequate trash storage space as determined by the planning commission and the building official. ~~The garage may not be used to store the containers unless a dedicated space in excess of the four hundred (400) square foot requirement is provided. Trash containers shall be stored within designated storage areas only and not within a parking area. The garage may not be used to store the containers unless a dedicated space in excess of the four hundred (400) square foot requirement is provided.~~

(H) *Consideration in Review of Applications.* The director of community development, Planning Commission, or City Council on appeal, shall consider the following matters, in addition to others deemed necessary to determine if the project meets the criteria of this section, in their review of the application:

- (1) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exit driveways, and walkways,
- (2) Appropriate building siting should be used to reduce perception of bulk, maximize open space, increase pervious area and provide community-gathering spaces.
- (3) The location, height, and material of fences, walls, hedges, and screen plantings to ensure harmony with adjacent development or to conceal storage areas, utility installations, and other unsightly aspects of the development,
- (4) The preservation of existing healthy trees,
- (5) Consideration of exterior design in relation to adjoining structures in terms of area, bulk, height, openings, and breaks in the facade facing the street,
- (6) Consideration of the appropriateness and compatibility of the proposed architectural design and site layout in relation to the adjacent uses and the area as a whole,

(I) *Approval Criteria.* The review authority shall approve the application if it finds that all of the following criteria have been established:

- (1) The proposed development is found to be consistent with the findings to support a Site Plan Review,
- (2) The proposed development clearly would result in a more desirable environment and use of land than would be possible under existing provision for the underlying zoning district classification,
- (3) The proposed development would be compatible with the general plan and will aid in the harmonious development of the immediate area,
- (4) The proposed development would not be detrimental to the health, safety or welfare of the neighborhood or of the city as a whole.

Section 11-1.30.18. Multiple Single-Family Dwellings

- (A) Purpose. The purpose of this section is to establish regulations for additional single-family dwelling(s) to be permitted on large properties located in the A-1 (Agriculture, Noncommercial) and R-1 zone (Single-Family Residential)
- (B) Development Standards. Detached single-family dwellings may be constructed on any parcel containing an existing single-family dwelling unit provided:
- (1) The parcel is ten thousand (10,000) square feet or larger;
 - (2) The density of the parcel will not exceed five thousand (5,000) square feet per unit; and
 - (3) One (1) guest parking space per two (2) units shall be provided.
 - (4) Shall comply with all standards applicable to a single-family dwelling

Article 34. P—Parking

Sec. 11-1.34.01. Intent and purpose.

Zone P is established to provide off-street parking for neighboring commercial and residential zones. Zone P shall be used as a suffix zone and shall permit in addition to off-street parking any use permitted in the residential zone to which it is attached.

(Ord. No. 245, § 1, 3-21-77)

Sec. 11-1.34.02. Principal uses permitted.

Property in Zone P may be used for any use provided for in the zone classification to which said Zone P is added as a suffix.

In addition property in Zone P may be used for the parking of automobiles for a noncommercial basis for the convenience of the patrons, tenants and employees of legally operated commercial premises subject to provisions of Articles 66 and 77 of this chapter.

(Ord. No. 245, § 1, 3-21-77)

Sec. 11-1.34.03. Standards of development.

Premises in Zone P shall be subject to the standards of development of the zone to which they are added as a suffix. Required setbacks along highways, streets, or other roadways shall be landscaped and landscaping shall be considered in addition to that required by Article 66.

When a property is used for parking as provided in this section, no structures are permitted other than:

- (1) Necessary paving, wheel stops as provided in Article 66 or otherwise required by the planning commission.
- (2) Walls not greater than six (6) feet and not less than five (5) feet along the property boundary along other than street frontages.
- (3) A wall not less than thirty (30) or more than forty-two (42) inches along street frontages.
- (4) Light standards for the lighting of parking area to a maximum of six (6) feet as measured to the highest point on the standard.
- (5) Irrigation systems for the watering of landscaped areas.

(Ord. No. 245, § 1, 3-21-77)

Section 11. Section 11-1.58.06(f) of Title XI of the Lomita Municipal Code is amended to read as follows:

- (f) *Off-street parking and loading.* For new mixed-use development, the commercial component shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." The parking ratio for the residential component of mixed-use projects is as follows:

Units between five hundred (500) and seven hundred (700) square feet—One space;

Units seven hundred one (701) square feet and greater—Two (2) spaces;

Guest parking—.25 spaces per unit.

Residential parking may be met by covered or open parking spaces. Shared parking is encouraged with new mixed-use projects and shall be allowed pursuant to the approval of a Minor Conditional Use Permit. ~~may be reviewed and approved by the Planning Commission as part of a parking study.~~

Section 12. Section 11-1.58.07(d) of Title XI of the Lomita Municipal Code is amended to read as follows:

(d) *Parking in proximity.* All required parking shall be provided on site and in conformance with the city's off-street parking ordinance. Off-Site Parking shall be allowed pursuant to the approval of a Minor Conditional Use Permit.

Section 12. Article 66 of Title XI of the Lomita Municipal Code is amended to read as follows:

Article 66. Off-Street Parking, Storage and Loading¹

Sec. 11-1.66.01. Intent and purpose.

The purpose of this Article is to provide adequate off-street parking to meet the present and future traffic needs generated by the expanding population of the city and surrounding areas.

All property, regardless of location and use, is harmed by inadequate off-street parking facilities. As a result, cars parked on the street create a safety hazard, impede the flow of traffic, and delay firefighting equipment. The provision of adequate off-street parking benefits the property owner by adding security and stability to his property, and benefits the neighborhood by relieving congestion and allowing the streets to be used as traffic movers.

(Ord. No. 475, § 1, 2-4-91)

Sec. 11-1.66.02. Definitions.

For the purpose of this Article, unless otherwise apparent from the context, the following words and phrases used in this Article are defined in Article 15, Definitions of the Zoning Ordinance: Driveway, Floor Area, Garage, Gross Floor Area, Landscaping, Loading Area, Off-Street Parking, Parking Area, Parking Lot, Parking Aisle, Parking Space, Turnaround Area and Turning Radius.

(Ord. No. 475, § 1, 2-4-91)

¹Editor's note(s)—Section 1 of Ord. No. 475, adopted Feb. 4, 1991, repealed former art. 66, §§ 11-1.66.01—11-1.66.06, and added a new art. 66, §§ 11-1.66.01—11.1.66.10. The Article was formerly derived from Ord. Nos. 276, 381, 391, 407, 410 and 440.

Sec. 11-1.66.03. Parking requirements.

For the purpose of this Article, unless otherwise stated, all requirements shall be calculated based on gross floor area.

(A) Residential Parking Requirements:	
One-family	Two (2) parking spaces in a garage, and one uncovered parking space for four (4) bedrooms and/or dens, and one additional uncovered parking space for five (5) or more bedrooms and/or dens. Enclosed or covered space(s) demolished or converted by creation of an Accessory Dwelling Unit shall not require replacement.
Duplex, planned residential development , apartment house, condominiums,	Two (2) parking [spaces] in a garage for each unit of up to four (4) bedrooms and/or dens; three (3) spaces in a garage for five (5) or more bedrooms and/or dens, except as noted below. In addition, one guest parking space shall be required for each two (2) units. Said spaces shall not be located in the required front setback areas.
For the purpose of this section only, a bedroom or a den is defined as any room containing sixty (60) square feet or more that is not a living room, dining room, family room, kitchen or laundry area. Should any unit and/or units be enlarged in size by fifty (50) percent or more of its current size in any five-year period, the above requirements shall apply.	
Large family day care homes with no overnight care	One (1) parking space must be provided for a non-resident employee Two parking spaces in addition to the parking required for the residence, plus a safe drop off and pick up area either on or off site for a minimum of three (3) one (1) cars.
Large family and adult care homes for not more than seven (7) to twelve (12) or more children/adults providing twenty-four hours-per-day care	One (1) unenclosed parking space in addition to the required for the residence, plus one (1) space for each vehicle used directly in conducting of such use but not to exceed two (2) such vehicles. Tandem parking for the vehicles used in conducting the use is allowed.
(B) Commercial and Other Uses—Shopping Centers:	

