

Steve Cammarata, Chair
Michael Graf, Vice-Chair
Monica Dever, Commissioner
Henry Sanchez Jr., Commissioner
Joaquin Santos, Commissioner
Bob Steinbach, Commissioner
Brenda Stephens, Commissioner



Lomita City Hall
Council Chambers
24300 Narbonne Avenue
Lomita, CA 90717
Phone: (310) 325-7110
Fax: (310) 325-4024

Next Resolution No. PC 2023-12

**AGENDA
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, MAY 8, 2023
6:00 P.M.**

THE PLANNING COMMISSION HAS RESUMED PUBLIC MEETINGS IN THE COUNCIL CHAMBERS. PARTICIPATION BY MEMBERS OF THE PUBLIC IS ONLY GUARANTEED VIA IN-PERSON ATTENDANCE.

AS A COURTESY, THE CITY WILL ATTEMPT TO ALSO ALLOW PUBLIC PARTICIPATION DURING THE MEETING VIA A COMPUTER OR SMART DEVICE USING THE FOLLOWING ZOOM LINK:

<https://us06web.zoom.us/j/88527825868>

Telephone Option: (669) 900-6833 Meeting ID: 885 2782 5868

Please note that the City cannot, and does not, guarantee that the above Zoom link or dial-in feature will work, that any individual commenter's computer or smart device will operate without issue, or that the City's hosting of the Zoom meeting will work without issue. Members of the public acknowledge this and are on notice that public participation is only guaranteed via attendance in Council Chambers and that the Zoom option is provided as a courtesy only. Technological issues or failure of the Zoom link to be operational for any reason will not result in any pause, recess, or cancellation of the meeting.

If you wish to provide public comment during Oral Communications or for a particular agenda item, you may either contact the Deputy City Clerk before the meeting, at 310-325-7110 ext. 141, complete a speaker card and give it to the Deputy City Clerk before or during the meeting, or if participating via Zoom, utilize the "raise hand" function to join the queue to speak when the Chair calls the item for discussion. Your name and city of residency is requested, but not required.

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 3-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:** April 10, 2023

RECOMMENDED ACTION: Approve minutes.

4. PUBLIC HEARINGS

- a. **CONDITIONAL USE PERMIT NO. 323 AT 2040 PACIFIC COAST HIGHWAY IN THE COMMERCIAL RETAIL (C-R) ZONE**

APPLICANT: James Shigeru Kemi, Fukanoya Japanese Sushi Restaurant, 2040 Pacific Coast Highway, Suite L, Lomita, CA 90717

PRESENTED BY: Assistant Planner Barbero

RECOMMENDED ACTION: Adopt a resolution approving Conditional Use Permit No. 323 to allow the existing restaurant at 2040 Pacific Coast Highway Unit L to offer beer and wine for onsite consumption until 11:00 p.m. and exemption from the California Environment Quality Act (CEQA).

- b. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-06, AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) MODIFYING ACCESSORY DWELLING UNIT (ADU) REGULATIONS PER CALIFORNIA STATE MANDATE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

APPLICANT: City of Lomita

PRESENTED BY: Associate Planner MacMorran

RECOMMENDED ACTION: Adopt a resolution recommending City Council approval of Zoning Text Amendment 2023-06 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

5. SCHEDULED MATTERS

- a. **COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS**

6. OTHER MATTERS

a. STAFF ANNOUNCEMENTS

b. PLANNING COMMISSIONER ITEMS

7. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Tuesday, June 6, 2023, City Council meeting

Tuesday, June 20, 2023, City Council meeting

8. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Monday, June 12, 2023, at 6:00 p.m.

Written materials distributed to the Planning Commission within 72 hours of the Planning Commission meeting are available for public inspection via the City's website and copies are available for public inspection beginning the next regular business day in the City Clerk's Office, 24300 Narbonne Avenue, Lomita.

In compliance with the Americans with Disabilities Act (ADA) if you need special assistance to participate in this meeting, please contact the office of the City Clerk at (310) 325-7110. Notification at least forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangements.

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, Lomita Park, and uploaded to the City of Lomita website http://www.lomita.com/cityhall/city_agendas/.

Dated Posted: May 3, 2023



Linda E. Abbott, CMC
Deputy City Clerk

**MINUTES OF THE
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, APRIL 10, 2023**

1. OPENING CEREMONIES

a. Call to Order

The regular meeting of the Lomita Planning Commission was called to order by Chair Cammarata at 6:00 p.m. on Monday, April 10, 2023, in the Council Chambers at Lomita City Hall, 24300 Narbonne Avenue, Lomita, California.

b. Flag Salute

Commissioner Santos led the salute to the flag.

c. Roll Call

PRESENT: Commissioners Dever, Sanchez, Santos, Steinbach, Stephens, Vice-Chair Graf, and Chair Cammarata

ABSENT: None

STAFF PRESENT: Community and Economic Director Rindge, Associate Planner MacMorran, Assistant Planner Barbero, Assistant City Attorney King, and Deputy City Clerk Abbott

2. ORAL COMMUNICATIONS

Chair Cammarata announced the time for public comments on Consent Agenda items or subjects other than those scheduled. There being no requests to speak, Chair Cammarata closed oral communications.

3. CONSENT AGENDA

a. APPROVAL OF MINUTES: March 13, 2023

RECOMMENDED ACTION: Approve minutes.

Commissioner Steinbach made a motion, seconded by Commissioner Santos, to approve the minutes.

MOTION CARRIED by the following vote:

AYES: Commissioners Dever, Sanchez, Santos, Steinbach, Stephens, Vice-Chair Graf, and Chair Cammarata

NOES: None

ABSENT: None

4. PUBLIC HEARINGS

- a. **AMENDMENT OF CONDITIONAL USE PERMIT NO. 224 FOR 1935 PACIFIC COAST HIGHWAY IN THE COMMERCIAL RETAIL (C-R) ZONE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: Toji Okura on behalf of Tamaen Japanese BBQ, 1935 Pacific Coast Highway, Lomita, CA 90717)

RECOMMENDED ACTION: Adopt a resolution approving an amendment to Conditional Use Permit No. 224 to allow the existing restaurant at 1935 Pacific Coast Highway to offer beer and wine for on-site consumption at 1937 Pacific Coast Highway and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

Assistant Planner Barbero presented the staff report per the agenda material. There is sufficient on-site parking to accommodate the intensified use.

Chair Cammarata invited questions from the Commission. As there were none, he opened the public hearing at 6:08 p.m.

The applicant, Toji Okura, on behalf of Tamaen Japanese BBQ, stated that he might request expanded business hours down the road, and that additional tables will be available for dining.

As there were no further requests from the public to speak on this item, Chair Cammarata closed the public hearing at 6:11 p.m. and brought the item back to the Commission for discussion.

A brief discussion was held relative to ADA requirements regarding restrooms.

As there was no further discussion on this item, Chair Cammarata brought the item back for a motion.

Commissioner Santos made a motion, seconded by Commissioner Steinbach, to adopt a resolution approving an amendment to Conditional Use Permit No. 224 to allow the existing restaurant at 1935 Pacific Coast Highway to offer beer and wine for on-site consumption at 1937 Pacific Coast Highway and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

- b. **MINOR CONDITIONAL USE PERMIT NO. 4 FOR AN OFF-SITE PARKING AGREEMENT BETWEEN 24805 NARBONNE AVENUE & 24716-24730 NARBONNE AVENUE IN THE C-G (COMMERCIAL-GENERAL) ZONE WITH A MUO (MIXED USE OVERLAY DISTRICT) AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: Farana, LLC, 23910 Narbonne Avenue, #101, Lomita, CA 90717)

RECOMMENDED ACTION: Adopt a resolution approving Minor Conditional Use Permit No. 4 subject to the findings and conditions, and to confirm the categorical exemption.

Associate Planner MacMorran presented the staff report per the agenda material. Staggered business hours with the neighboring church make shared parking possible.

A brief discussion was held relative to the number of on-site parking spaces required per Lomita Municipal Code, concerns regarding unauthorized off-site parking and pedestrians crossing Narbonne Avenue unsafely from the parking lot to the medical facility. The church's representatives will sign a shared parking agreement as a Condition of Approval and the City's own Minor Conditional Use Permit will hold this agreement in perpetuity unless church representatives change their minds in the future.

Chair Cammarata opened the public hearing at 6:31 p.m.

Art Ashai, on behalf of Endocrine Care Specialists, clarified that this parking agreement has already been in place for about a year, with three parking passes given to medical facility staff to hang in their cars.

As there were no further requests from the public on this item, Chair Cammarata closed the public hearing at 6:32 p.m. and brought the item back for further discussion or a motion.

Vice-Chair Graf made a motion, seconded by Commissioner Santos, to adopt a resolution approving Minor Conditional Use Permit No. 4 subject to the findings and conditions, and to confirm the categorical exemption.