Mixed use commercial developments located on parcels of less than ten thousand (10,000) square feet of lot area	One (1) parking space for each one hundred seventy-five (175) square feet of gross floor area.
Mixed use commercial commercial developments located on parcels between ten thousand through fifty thousand (10,000—50,000) square feet of lot area	One (1) parking space for each two hundred (200) square feet of gross floor area.
Mixed use commercial commercial developments located on parcels of over fifty thousand (50,000) square feet of lot area	One (1) parking space for each two hundred twenty-five (225) square feet of gross floor area.
In a mixed use commercial commercial development, should a single use, other than offices, occupy fifty (50) percent or more of the development, the requirements for free standing uses shall apply to the entire development.	
(C) <i>Commercial and Other Uses—Freestanding:</i> The following minimum standards are set for specific types of developments with unique parking requirements where the uses are freestanding:	
GENERAL COMMERCIAL:	
Automobile rentals	To be determined by the planning commission, but in no case less than one space per two hundred fifty (250) square feet of gross floor area devoted to office plus one-third of the number of rental vehicles permitted by the commission.
Automobile, boat, trailer sales and rentals, plant nurseries and other open uses not in a building or structure	One (1) parking space for each one thousand (1,000) square feet of open area devoted to sales or display; provided, however, that where such area exceeds ten thousand (10,000) square feet, only one (1) space for each five thousand (5,000) square feet in excess of ten thousand (10,000) square feet shall be provided; plus one (1) space for two hundred fifty (250) square feet of gross floor area of buildings not devoted to display (i.e., office space).
Automobile service, body and repair facilities	Four (4) parking spaces for each service, body, and repair stall; and one (1) space for each two hundred fifty (250) square feet of building area not devoted to such stalls; a stall shall mean either an area specifically designed for work on one (1) automobile; or where there are open work

	areas which have not been so designed, the number of stalls shall be computed at the rate of one (1) parking space for each two hundred fifty (250) square feet of gross building area designated for service, body or repair work.
Banks, savings and loans, credit unions and financial institutions	One (1) parking space for each two hundred twenty-five (225) square feet of gross floor area, but not less than eight (8) parking spaces.
Business and professional uses and offices, including real estate, escrow, architect, income tax, and other professional uses but excluding professional training facilities	One (1) parking space for each three hundred (300) square feet of gross floor area, but not less than eight (8) parking spaces for new buildings.
Car wash, including gas pumps without servicing of cars	Six (6) 22-foot-long stacking spaces on site per wash bay, plus two (2) additional stacking spaces for each additional wash bay, plus three (3) parking spaces per each wash bay for drying of the cars and one (1) space for each two hundred fifty (250) square feet of gross building area devoted to office, cashier and other uses.
Contractors' offices, including plumbing, electrical, general, etc., where all business is conducted inside an office and where all materials are stored in an enclosed building	One (1) parking space for each two hundred fifty (250) square feet of gross building area, excluding storage areas, plus one (1) space for each four hundred (400) square feet of storage area and one (1) parking space for each vehicle operated or kept in connection with the business, not to exceed four (4) vehicles.
Furniture, large appliances, instruments, flower shops and similar uses, with display areas of five hundred (500) square feet or larger; where the display area is less than five hundred (500) square feet, parking requirements for retail commercial shall apply	One (1) parking space per each four hundred (400) square feet of gross floor area, but not less than eight (8) parking spaces
Hotels, motels	One (1) parking space for each sleeping unit, plus two (2) spaces for a resident manager and one (1) space for each two hundred fifty (250) square feet of office, lobby and other common areas. In addition, one (1) space for each one

	hundred (100) square feet of conference rooms, restaurants, bars or other places of assembly, not to exceed forty (40) spaces for the assembly area. Ten (10) percent of the above spaces shall be oversized measuring 10'x25'x14' vertical clearance.
Laundromats	One (1) parking space for each two (2) washing machines, based on the maximum number of washing machines in the establishment.
Retail takeout food establishments, where no food is consumed on premises	One (1) parking space for each three hundred (300) square feet of gross floor area, but not less than eight (8) spaces for new buildings.
Retail commercial including hardware, shoes, clothes, video stores and service commercial including beauty, nail, barber, and tanning salons; pet grooming and similar uses	One (1) parking space for each three hundred (300) square feet of gross floor area, but not less than eight (8) parking spaces for new buildings.
Sandwich shops, ice cream parlors, donut shops and similar uses as determined by the planning commission	One (1) parking space for each three hundred (300) square feet of gross floor area, but not less than eight (8) spaces for new buildings.
Fueling service stations with no other uses on the site	One (1) parking space for each two thousand (2,000) square feet of land area not devoted to any building or structure plus one (1) space per each two hundred fifty (250) square feet of gross floor area devoted to office, cashier and other uses.
Service stations with other uses on same site	Combined requirements for each individual use shall apply.
<i>Commercial recreation:</i>	
Arcades, <u>indoor recreational entertainment and similar uses as determined by Planning Commission</u>	One (1) parking space for each 150 square feet of gross floor area, plus bicycle racks, the number of which shall be determined by the planning commission.
<u>Bowling alleys</u>	<u>Four (4) parking space per lane, plus one (1) space per one hundred feet of gross floor area used for food consumption or other recreation areas.</u>
Ice and roller skating rinks	One (1) parking space for each four (4) persons based on the occupant load of

	the rink as determined by the building department, plus one (1) space for each one hundred (100) square feet of gross floor area used for food consumption or other recreation area.
Tennis, racquetball, handball courts	Two (2) parking spaces per court, plus one (1) space for each two hundred (250) square feet of gross floor area of offices, storage and other areas.
<i>Educational facilities:</i>	
Child or adult day care, pre-school, extended day care where no overnight care is provided	One (1) parking space per five (5) children/adults based on the maximum number of children/adults allowed on the operator's license, plus a safe drop off and pick-up area for a minimum of three (3) cars; plus one (1) space for each vehicle operated or kept in connection with the business, but not to exceed two (2) vehicles.
Elementary and junior high schools, private and public	Three (3) parking spaces per instructional classroom, plus one (1) space per two hundred fifty (250) square feet of gross floor area of the office areas.
Senior high schools	Six (6) parking spaces per instructional classroom, plus one (1) space per two hundred fifty (250) square feet of gross floor area of the office areas.
Colleges and universities	To be determined by the planning commission.
Trade schools, business colleges, commercial and professional schools	One (1) parking space for each three (3) persons based on the maximum occupant load as determined by the department of building and safety.
Where an auditorium is on the same site as the school, the required parking for an auditorium, plus fifty (50) percent of the above requirements shall be used to determine the required parking spaces for said school.	
<i>Health facilities:</i>	
Convalescent hospitals, nursing homes, group quarters, and similar uses	One (1) parking space for each two (2) residents based on the maximum number allowed on the operators' license plus two (2) spaces for a resident manager, plus one (1) space for each vehicle operated or kept in connection with the business, but not to exceed two (2) vehicles.

Hospitals	One and one-half (1½) parking spaces per patient bed.
Medical and dental offices, including outpatient clinics; veterinary clinics and hospitals	One (1) parking space for each two hundred twenty-five (225) square feet of gross floor area, but not less than eight (8) parking spaces.
<i>Places for public assembly:</i>	
Auditoriums, assembly halls, cultural centers, dance and fitness studios, health clubs and other similar uses	One (1) parking space for each three (3) persons based on the occupant load of the combined assembly areas, including stage and altar, as determined by the department of building and safety.
Above uses with schools, nursery or extended day care facilities	Same as above, plus two (2) parking spaces per classroom.
Bars, nightclubs and other similar establishments	One (1) parking space for each one hundred (100) square feet of gross floor area, but not less than ten (10) parking spaces.
Brewery with tasting room and brewpub as defined in Section 11-1.15.02(B)	One (1) parking space per four hundred (400) square feet of brewery, tasting area, kitchen, office and miscellaneous floor area, plus one (1) parking space for each one hundred fifty (150) square feet of dining area including outdoor dining area; and one (1) parking space for each three hundred (300) square feet of retail floor area.
	<u>Pursuant to a Minor Conditional Use Permit</u> , the planning commission may consider spaces in a municipal parking lot which is within five hundred (500) feet of the subject property for part of the parking requirement.
Restaurants and other places where food and beverages are served for on-site consumption	One (1) parking space for each one hundred fifty (150) square feet of gross floor area including outdoor dining areas, but not less than ten (10) parking spaces.
	<u>Pursuant to a Minor Conditional Use Permit</u> , the planning commission may consider spaces in a municipal parking lot which is within five hundred (500) feet of the subject property for part of the parking requirement.
<i>Manufacturing and other uses:</i>	

Manufacturing and warehousing	One (1) parking space per four hundred (400) square feet of gross building area and one (1) space for each vehicle operated or kept in connection with the use.
Public utility facilities	To be determined by the planning commission.
Uses otherwise not provided for	To be determined by the planning commission.

(Ord. No. 475, § 1, 2-4-91; Ord. No. 498, § 2, 7-20-92; Ord. No. 529, §§ 1—4, 11-21-94; Ord. No. 568, § 1, 10-21-96; Ord. No. 606, § 2, 5-3-99; Ord. No. 665, pt. 1, 6-21-04; Ord. No. 748, § 2(pt. 19), 1-17-12; Ord. No. 757, § 2, 6-3-13; Ord. No. 787, § 6, 5-2-17; Ord. No. 798, § 4, 5-15-18; Ord. No. 819, § 2, 12-1-20)

Sec. 11-1.66.04. Loading.

The following off-street loading spaces shall be provided and continuously maintained for all commercial uses. The loading spaces shall be not less than twelve (12) feet wide, thirty (30) feet long and have a vertical clearance of fourteen (14) feet. Office buildings shall be exempt from these requirements.

(A) *Total Square Feet of Building Space (in gross floor area) Loading Spaces Required*

7,000 — 20,000	1
20,001 — 45,000	2
45,001 — 70,000	3
70,001 — 100,000	4
Over 100,000	5

- (B) All loading spaces shall be separate, striped spaces in addition to the required parking spaces and not located within any required parking area, including aisles, backout areas or driveways.
- (C) No loading space shall be located within twenty-five (25) feet of a residential use.
- (D) Loading vehicles shall not be stored/parked in the loading space or anywhere in the parking area in excess of forty-eight (48) hours.