MOTION CARRIED by the following vote:

AYES: Commissioners Dever, Sanchez, Santos, Steinbach, Stephens, Vice-Chair Graf, and Chair Cammarata

NOES: None

ABSENT: None

c. DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-03, AN ORDINANCE LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 68 (SPECIAL DEVELOPMENT STANDARDS), SECTION 11-1.68.06 (OUTDOOR DINING) TO UPDATE OUTDOOR DINING REGULATIONS AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Applicant: City of Lomita)

RECOMMENDED ACTION: Recommend approval of Zoning Text Amendment 2023-03 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

Community & Economic Development Director Rindge presented the staff report per the agenda material. Outdoor dining has been allowed in Lomita, in a limited capacity, since 2005. A Minor CUP will be required to allow for use of existing parking spaces for this purpose.

Brief discussion was held relative to permanent outdoor tables and chairs, the use of heaters, no longer allowing temporary tents except for special events, enforcement after

City Hall business hours, reporting of violations, parking requirements, and the process to remove a CUP due to excessive violations.

Assistant City Attorney King stated that he would look into whether to include information relative to the process to remove a CUP due to excessive violations in the draft ordinance that will go before the City Council.

Chair Cammarata opened the public hearing at 6:53 p.m. As there were no requests from the public to speak on this item, he closed the public hearing at 6:53 p.m. and brought the item back to the Commission for further discussion or a motion.

Commissioner Santos made a motion, seconded by Vice-Chair Graf, to adopt a resolution recommending that the City Council approve Zoning Text Amendment 2023-03 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

- d. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-04, AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 30 (RESIDENTIAL ZONES) TO UPDATE REGULATIONS REGARDING THE KEEPING OF HEN CHICKENS WITHIN THE A-1 (AGRICULTURE, NONCOMMERCIAL) AND R-1 (SINGLE-FAMILY RESIDENTIAL) ZONES AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: City of Lomita)

RECOMMENDED ACTION: Recommend approval of Zoning Text Amendment 2023-04 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

Director Rindge presented the staff report per the agenda material. Roosters will not be allowed, and coops will have height limits and location requirements. Coops also must be of a similar design to the single-family home.

Brief discussion was held relative to enforcement if chickens escape yards or when the smell or noise is bothering neighbors.

Chair Cammarata opened the public hearing at 7:04 p.m. As there were no requests from the public to speak on this item, he closed the public hearing at 7:04 p.m. and brought the item back to the Commission for further discussion or a motion.

Commissioner Santos made a motion, seconded by Commissioner Steinbach, to adopt a resolution recommending that the City Council approve Zoning Text Amendment 2023-04 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

- e. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-05, AN ORDINANCE AMENDING VARIOUS SECTIONS OF LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO SPECIFY REGULATIONS IN COMPATIBILITY WITH ADOPTED ORDINANCE NO. 839 REGULATING PLANNED RESIDENTIAL DEVELOPMENTS AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: City of Lomita)

RECOMMENDED ACTION: Recommend approval of Zoning Text Amendment 2025-05 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

Director Rindge presented the staff report per the agenda material. This is merely a “cleanup” ordinance with no substantive changes to the original; it is necessary for Code consistency.

Chair Cammarata opened the public hearing at 7:06 p.m. As there were no requests from the public to speak on this item, he closed the public hearing at 7:06 p.m. and brought the item back for discussion or a motion.

Vice-Chair Graf made a motion, seconded by Commissioner Santos, to adopt a resolution recommending that the City Council approve Zoning Text Amendment 2025-05 to the City Council, subject to the findings and conditions and finding the request exempt from the California Environment Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

5. SCHEDULED MATTERS

- a. **2022 ANNUAL PROGRESS REPORT FOR THE GENERAL PLAN AND HOUSING ELEMENT**

RECOMMENDATION: Receive and file the City’s 2022 Annual Progress Report (APR) on the General Plan and Housing Element. Review and submittal of the report is not a project requiring review under the California Environmental Quality Act (CEQA).

Director Rindge presented the report per the agenda material. The City continues to evaluate opportunities for updated land use plans and zoning ordinances that can increase densities through annual informational sessions with the Planning Commission. The previous General Plan was adopted 25 years ago, and much has changed since then in

Lomita and beyond, including State mandates relative to housing numbers and requirements.

Brief discussion was held relative to how the City can help those with lower income improve their circumstances, the need to focus on the City's very low income (as defined by the Regional Housing Needs Assessment, or RHNA) housing numbers, and taking back control from developers in terms of requiring even more from them relative to allocating lower income housing units.

It was the consensus of the Planning Commission to receive and file the City's 2022 Annual Progress Report (APR) on the General Plan and Housing Element. Review and submittal of the report is not a project requiring review under the California Environmental Quality Act (CEQA).

b. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

Director Rindge stated that the parking ordinance initiated by the pending Target Store had its first Council reading at the April 4, 2023, meeting, with its second reading scheduled for April 18, 2023. The housing ordinance was adopted at the March 21, 2023, meeting. A discussion on allowing murals on private property in the City and a draft ordinance will come back to the Planning Commission soon. Council gave the go-ahead at the March 21, 2023, meeting.

6. OTHER MATTERS

a. STAFF ANNOUNCEMENTS

None

b. PLANNING COMMISSIONER ITEMS

Commissioner Dever spoke about the March 21, 2023, Council discussion relative to creating five voting districts in the City, and inquired as to what provisions exist in the event of a district producing no candidates. Assistant City Attorney King stated that he would look into it and report back.

7. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Commissioner Steinbach will attend the Tuesday, May 2, 2023, City Council meeting; Commissioner Santos will attend the Tuesday, May 16, 2023, City Council meeting.

The Commission inquired as to why representation at Council meetings is required. Director Rindge stated that she would research and follow up as soon as possible.

Commissioner Steinbach mentioned that he will miss the next Planning Commission meeting.

8. ADJOURNMENT

As there was no further business to discuss, Chair Cammarata adjourned the meeting at 7:30 p.m.

Linda E. Abbott, CMC
Deputy City Clerk

DRAFT



CITY OF LOMITA PLANNING COMMISSION REPORT

Item PH 4a

TO: Planning Commission

FROM: Erika Barbero, Assistant Planner

MEETING DATE: May 8, 2023

SUBJECT: Conditional Use Permit No. 323 at 2040 Pacific Coast Highway in the Commercial Retail (C-R) Zone

RECOMMENDATION

Adopt a resolution approving Conditional Use Permit No. 323 to allow the existing restaurant at 2040 Pacific Coast Highway Unit L to offer beer and wine for onsite consumption until 11:00 p.m. and exemption from the California Environment Quality Act (CEQA).

BACKGROUND

The applicant of the record is James Shigeru Kemi, business owner of Fukanoya Japanese Sushi Restaurant, a sit-down restaurant that is requesting to extend hours of service from 11:30 am until 10:30 p.m., Sunday through Thursday and from 11:30 a.m. to 1:00 a.m. on Fridays and Saturdays. Beer and wine sales were previously approved in 1986 for the prior tenant at this location under Site Plan Review (SPR) 607. The applicant filed an amendment to include the updated service hours to their Alcohol and Beverage Control (ABC) License.

Existing Conditions

The subject site is located on the corner of Oak Street and Pacific Coast Highway and the establishment, Fukanoya Japanese Sushi Restaurant, is located on the southwest area of the shopping center. The total area of the irregularly shaped property is 89,374 ft², consisting of two multi-tenant buildings and one free-standing restaurant to the north of the shopping center. The uses on the subject property vary among service, retail, medical office, and restaurant. Two of the buildings are attached and configured in an L-shape with a service driveway and trash receptacles to the rear.

Environmental Determination

Pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines, a project that consists of permitting or licensing involving negligible, or no expansion of use may be found to be exempt from the requirements of CEQA. The restaurant's extension of hours of service will not impact the building's existing footprint and will not be altered or expanded to accommodate the conditional use.

ANALYSIS

Restaurant Comparisons

It is generally understood that a restaurant is a publicly accessible place with suitable kitchen facilities and substantial sale of meals for consumption on the premises. The sale of beer and wine (Type 41) or beer, wine, and distilled spirits (Type 47) may be authorized as an ancillary component of the bona fide restaurant business. From such a broad definition, restaurants can be categorized as sit-down, take-out, fast-food, family, fine dining, or entertainment. In contrast, a “bar” would utilize a Type 48 license for the sale of alcoholic beverages only.