(E) Planning Commission may waive or modify loading space requirement subject to the provisions for "Modifications" (Sec. 11-1.70.08) and "Site Plan Review" (Sec. 11-1.70.07)

(Ord. No. 475, § 1, 2-4-91)

Sec. 11-1.66.05. General provisions.

- (A) Off-street parking facilities shall be provided for any new building constructed and any ~~major~~ addition or expansion of an existing building in order to meet the demand of all activities on the lot. ~~Additional off-street parking facilities shall not be required for minor additions to buildings located in commercial and manufacturing zones A~~ ~~minor major~~ addition or expansion shall mean a change in use, expansion of use, or building addition which would increase the required number of parking spaces by 10 percent or less, ~~except as specified in section 11-1.66.03(A).~~
- (B) Any use of property or building, both commercial and residential, which is nonconforming as to the off-street parking facilities may be continued in the same manner; except that for additions or enlargements of any existing building or use, or any change of occupancy or manner of operation that would increase the number of parking spaces required, additional parking spaces shall be required for the ~~expanded portion of the entire~~ building and use, unless a **Minor Conditional Use Permit variance** is granted by the planning commission or the city council, ~~except as specified in section 11-1.66.03(A).~~
- (C) A certificate of occupancy for any new use, structure or premises shall not be granted until all of the required parking facilities, landscaping and other requirements of this Article have been completed.
- (D) Parking spaces within a mixed use complex shall not be designated for the exclusive use of any individual tenant.
- (E) Neither patrons nor employees of an occupant of a building may be restricted from the use of any parking space (except handicapped) in a parking lot. However, employees should be encouraged to park in the least utilized portion of the parking lot.
- (F) ~~When the calculation for parking spaces results in a fraction, it shall be construed as requiring one (1) full parking space. When calculating the number of parking spaces required, fractional space requirements totaling 0.5 or above shall be rounded up to the next whole space after calculating the total number of required spaces.~~
- (G) Any off-street parking or loading facility which is permitted but not required shall comply with all provisions of this Article in respect to location, design, improvement and operation.
- (H) No repair or servicing of automobiles and other vehicles shall be conducted in the parking area of a commercial development.
- (I) Areas for collection and loading of solid waste and recyclable materials shall be required pursuant to Article 61, Solid Waste and Recyclable Materials Collection and Loading Areas.

(J) If a building, structure or improvement requiring parking is located upon a separate recorded lot or overlaps the lot line of a separate lot from that upon which the parking is located, there shall be a lot merger covenant recorded in the office of the county recorder, pursuant to Article 55 of the Zoning Ordinance.

(K) Bicycle parking shall be provided in compliance with the California Green Building Standards Code.

(L) Designated parking spaces for low-emitting, fuel-efficient and carpool/ van pool vehicles shall be provided and marked as required by the California Green Building Standards Code.

(M) Parking spaces for Electric Vehicles (EV) and/or (EV) charging equipment shall be provided as required by the California Green Building Standards Code.

(Ord. No. 475, § 1, 2-4-91; Ord. No. 527, § 2, 11-21-94)

Sec. 11-1.66.06. Landscaping.

- (A) Required parking facilities for three (3) or more vehicles, in the commercial and industrial zones, shall contain landscaping to cover not less than six (6) percent of the area not occupied by structure(s). The planning commission as part of the review of a site plan, conditional use permit or zone variance application may modify the landscape coverage requirement where the subject property is already substantially developed, where little or no new building coverage is proposed and where the six (6) percent requirement would be a hardship. However, the landscape coverage shall not be modified to be less than the existing coverage except by approval of a zone variance.
- (B) Both perimeter and non-perimeter landscaping shall be provided. Planting areas shall be distributed throughout the lot as evenly as possible.
- (C) A full-coverage permanent automatic irrigation system shall be installed.
- (D) All plantings shall be permanently and regularly maintained not less than twice a month and shall be free of debris and weeds.
- (E) All interior planting areas shall have a minimum width of three (3) feet.
- (F) A five-foot planting bed or berm shall be provided along the entire frontage of the property (except for driveways and pedestrian walkways). On corner lots such landscaping shall be placed along both street sides of the lot.
- (G) On lots over ten thousand (10,000) square feet, the perimeter landscaping shall not be counted towards meeting the requirement for landscaping.
- (H) One (1) tree (36" box) shall be provided for each six (6) ~~ten (10)~~ parking spaces and shall be evenly distributed within the interior parking facility.
- (I) One (1) tree (36" box) shall be provided for each thirty (30) feet of a building frontage when the building is adjacent to the landscaped perimeter berm. One (1)

tree per fifty (50) feet of a building frontage shall be required when the building is recessed and not adjacent to the perimeter landscaping. The arrangement of such trees may be evenly spaced along the building frontage or be clustered, subject to approval by the planning commission as part of the site plan review process.

- (J) The type of trees and vegetation used shall be approved by the director of community development ~~planning director~~ and/or planning commission.
 - (K) Trees and vegetation shall be replaced if they are found to be in a deteriorating or diseased condition.
 - (L) All landscaped areas shall be separated by a standard six-inch-high concrete curb from vehicle parking or maneuvering areas.
- (Ord. No. 475, § 1, 2-4-91; Ord. No. 494, § 1, 3-16-92)

Sec. 11-1.66.07. Required dimensions and parking lot design.

(A) *Design of parking spaces:*

- (1) Parking spaces arranged at ninety (90) degrees to parking aisles shall be not less than set forth:

*Type of Use
Dimensions*

	Width in Feet	Length in Feet
Residential	9	20
Nonresidential	9	19
Compact	8	15
Motorcycle	4	8

- (2) Parking spaces adjacent to buildings, fences, walls, trash enclosures and similar structures shall be ten (10) feet wide.
- (3) Each parking spaces in a residential garage shall be ten (10) feet wide, twenty (20) feet long, and have a vertical clearance of a minimum of seven (7) feet except when otherwise required by the building code, or as modified by the director of community development ~~planning director~~ and/or planning commission.
- (4) Parking spaces for other than ninety-degree angles shall be constructed in accordance with the attached figures.

(5) Compact parking spaces

(a) Subject to the director of community development and/or the Planning Commission, parking lots containing twenty or more parking spaces may substitute standard spaces with compact spaces for up to thirty percent of the total parking spaces required.

(b) Designation. Each compact space shall be clearly labeled "COMPACT"

(c) Location. Compact spaces shall be evenly distributed throughout the parking lot and may not be located within 25 feet of a ramp, driveway or ground floor pedestrian entrance. Compact spaces shall not be located adjacent to retaining walls or other formidable barriers which prevent adequate vehicle overhang.

(d) Compact spaces cannot be used to fulfill the off-street parking requirements of residential developments/ uses. Except, compact spaces may be used for up to thirty percent of the total required guest parking when more than ten guest parking spaces are required.

(6) Motorcycle stalls may be used as an option to utilize areas that would otherwise not be of adequate size for conventional stalls. Each motorcycle stall shall be clearly labeled "MOTORCYCLE". Unless otherwise determined by the director of community development or Planning Commission, motorcycle stalls shall not count toward the number of required parking spaces.

(B) *Parking Aisle:*

- (1) Parking aisles for ninety-degree spaces shall be a minimum of twenty-five (25) feet wide. Parking aisles for other than ninety-degree parking shall be in accordance with the attached figures [following this section].
- (2) A ten-foot-wide turnaround area shall be provided at the end of a single access parking aisle. Said area shall be clear, unobstructed and free of any storage, debris and other materials or vehicles and shall be marked "NO PARKING" (figure P3).
- (3) The clearance between a detached rear garage and the house shall be a minimum of twenty-five (25) feet when the house overlaps the parking entrance of the garage by ten (10) feet or more. The clearance can be reduced by one foot for each foot overlap less than ten (10) feet (figure P4).

(C) *Driveways and Driveway Depressions:* The following dimensions for driveways and driveway depressions are required by the Los Angeles County Fire Department. Unless modified by the fire department, ~~director of community development~~ ~~city planning director~~ and/or planning commission, the dimensions shall be as follows:

(1) *Residential:*

- (a) For two (2) or less units constructed on a lot or parcel of ground, no portion of which is more than one hundred fifty (150) feet from a dedicated street or private and future street, a driveway and driveway depression not less than twelve (12) feet wide, but not to exceed sixteen (16) feet in width for a two-car garage, is required. For an attached three-car garage or larger, located at the front of the building, a twenty-foot-wide driveway and driveway depression may be provided.

-
- (b) For two (2) or less units constructed on a lot or parcel of land, any portion of which is more than one hundred fifty (150) feet from a dedicated street or private and future street, a driveway and driveway depression twenty (20) feet in width shall be provided.
 - (c) For three (3) or more units constructed on a lot or parcel of land, any portion of which is less than one hundred (150) feet from a dedicated street or private and future street, a driveway and driveway depression twenty (20) feet in width shall be provided.
 - (d) For three (3) or more units constructed on a lot or parcel of land, any portion of which is more than one hundred fifty (150) feet from a dedicated street or private and future street, a driveway and driveway depression twenty-six (26) feet in width shall be provided.
 - (e) The required driveways shall be unobstructed in width and clear to the sky. Driveways and driveway landscaping shall be designed to maintain visibility and minimize interference with passing pedestrians. Landscaping adjacent to a driveway and the walls of the building shall be designed not to interfere with motorists' views of the sidewalk and pedestrians' views of vehicles exiting the project.
 - (f) Off-Street parking areas and driveways shall be paved, graded and drained in a manner to improve permeability and disposal of all surface water.