The applicant maintains a Department of Alcoholic Beverage Control’s (ABC) Type 41 license, which permits beer and wine service at a bona fide eating establishment. The late-night hours for beer and wine service are substantially different than the operating hours of other similar Lomita restaurants. Fukanoya proposes operation approximately 7 hours a day, including outside traditional mealtime hours of 11:00 a.m. – 9:00 p.m. In Lomita, sit-down restaurants typically close between 8:00 p.m. and 11:00 p.m. as shown in the table below.

| Restaurant | Address | Entitled Hours |
|------------------------|----------------------------|--|
| Katsu Bar | 2408 Lomita Blvd, Suite C | Sunday-Saturday 11 a.m. – 12 a.m. |
| Project Barley | 2308 Pacific Coast Highway | Sunday-Thursday 10 a.m.-11 p.m. Friday-Saturday 10 a.m. - 12 a.m. |
| Burnin Daylight | 24516 Narbonne Avenue | Sunday – Saturday 10 a.m. – 11 p.m. |

Beer and wine sales were previously approved in 1986 for the prior tenant at this unit under Site Plan Review (SPR) 607. Fukanoya Japanese Sushi Restaurant began operation at this location in June 2019 and is currently open as shown in the below table.

| <i>Day of Week</i> | <i>Operating Hours</i> | <i>Requested Hours</i> | <i>City-Recommended Hours Allowed</i> |
|----------------------|------------------------|------------------------|---------------------------------------|
| Sunday & Monday | Closed | Closed | 11 a.m. – 9 p.m. |
| Tuesday | Closed | 5:30 p.m. – 10 p.m. | 11 a.m. – 9 p.m. |
| Wednesday & Thursday | 5:30 p.m. – 10 p.m. | 5:30 p.m. – 10 p.m. | 11 a.m. – 9 p.m. |
| Friday | 5:30 p.m. – 10 p.m. | 5:30 p.m. – 1 a.m. | 11 a.m. – 11 p.m. |
| Saturday | 6 p.m. – 10 p.m. | 5:30 p.m. – 1 a.m. | 11 a.m. – 11 p.m. |

To extend the hours of service as requested by the applicant, the Planning Commission must approve the Conditional Use Permit to include extended Friday and Saturday hours of 1:00 a.m. for the California Department of Alcohol Beverage Control (ABC) to update their license.

Staff recommends authorizing the sale of beer and wine for on-site consumption from 11:00 a.m. to 9:00 p.m. Sundays through Thursdays, and from 11:00 a.m. to 11:00 p.m. Fridays and Saturdays. These hours are consistent with other restaurants within the City and consistent with typical meal service. Generally, authorizing late-night alcohol consumption may lead to an appearance of a bar setting and may increase the risk for public disturbance.

General Plan

The land use designation for the property is Commercial and it allows for a floor area ratio of 1.0 to 1.0. The combined 33,075 ft² building sits on a 89,374 ft² lot with an F.A.R. of less than 1.0. The proposed commercial project is consistent with the designation.

Zoning Review

The site is zoned Commercial General which is established to provide for regional retail sale needs. This zone provides for retail activities and limited-service establishments.

Adjacent Zoning and Land Uses

| <i>Direction</i> | <i>Land Use</i> | <i>Zoning</i> |
|------------------|-----------------|--|
| North | Commercial | Commercial Retail (C-R) |
| South | Residential | Residential Variable Density 1/2600 SF (RVD2600) |
| West | Commercial | Commercial Retail (C-R) |
| East | Commercial | Commercial Retail (C-R) |

The City has not received any complaints in recent years and the business has remained compliant with the existing conditions of approval.

Conditional Use Permit Findings Summary

Staff reviewed the project in accordance with Section 11-1.70.09 Conditional Use Permit of the Lomita Municipal Code and advises that the project is consistent with the required findings.

PUBLIC NOTICE

On April 27, 2023, staff mailed notices of this hearing to property owners within 300’ of the subject property and posted on the Lomita City web page, at Lomita City Hall, and at Lomita Park.

OPTIONS

1. Approve the attached resolutions as recommended.
2. Approve the attached resolutions with amended conditions.

3. Deny the application.
4. Provide staff with further direction.

Attachments

1. Resolution Minor CUP No. 323
2. Vicinity Map
3. Zoning Map
4. General Plan Map
5. Aerial Photograph
6. Notice of Exemption
7. Floor Plan

Recommended by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

Prepared by:

Erika Barbero

Erika Barbero
Assistant Planner

PLANNING COMMISSION
RESOLUTION NO. PC 2023-XX
AMENDMENT TO CONDITIONAL USE PERMIT 323
2040 PACIFIC COAST HIGHWAY
APN: 7553-007-069

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING A REQUEST FOR CONDITIONAL USE PERMIT NO. 323: A REQUEST TO MODIFY THE OPERATING HOURS OF AN EXISTING RESTAURANT SERVING BEER AND WINE FOR ON-SITE CONSUMPTION AT 2040 PACIFIC COAST HIGHWAY SUITE L WITHIN THE COMMERCIAL RETAIL (C-R) ZONE

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

Section 1. Recitals

- A. The City of Lomita received an application to allow an existing restaurant at 2040 Pacific Coast Highway to offer beer and wine service until 10:00 p.m. Tuesday through Thursday, and until 1:00 a.m. Fridays and Saturdays. Filed by James Shigeru Kemi, Fukanoya Japanese Sushi Restaurant at 2040 Pacific Coast Highway, Lomita, CA 90717 (Applicant).
- B. On May 8, 2023, the Planning Commission of the City of Lomita held a duly noticed public hearing and accepted public testimony for an application.
- C. The project is categorically exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act guidelines. The project consists of a permitting activity to license the sale of beer and wine for on-site consumption at a restaurant (bona fide eating establishment), which is a negligible expansion of the onsite activities.
- D. The Planning Commission finds that the Applicants agree with the necessity of and accept 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 citizens in general including those who access the site.

Section 2. Findings

The amendment to the existing Conditional Use Permit is subject to the Conditional Use Permit findings contained in Lomita Municipal Code Section 11-1.70.09 (Conditional Use Permit). The required findings below are shown in italicized type and the reason(s) the project is consistent is shown in regular type. Planning Commission finds, after due study and deliberation, that the following circumstances exist:

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

The zoning designation for the property is Commercial Retail (C-R). A restaurant serving beer and wine is allowed with a conditional use permit in the zoning district; however, the C-R Zone does not allow bars.

The business presently operates as a restaurant, and a restaurant has operated at this location for over 30 years. The existing business is open four days a week until 10 p.m. Restaurants are eating establishments with ancillary alcoholic beverage service. By extending the operating hours past traditional mealtimes, food consumption is expected to decrease, and beverage consumption is expected to increase.

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

The restaurant is also consistent with the General Plan's commercial land use designation.

(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 restaurant is located in an existing L-shaped commercial center, which is adjacent to a residential property along its southerly property line. A 20-foot service driveway runs between the commercial center and the adjacent residential use. Unit L has a backdoor connecting to this driveway which is where the trash and recycling bins are located. The southerly side of the building is the only trash location. The noise generated from trash disposal and breaking glass at the proposed 1:00 a.m. would be detrimental to persons residing next door.

(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 offers an adequate number of parking spaces, numerous two-way driveways for safe ingress and egress, and other suitable development features. The parking requirement does not change as no new square footage is proposed.

(5) The site is served by highways and streets adequate to carry the kind and quantity of traffic such use would generate.

Pacific Coast Highway and Oak Street provide access to the property and these roadways can adequately carry the kind and quantity of traffic the use would generate.

Section 3. Based on the above findings, the Planning Commission of the City of Lomita hereby approves Conditional Use Permit No. 323 subject to the following conditions:

GENERAL PROJECT CONDITIONS

1. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Community and Economic Development Director or a major modification to the plans is approved by the Planning Commission.
2. This permit is granted for the Applicant's application received on March 13, 2023 on file with the Planning Division, and may not be transferred from one property to another.
3. 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.
4. This permit shall not be effective for any purpose until a duly authorized representative of the owner of the property has filed with the Department of Community Development, a notarized affidavit accepting all the conditions of this permit. This affidavit, or a copy of this resolution, shall be recorded with the County Recorder and is binding on successors. If the Applicant is a corporation, then an officer of the corporation shall sign the acceptance affidavit.
5. This permit shall automatically be null and void two years from the date of issuance unless a business license has been issued by the City of Lomita. A request for a one-year extension may be considered by the Planning Commission. No extension shall be considered unless requested prior to the expiration date.
6. 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.
7. 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.
8. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full.

PLANNING CONDITIONS

9. All crimes occurring inside or outside the project property shall be reported to the Lomita Station of the Los Angeles County Sheriff's Department at the time of the occurrence.

10. The business may be open to customers between 11:00 a.m. and 9:00 p.m., Sunday through Thursday, and between 11:00 a.m. and 11:00 p.m., Friday and Saturday.

INDEMNIFICATION

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.

COMPLIANCE

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 of Lomita Municipal Code.