(1) Alternative surfaces for parking and loading areas may be approved by the director of community development and Public Works Director pursuant to Site Plan Review, provided that the material used meets aesthetic standards as determined by the director of community development, and improves drainage and permeability.

(2) *Nonresidential:*

- (a) The minimum required driveway and driveway depression for one-way vehicular traffic shall be fifteen (15) feet in width where structures are located within one hundred fifty (150) feet from a dedicated street or private and future street and a minimum of twenty (20) feet where structures are located one hundred fifty (150) or more feet from said street.
- (b) The minimum required driveway and driveway depression for two-way vehicular traffic shall be twenty (20) feet wide where structures are located within one hundred fifty (150) feet from a dedicated street or private and future street and minimum of twenty-six (26) feet where structures are located one hundred fifty (150) or more feet from said street, except as specified below.
- (c) A thirty-foot-wide driveway and driveway depression for two-way vehicular traffic shall be required on major thoroughfares, including Pacific Coast

Highway, Lomita Boulevard, Narbonne Avenue, Western Avenue and Palos Verdes Drive North.

- (d) The required driveways shall be unobstructed in width and clear to the sky.
- (e) Driveway approaches, for both commercial and residential developments, shall be constructed pursuant to the specifications of the Los Angeles County Public Works Department. Further, whenever feasible, the curb return adjacent to the driveway depression shall exceed the standard requirements.

(Ord. No. 475, § 1, 2-4-91)

Parking Illustration

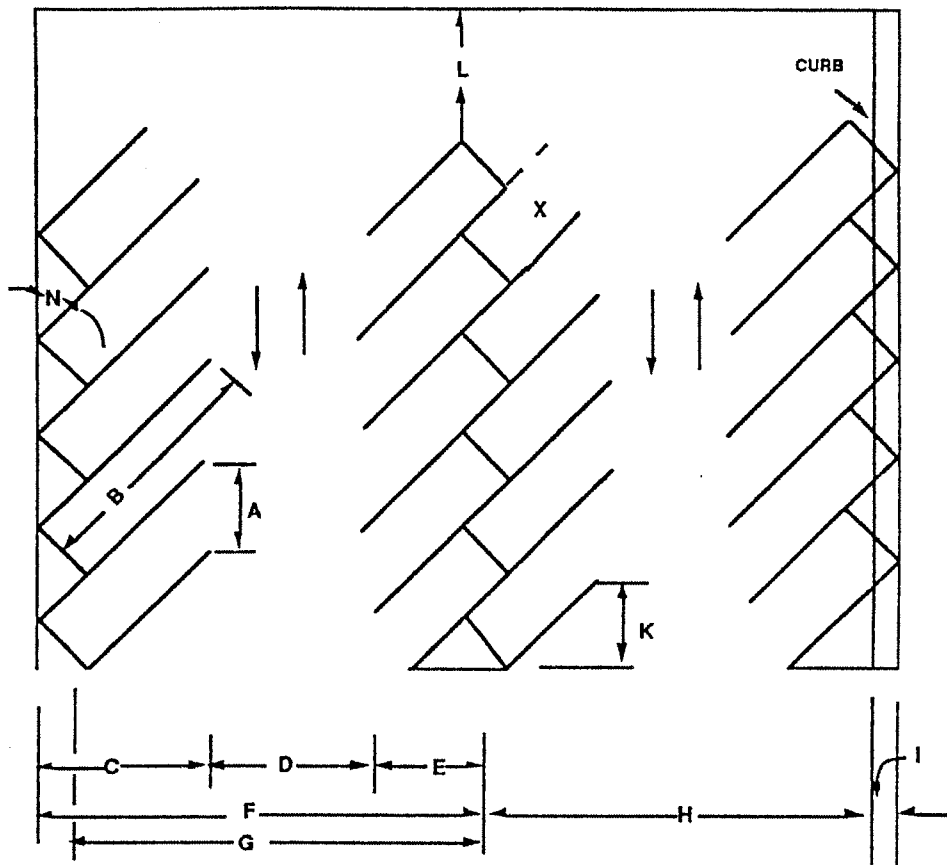
× = Stall Not Accessible in Certain Layouts

Parking layout dimensions (in ft) for 9 ft × 19 ft stalls at various angles

	On	Angle N				
Dimension	Diagram	0°	30°	45°	60°	90°
Stall width, parallel to aisle	A	—	18	12.7	10.4	9
Stall length of line	B	22	34.6	28	24.2	19
Stall depth to wall	C	9	17.3	19.5	20.5	19
Aisle width between stall lines	D	12	12	12	16	25
Stall depth, interlock	E	9	13.4	16.6	18.5	19
Module, wall to interlock	F	30	42.7	51	55	63
Module, interlocking	G	30	38.8	47.8	53	63
Module, interlock to curb face	H	30	41.4	48.2	63.2	61

Bumper overhang (typical)	I	—	1.3	2.0	2.3	2.5
Setback	K	—	16.4	13.1	9.5	—
Cross aisle, one-way	L	14	14	14	14	14
Cross aisle, two-way	—	25	25	25	25	25

Parking Principles,



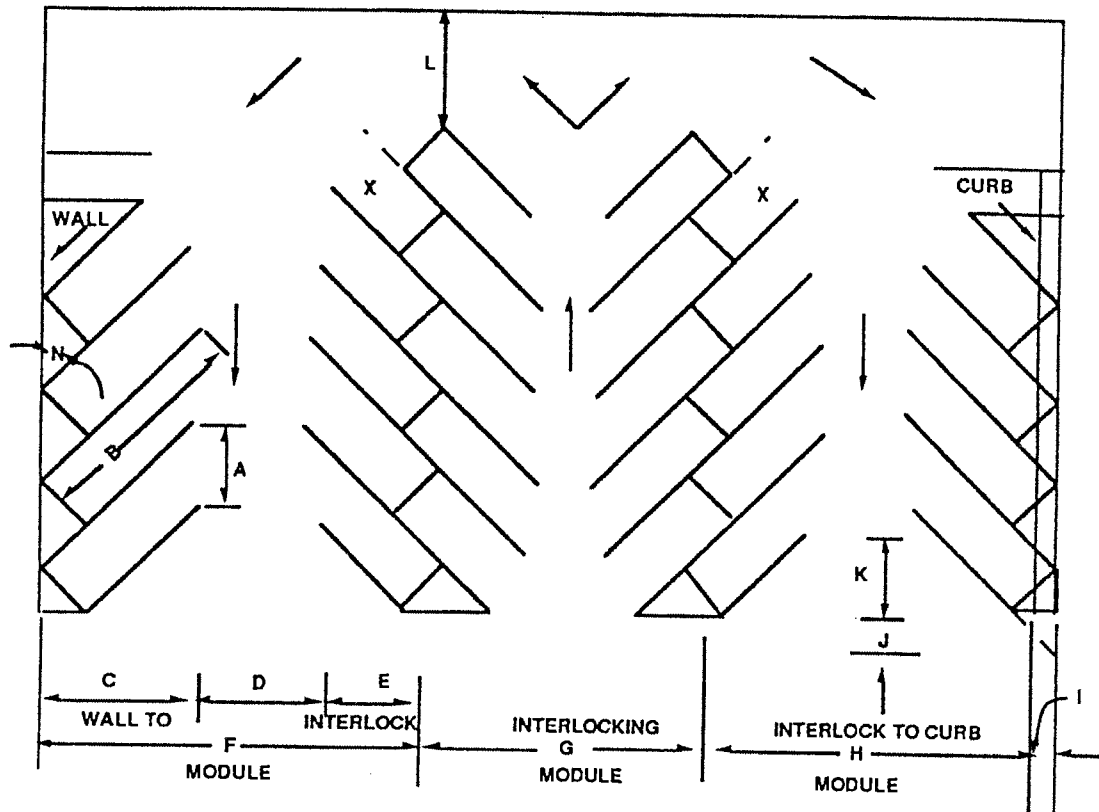
Parking Illustration

Parking layout dimensions (in ft) for 9 ft × 19 ft stalls at various angles

On	Angle N
----	---------

Dimension	Diagram	0°	30°	45°	60°	90°
Stall width, parallel to aisle	A	—	18	12.7	10.4	9
Stall length of line	B	22	34.6	28	24.2	19
Stall depth to wall	C	9	17.3	19.5	20.5	19
Aisle width between stall lines	D	25	25	25	25	25
Stall depth, interlock	E	9	13.4	16.6	18.5	19
Module, wall to interlock	F	43	55.7	61.8	64.5	63
Module, interlocking	G	43	51.8	58.2	62.0	63
Module, interlock to curb face	H	43	54.4	59.1	61.7	60.1
Bumper overhang (typical)	I	—	1.3	2.0	2.3	2.1
Setback	K	—	16.4	13.1	9.3	—
Cross aisle, one-way	L	14	14	14	14	14
Cross aisle, two-way	—	25	25	25	25	25