If any of the conditions of the Minor Conditional Use Permit are not complied with or upon notice of a violation by the Code Enforcement Division, the Planning Commission, after written notice to the applicant and a noticed public hearing, may in addition to revoking the permit, amend, delete, or add conditions to this permit at a subsequent public hearing.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 8th day of May 2023 by the following vote:

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

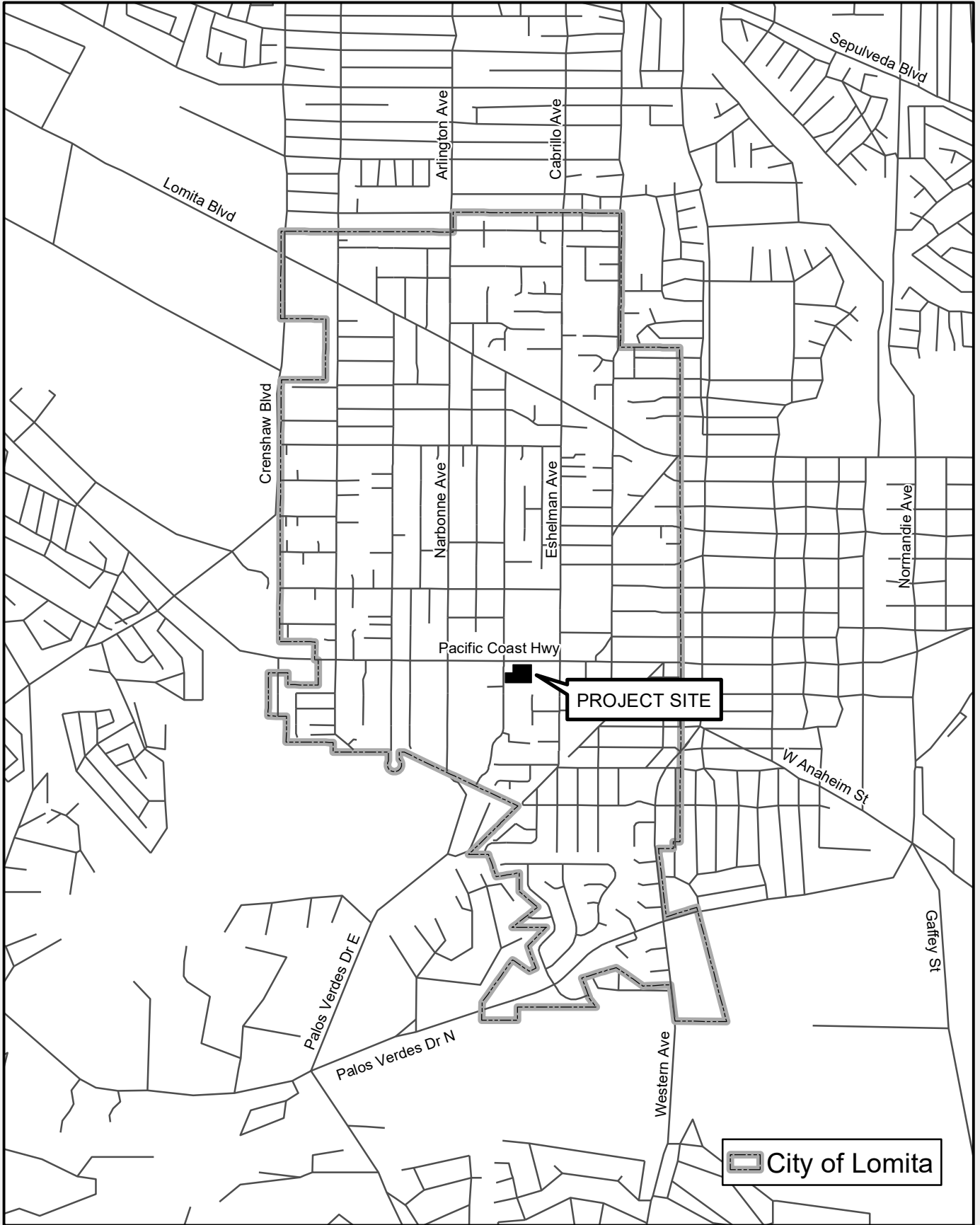
Steven Cammarata, Chairperson

ATTEST: _____
Brianna Rindge, AICP
Community and Economic Development Director

Within 30 days of the date of this decision for an exception, permit, change of zone, or other approval, or by the person the revocation of whose permit, exception, change of zone, or other approval is under consideration, of notice of the action of, or failure to act by, the Commission, 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.