***Parking
Principles,***



Parking Illustration

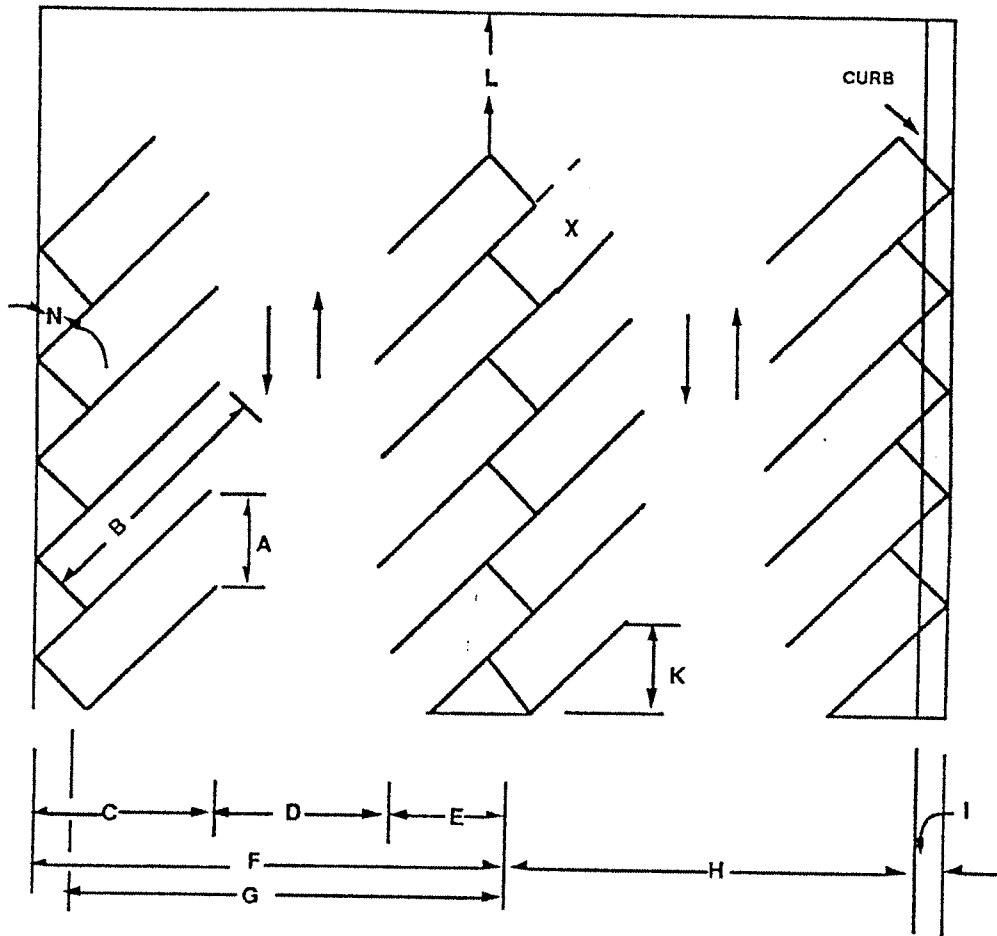
× = Stall Not Accessible in Certain Layouts

Parking layout dimensions (in ft) for 9 ft × 20 ft stalls at various angles

Dimension	On Diagram	Angle N				
		0°	30°	45°	60°	90°
Stall width, parallel to aisle	A	—	18	12.7	10.4	9
Stall length of line	B	22	35.6	29	25.2	20
Stall depth to wall	C	9	17.8	20.5	21.8	20
Aisle width between stall lines	D	12	12	12	16	25

Stall depth, interlock	E	9	13.9	17.3	19.6	20
Module, wall to interlock	F	30	43.7	49.8	57.4	65
Module, interlocking	G	30	39.8	46.6	55.2	65
Module, interlock to curb face	H	30	42.6	47.6	55.1	63
Bumper overhang (typical)	I	—	1.3	2.0	2.3	2.5
Setback	K	—	17.3	14.1	10	—
Cross aisle, one-way	L	14	14	14	14	14
Cross aisle, two-way	—	25	25	25	25	25

***Parking
Principles,***



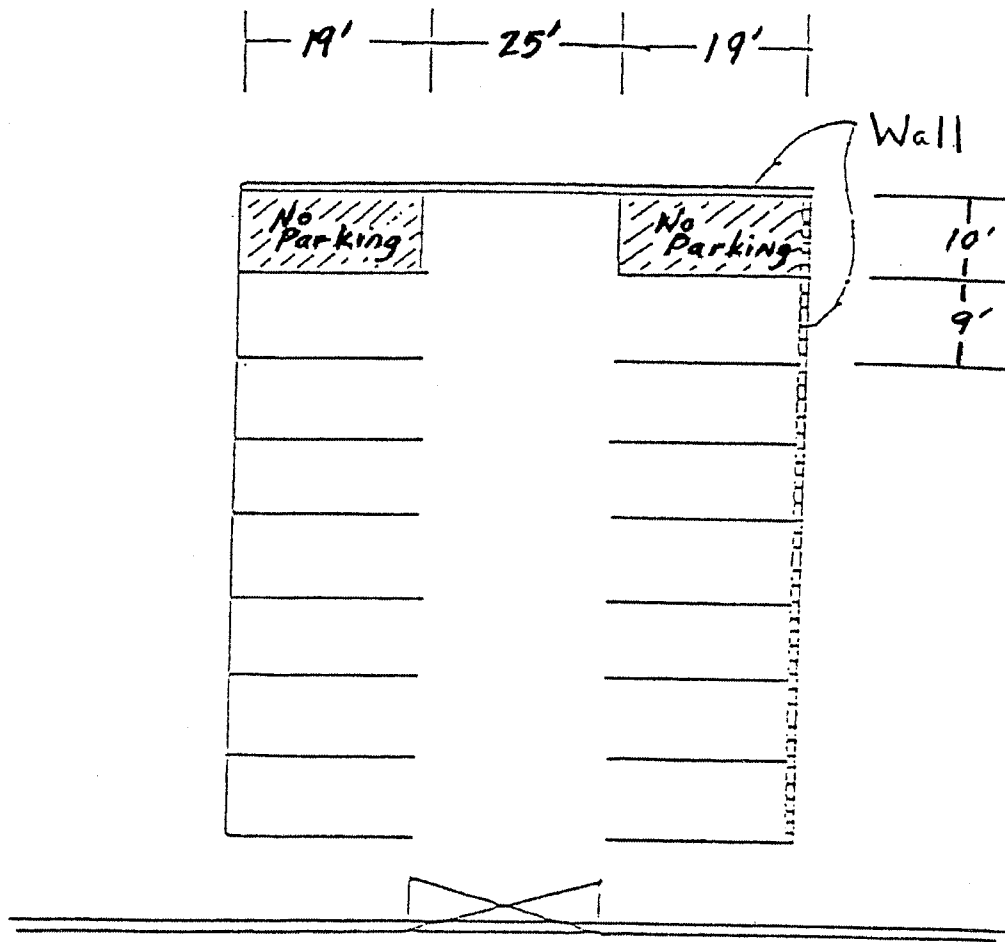
Parking Illustration

Parking layout dimensions (in ft) for 9 ft × 20 ft stalls at various angles

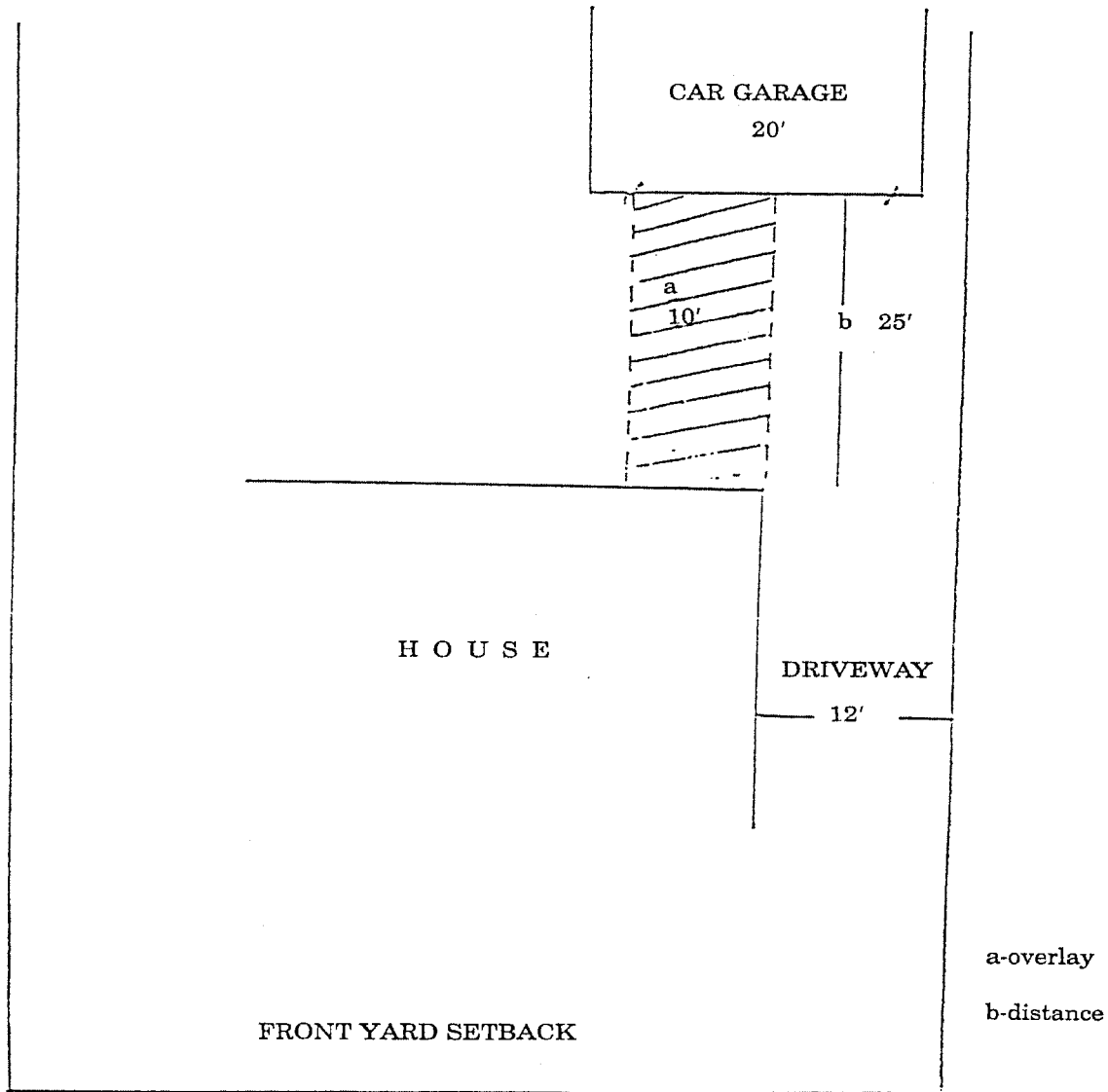
Dimension	On Diagram	Angle N				
		0°	30°	45°	60°	90°
Stall width, parallel to aisle	A	—	18	12.7	10.4	9
Stall length of line	B	22	35.6	29	25.2	20
Stall depth to wall	C	9	17.8	20.5	21.8	20
Aisle width between stall lines	D	25	25	25	25	25

Stall depth, interlock	E	9	13.9	17.3	19.6	20
Module, wall to interlock	F	43	56.7	62.8	66.4	65
Module, interlocking	G	43	52.8	59.6	64.2	65
Module, interlock to curb face	H	43	55.4	60.8	64.1	62.5
Bumper overhang (typical)	I	—	1.3	2.0	2.3	2.5
Setback	K	—	17.3	14.1	10	—
Cross aisle, one-way	L	14	14	14	14	14
	On	Angle N				
Dimension	Diagram	0°	30°	45°	60°	90°
Cross aisle, two-way	—	25	25	25	25	25

***Parking
Principles,***



Parking Illustration



Parking Illustration

Figure P4. Distance Between House and Detached Rear Garage

Sec. 11-1.66.08. Standards for developing parking facilities.

The following development standards shall be the minimum required for parking facilities:

- (A) Except for single-family parking facility, parking spaces shall be arranged to permit vehicular traffic to move into and out of a parking area without backing

onto a street, sidewalk or highway, except that an alley may be used for turning into and out of a parking space.

- (B) The entrances and exits to parking areas shall be clearly marked. One-way driveways shall have directional signs placed on the pavement.
- (C) All parking spaces shall be double striped to facilitate the movement in and out of the parking stall.
- (D) Parking areas and spaces in a commercial garage or "tucked" under a building shall have a vertical clearance of not less than eight (8) feet, two (2) inches.
- (E) Columns, pillars and other obstructions in a parking facility shall not encroach into the required dimensions of any parking space, aisle or driveway.
- (F) Handicapped parking spaces shall be provided, marked and posted as required by the state.
- (G) Wheelstops shall be provided for all parking spaces and located to prevent encroachment of cars over walkways, sidewalks, landscaped areas, etc. Wheelstops shall not be required in residential garages.
- (H) Commercial subterranean garages, fully or partially underground, and aboveground commercial parking structures shall be subject to planning commission review and approval. Said garages shall be subject to design standards, setbacks and landscaping requirements as determined by the planning commission, and shall at minimum meet the requirements of this article. The height of the garages above the average natural grade and/or garage and structure above it shall not exceed the maximum allowed height of the zone in which such garage is located.
- (I) Where a commercial development or parking facility is adjacent to a residential zone or use, a solid masonry wall not less than six (6) feet in height shall be constructed along the lot line adjacent to said zone or use, except that said wall shall step down to a maximum of forty-two (42) inches in height for a distance equal to the required front setback of an adjoining residential use.
- (J) Where a wall of a commercial facility is constructed along a commercial driveway, said wall shall step down to a maximum of forty-two (42) inches in height for a distance of ten (10) feet from the property line.
- (K) Where a commercial or a residential driveway is proposed along an existing wall/fence which is more than forty-two (42) inches high, the design of such driveway shall be satisfactory to the city. Further, it shall be located so that visibility of the vehicular and pedestrian traffic is not compromised.
- (L) Where fences or walls are constructed for commercial parking areas along the front property line of an interior lot, or front and side property line on a corner lot, such wall or fence shall not exceed forty-two (42) inches in height. The height of such wall or fence for auto-related uses, contractor's yards and similar uses shall be determined by the planning commission.

- (M) Where plants are used along property lines of commercial developments for screening, such plants shall be maintained at a height not to exceed the height of walls or fences permitted in the same location, unless otherwise approved by the planning commission.
- (N) Lighting of parking and driveway areas shall be required. It shall be arranged so as to reflect the light away from any adjoining property. The lights shall be of energy efficient type, and be vandal resistant.
- (O) All parking facilities, including parking spaces, aisles, driveways, etc., shall be constructed pursuant to Los Angeles County specifications.

(Ord. No. 475, § 1, 2-4-91; Ord. No. 763, § 2, 1-6-14)

Sec. 11-1.66.09. Location of parking, storage and loading facilities.

- (a) *Ownership:* Property on which required parking is established shall be under the same ownership as the use it is intended to serve, **except as specified in Sec. 11-1.66.10(B)**. Any joint ownership resulting from the establishment of collective parking facilities, as provided herein, shall be construed as complying with this provision.
- (b) *Residential uses:*
 - (1) Required parking facilities for residential uses as specified in subsection (A) of section 11-1.66.03 (Parking Requirements) shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible.
 - (2) Storage and/or parking of detached camper tops/shells, dismantled and inoperative vehicles and other auto and recreation equipment items shall not be permitted in the front-yard area. In addition, storage in the front-yard area of any materials (construction, lumber, metals, plastic, etc.), fixtures, appliances, machines, trash or waste, or other materials which are not customarily considered as decorative landscaping features are hereby prohibited.
 - (3) Storage and/or parking of boats, trailers, other vehicles and similar equipment as well as camper tops, auto- and recreation-related and domestic items in the rear and side yard areas shall be screened by a solid wall or opaque fence six (6) feet high to minimize any undesirable appearance from the street and surrounding properties. On the street side of corner lots, no storage and/or parking shall be permitted closer to the street than the required front yard setback of the adjacent interior lot.
 - (4) Parking pads or spaces other than a driveway shall not be permitted in the front-yard area unless they have been reviewed and approved by the director of community development and/or the planning commission pursuant to Article 70, "Zoning Ordinance Administration", **and are paved pursuant to the Los Angeles County specifications for residential driveways**. Only recreation

equipment and/or operable vehicles may be stored/parked on such approved pads.

- (5) Storage of any commercial or construction equipment, materials, or nursery stock or storage and/or parking of boats, house trailers, camper trailers, detached camper tops, vehicles or dismantled vehicles and similar items on vacant lots shall not be permitted, except for materials and equipment being used for construction on the premises where a valid building permit has been issued or applied for.
- (6) House trailers, motor homes, mobile homes, campers, boats and similar uses shall not be occupied or used as a dwelling unit in any land use district unless located in a trailer or mobile home park which has been approved by the City of Lomita.
- (7) Operative automobiles and motor vehicles may be parked or stored in the front yard setback area only on an approved driveway which leads directly to a garage.
- (8) Dismantled and/or inoperative vehicles may not be parked or stored in a location which prevents access to an approved driveway leading to a garage and shall be screened by a solid wall or opaque fence six (6) feet high to minimize any undesirable aesthetic impacts from the street and surrounding properties. On the street side of corner lots, storage and/or parking of dismantled and inoperative vehicles shall not be permitted closer to the street than the required front yard setback of the adjacent interior lot.

(c) *Uses other than residential:*

- (1) *Parking facilities:* Required parking facilities for uses other than residential shall be located in compliance with one of the following options, unless a Minor Conditional Use Permit for shared parking or off-site parking is granted by the planning commission or the city council as specified in section (Sec. 11-1.66.10(B)).
 - (a) On the same lot or parcel of land as the use such parking facilities are intended to serve; or
 - (b) On a lot or parcel of land held under joint ownership, provided such parking facilities are located adjoining the use or uses served and contiguous for a distance not less than twenty (20) feet; [or]
 - (c) On a parcel of land separated only by an alley from the lot or parcel of land which the use or uses served are located provided:
 1. That said lots or parcels of land are in the same or joint ownership and separated only by an alley; and
 2. That said lots or parcels of land would be contiguous if not separated by said alley, for a distance of not less than twenty (20) feet; and

3. That the direct vehicular passage between said lots or parcels of land would be possible in conformance with section 11-1.66.07; and
 4. That such parking facilities are in close proximity to the actual use or uses served
- (2) Storage of any commercial or construction equipment, materials, or nursery stock or storage and/or parking of boats, house trailers, camper trailers, detached camper tops, vehicles or dismantled vehicles on vacant lots shall not be permitted, except for materials and equipment being used for construction on the premises where a valid building permit has been issued or applied for, and where such use has been approved pursuant to the Lomita Zoning Ordinance.
 - (3) Storage and/or parking of bins, steel or other storage containers, except for loading vehicles as permitted in section 11-1.66.04(D) and recycling containers, is hereby prohibited.
 - (4) *Reduction or encroachment:*
 - (a) Land within the right-of-way of a proposed street or highway, or within the planned ultimate right-of-way of a street or highway proposed to be widened, shall not be used to provide required parking or loading facilities.
 - (b) Required parking or loading facilities may not be reduced or encroached upon except upon approval by the planning commission and subject to the provisions of Article 72, "Variances and Conditional Use Permits." [LQ5]
 - (5) *Combined parking or loading facilities:*
 - (a) Required parking facilities may be provided collectively for two (2) or more buildings or uses located on separate lots or parcels of land provided ~~that the total area of such facilities does not equal less than the combined requirements for the individual uses~~ a Minor Conditional Use Permit for shared parking or off-site parking is granted by the planning commission or the city council as specified in section (Sec. 11-1.66.10(B)).
 - (b) Parking and loading facilities designated for one use may not be counted or considered as also providing required parking or loading facilities for any other use, unless a Minor Conditional Use Permit for shared parking is granted by the planning commission or the city council as specified in section (Sec. 11-1.66.10(B)).

(Ord. No. 498, § 2, 7-20-92; Ord. No. 701, § 2(pt. 1), 6-4-07; Ord. No. 733, § 2(pt. 2), 9-7-10)

Sec. 11-1.66.10. Approval procedures.

(A) A site plan shall be submitted to the planning commission pursuant to the provisions of Article 70, "Zoning Ordinance Administration," prior to the establishment of any required parking facilities for three (3) or more motor vehicles, except parking for single-family residences. Said plan shall contain a detailed parking arrangement, accurately dimensioned, showing individual parking spaces, aisles and driveways, adequate ingress and egress, and all other requirements of this Article.

(B) Provisions for Parking Space Reduction, Shared Parking and Off-Site Parking. A Minor Conditional Use Permit for *Parking Space Reduction, Shared Parking and Off-Site Parking* shall be allowed in commercial zones.

(1) *Parking Space Reduction, Shared Parking and Off-Site Parking.* A Minor Conditional Use Permit may be approved for:

- a. **A reduction in the number of spaces specified in **Section 11-1.66.03****
- b. **Shared provision of parking serving more than one (1) use;**
- c. **Off-site provision of parking; or**
- d. **Any combination of the above, subject to specific findings and conditions of approval.**

(2). In approving a Minor Conditional Use Permit for parking space reduction, shared parking and/or off-site parking, the Planning Commission shall find:

- a. **In regard to a reduction in parking spaces that:**
 - i. **There is clear and convincing evidence that the parking demand will be less than the requirement in Section 11-1.66.03. In reaching a decision, the Planning Commission shall consider survey data submitted by an applicant or collected at the applicant's request and expense; and**
 - ii. **That the probable long-term occupancy of the building or structure, based on its design, will not generate additional parking demand.**

(3). In regard to shared or off-site parking that:

a. The peak hour parking demand from all uses does not coincide and/or the uses are such that the hours of operation are different for various portions of the business; and

b. The quantity, circulation and location of parking provided will equal or exceed the level that can be expected if shared or off-site parking is not provided; and

c. The adjacent or nearby properties will not be adversely affected relative to parking; and

d. The proposed traffic circulation will not be detrimental to the health, safety and welfare of residents residing or working in or adjacent to the neighborhood; and

e. The off-site parking is within a 300 ft legal distance or suitable distance subject to Planning Commission approval of the premises upon which the building or use is located;

(4). As a condition of such Minor Conditional Use Permit approval the Planning Commission shall require a written agreement between landowner(s) and the City, in a form satisfactory to the City Attorney, which shall include:

a. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking; and

b. A guarantee among the landowner(s) for access to and use of the shared or off-site parking facilities; and

c. Remedies in the event that there is a change in use on the property or in the event that the shared or off-site parking is lost; and

d. A provision that the City may require parking facilities in addition to those originally approved, after notice and hearing, upon a finding by the Planning Commission that adequate parking to serve the use(s) has not been provided; and

e. A provision stating that the City, acting through the Planning Commission, may, for due cause and upon notice and hearing, modify, amend, or unilaterally terminate the agreement at any time.

(5). Notwithstanding the foregoing, if such parking reduction, shared parking or off-site parking request also includes other discretionary actions to be considered by the City Council, the Planning Commission shall make a recommendation to City Council in conjunction with such other discretionary actions. The City Council, in considering the parking request, shall make such findings and include necessary conditions as provided in this section.

(Ord. No. 475, § 1, 2-4-91; Ord. No. 733, § 2(pt. 2), 9-7-10)

Section 14. Section 11-1.70.07 of Title XI of the Lomita Municipal Code is amended to add and reads as follows:

- (A) Site Plan Review is established in order to provide a visual and factual document to determine and regulate the physical layout, design or use of a lot or parcel of land, buildings or structures. A site plan is, or may be, required in order to determine whether a proposed development will properly comply with the provisions and development standards prescribed in this Chapter.
- (B) The Director, Planning Commission, or City Council on appeal, may approve a Site Plan Review, with or without conditions, only if it first finds that:
 - 1. The Site Plan complies with all applicable provisions of this Title;
 - 2. The site is suitable for the particular use or development intended, and the total development, including the application of prescribed development standards, is arranged as to avoid traffic congestion, will not adversely affect public health, safety and general welfare, will not have adverse effects on neighboring property and is consistent with all elements of the General Plan; and

3. The development design is suitable and functional. This requirement shall not be interpreted to require a particular style or type or architecture.

(C) If the development proposal, with any changes noted by the city, is fully consistent with the provisions of this title, the director of community development or a staff member, authorized by the director of community development, shall sign the site plan to indicate site plan review approval and shall notify the applicant of such. Unless a site plan review application is issued for a discretionary decision, as otherwise specified in this title, the director's approval of the site plan review application is final when rendered and no appeal may be made to the planning commission or city council.

Section 15. Section 11-1.70.08 of Title XI of the Lomita Municipal Code is amended to add and reads as follows:

The Planning Commission, or City Council on appeal, may approve a Modification, with or without conditions, only if it first finds that:

(A) The Modification is being requested in conjunction with a satisfactory Site Plan Review; and

(B) Topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements, or setbacks line or other development standards identified as being eligible for consideration of a modification pursuant to this section.

Section 16. Section 11-1.70.09 of Title XI of the Lomita Municipal Code is amended to add and read as follows:

Sec. 11-1.70.09. Conditional Use Permit and Minor Conditional Use Permit.

(A) Purpose. Each zoning district within the City of Lomita permits particular uses which are suitable to the district. Certain other uses may or may not be compatible with the environs of the district depending upon the circumstances of the individual case. Uses listed in the Zoning Code as requiring a Conditional Use Permit or Minor Conditional Use Permit shall be reviewed and either permitted, if conditions of approval make the use suitable to the district and site, or prohibited, thereby assuring that the area will assume or retain the characteristics intended by zoning.

(B) The Planning Commission, or City Council on appeal, may approve a Conditional Use Permit or Minor Conditional Use Permit, with or without conditions, only if it first finds that:

1. The proposed use is allowed within the District with approval of a CUP and complies with all other applicable requirements of this Article;
2. The proposed use is consistent with the General Plan;
3. The design, location, size and operating characteristics are compatible with existing and future land uses, building and structures in the vicinity and the proposed use will not jeopardize, adversely affect, endanger or otherwise constitute a menace to the public health, safety or general welfare or be materially detrimental to the property of other persons located in the vicinity;
4. The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this chapter, or as required as a condition in order to integrate the use with the uses in the neighborhood; and
5. The site is served by highways and streets adequate to carry the kind and quantity of traffic such use would generate.

Section 17. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Lomita hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 18. Effective Date. This ordinance shall take effect thirty (30) days after the date of its passage; and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED AND ADOPTED, this ____ day of _____, 2022.

CINDY SEGAWA, Mayor

ATTEST:

KATHLEEN HORN GREGORY, CMC, City Clerk

DRAFT

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 2022-01 AMENDING THE CITY OF LOMITA GENERAL PLAN LAND USE DEVELOPMENT STANDARDS TO MODIFY THE DENSITY FOR AGRICULTURAL – RESIDENTIAL, LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL LAND USE DESIGNATIONS

Section 1. Recitals.

- A. The City of Lomita is authorized by Title XI (Planning and Zoning) of Lomita Municipal Code and state law to amend the General Plan governing the development of the City.
- B. On December 21, 2022, the City Council adopted the 2021-2029 Housing Element by Resolution No. 2021-51, setting forth the housing policies for the City, facilitating the preservation and development of housing, and establishing programs to accommodate the City's share of the regional housing needs in Southern California.
- C. The 2021-2029 Housing Element includes Program 15 establishing a goal to increase opportunities for homeownership by identifying objective design standards and creating a ministerial process by which properties in the A-1 or R-1 zones can be subdivided to accommodate additional single-family units.
- D. In accordance with Title XI of the Lomita Municipal Code, all general plan amendment proposals are referred to the Planning Commission of the City of Lomita for review and recommendation prior to the City Council consideration of the amendments.
- E. The City of Lomita proposes the General Plan Amendment to change the land use categories for Agricultural - Residential and Low Density Residential to increase the density of 8.7 units per acre (1 dwelling unit per 5,000 square feet) to allow a higher density of up to 10.89 units per acre (1 dwelling unit per 4,000 square feet). The Medium Density land use category requires adjustment to correspond to the changes in the land use categories for Agricultural - Residential and Low Density Residential.
- F. The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed general plan amendment will not have a significant effect on the environment because the proposed amendments would provide for new standards consistent with State Law and do not propose any physical construction.
- G. On June 13, 2022, the Planning Commission held a duly noticed public hearing to consider General Plan Amendment (GPA) No. 2022-01 at which hearing

interested persons were given the opportunity to appear and present their views with respect to said proposed amendment.

- H. The City of Lomita initiated, and the Commission is recommending approval of a Zone Text Amendment for the establishment of design and development standards for an Administrative Site Plan Review for Planned Residential Developments in all residential zones. The permitted density for a Residential Planned Development will increase up to 10.89 dwelling units per acre which equates to one dwelling unit per 4000 square feet. All other residential uses in the A-1 and R-1 shall remain at the existing density of 8.71 dwelling units per acre.

Section 2. The Planning Commission of the City of Lomita hereby finds that the proposed General Plan Amendment is consistent with the Goals, Objectives, and Policies of the General Plan. The amendment will change the land use development standards for Agricultural - Residential and Low Density Residential to increase the density of 8.7 units per acre (1 dwelling unit per 5,000 square feet) to allow a higher density of up to 10.89 units per acre (1 dwelling unit per 4,000 square feet). The Medium Density land use category requires adjustment to correspond to the changes in the land use categories for Agricultural - Residential and Low Density Residential. This general plan amendment is necessary to expand housing options consistent with Housing Element Policy 2.1 and will maintain the City's existing single-family character while creating new options for those entering the housing market and increasing opportunities for fee-simple type of ownership. The increase in opportunities for home ownership will help strengthen the City's economic base (LU Policy 9). The general plan amendment supports more housing opportunities to a region with a critical housing shortage.

Section 3. The Planning Commission of the City of Lomita hereby recommends approval of General Plan Amendment No. 2022-01 to read as follows:

- A. The General Plan Land Use Category for Agricultural – Residential, Low Density Residential and Medium Density Residential in Table 2-2 Development Standards on page 2-5 of the City of Lomita General Plan is amended to read as follows:

GP Land Use Designation	Zone District	Development Standards
Agricultural - Residential	A-1	10.89 du/acre (10,000 s.f. lots)
Low Density Residential	R-1 R-1-P RVD-5000 R-1-6000 R-1-7000 R-1-7500	5.8 to 10.89 du/acre 2,200 – 5,000 s.f. lots 6,000 s.f. lots 7,000 s.f. lots 7,500 s.f. lots

Medium Density	RVD-2500	10.90 – 19.8 du/acre
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B. The Land Use Category for Agricultural – Residential, Low Density Residential and Medium Density Residential in Table 2-5 Development Intensity on page 2-7 of the City of Lomita General Plan is amended in part to read as follows:

Land Use	Area (ac.)	Intensity Standard	Effective/Theoretical
Agricultural – Residential	90.9	10.89	792/990
Low Density Residential	506.4	10.89	4,412/5,515

Section 4. The Planning Commission of the City of Lomita hereby recommends to the City Council approval of General Plan Amendment No. 2022-01 amending the General Plan Land Use. development standards to modify the density for Agricultural – Residential, Low Density Residential and Medium Density Residential land use designations.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 13th day of June, 2022 by the following vote:

AYES: Commissioners:








NOES: Commissioners:

ABSTAIN: Commissioners:

Steven Cammarata, Chair

ATTEST: _____
Sheri Repp Loadsman
Planner

Attachment 4

	ACCESSORY DWELLING UNIT/ JUNIOR ACCESSORY DWELLING UNIT STANDARDS Refer to LMC Sec.					
	JUNIOR ACCESSORY DWELLING UNIT		SINGLE FAMILY ADU		MULTI-FAMILY ADU	
ADU TYPE	<i>JADU</i> 	<i>Conversion</i> 	<i>Attached</i> 	<i>Detached</i> 	<i>Conversion ADU</i> 	<i>Detached ADU</i> 
	Conversion of interior portion of an existing single-family dwelling	Conversion of existing area including garage and accessory structure	Construction of a new ADU attached to the primary dwelling structure	Construction of a new detached ADU	Conversion of existing non-habitable space within multifamily structure, excludes detached structures	Construction of new detached ADU
Number of Accessory Dwelling Type Permitted Per Lot	One (1) JADU and ADU is permitted on lots with an existing or proposed single family dwelling*				Conversion – At least one ADU and no more than 25% of the number of units within a multi-family dwelling structure Or Two (2) detached ADUs	
Maximum Size	500 square feet	No Maximum	No greater than 50% of the existing square footage but at least 800 square feet	850 square feet for studio or one bedroom 1,000 square feet more than one bedroom.	No Maximum	800 square feet
Minimum Size	220 square feet, provided it meets building, health and safety codes					
Maximum Height	N/A	N/A	16 ft. - Single Story 27 ft. - Two-Story		N/A	16 ft.

Front Setback	N/A	N/A	20 ft.	N/A	20 ft.
Secondary Front – Corner Lot			10 ft		10 ft.
Side Setback	N/A	N/A	4 ft - single story 5 f - two story		4 ft
Rear Setback	N/A	N/A	4 ft. – single story 20 ft. - two story	N/A	4 ft
Entrance	JADU/ADU require separate entrance from primary residence				
Distance between structures	N/A	N/A	N/A	6 ft.	N/A 6 ft
Kitchen	Efficiency kitchen required	Kitchen required			
Open Space	N/A	N/A			
Parking	1 parking space per ADU - Parking for ADU is waived pursuant to Section 65852.2(d)(1-5) of the Gov. Code				
Design Standards					
Porches/ Patios attached to ADU	N/A	Shall comply with			
Deed restriction	Property owner must record a deed restriction which restricts the sale of the ADU from the existing dwelling unit and prohibits short term rental				
Owner Occupancy	Required in either the primary dwelling or JADU	Not required			
Easements	No portion of an ADU (whether new construction or converted from existing space) may encroach into any public or private easement such as a utility easement unless the easement holder has provided written permission to construct the ADU in the manner proposed. Roof eaves may not be eliminated to meet the easement requirements.				
Impact Fees	N/A	ADUs over 750 sq. ft.			



Community & Economic Development
Department
Planning Division
24300 Narbonne Avenue
Lomita, CA 90717
310/325-7110
FAX 310/325-4024

NOTICE OF EXEMPTION

Project Title: ZONE TEXT AMENDMENT NO. 2022-01 AND GENERAL PLAN AMENDMENT NO. 2022-01

Project Description:

ZONE TEXT AMENDMENT NO. 2022-01, An amendment to Lomita Municipal Code Article 30 (Residential Zones) modifying the zoning code related to Accessory Dwelling Units, Junior Accessory Dwelling Units and Small and Large Family Day Care; adding provisions for Two Unit Developments, Urban Lot Splits and Planned Residential Units in A-1 and R-1 zoned properties and needed code clean up and clarification. Initiated by the City of Lomita.

An amendment to Lomita Municipal Code Article 66 (Off-Street Parking, Storage and Loading) modifying the zoning code to allow provisions for shared parking, off-site parking, and parking reductions pursuant to a Minor Conditional Use Permit and code clean up and clarification. Initiated by the City of Lomita.

An amendment to sections of the Lomita Municipal Code affected by amendments to Article 30 and Article 66 including but not limited to Article 15 – Definitions, Article 49 – DC (Downtown, Commercial), Article 58 – Mixed-Use Overlay District, Article 70 – Zoning Ordinance Administration. Initiated by the City of Lomita.

GENERAL PLAN AMENDMENT NO. 2022-01, An amendment to the Lomita General Plan Land Use Element to modify the allowable development intensity within the Agricultural Residential, Low Density Residential and Medium Density Residential categories.

Finding:

The City Council of the City of Lomita has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- Ministerial Project
- Categorical Exemption
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons:

- A. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, adoption of the Zone Text Amendment is exempt from CEQA in that it

can be seen with certainty that there is no possibility that the amendment may have a significant effect on the environment. The adoption of the proposed ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

Therefore, City Council has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Lemesis Quintero
Assistant Planner