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.

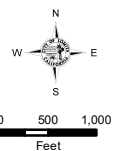
DRAFT

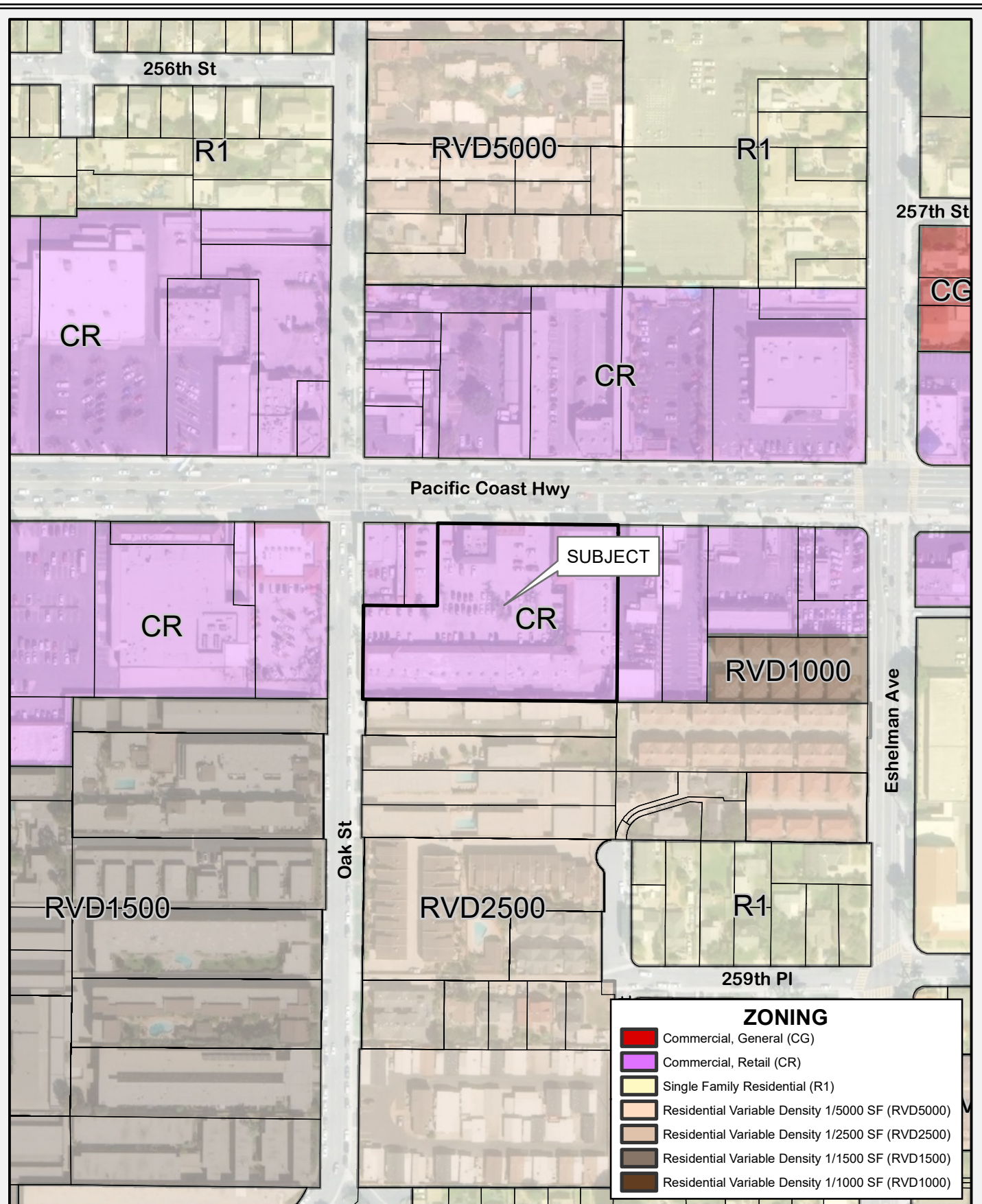


Conditional Use Permit No.323
2040 Pacific Coast Highway
Attachment 2

Community Development
April 2023

Source: Lomita GIS Data Layers, TIGER Files
GIS/Apps/2040PCH_vty.mxd

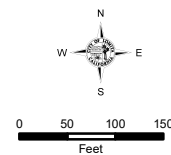


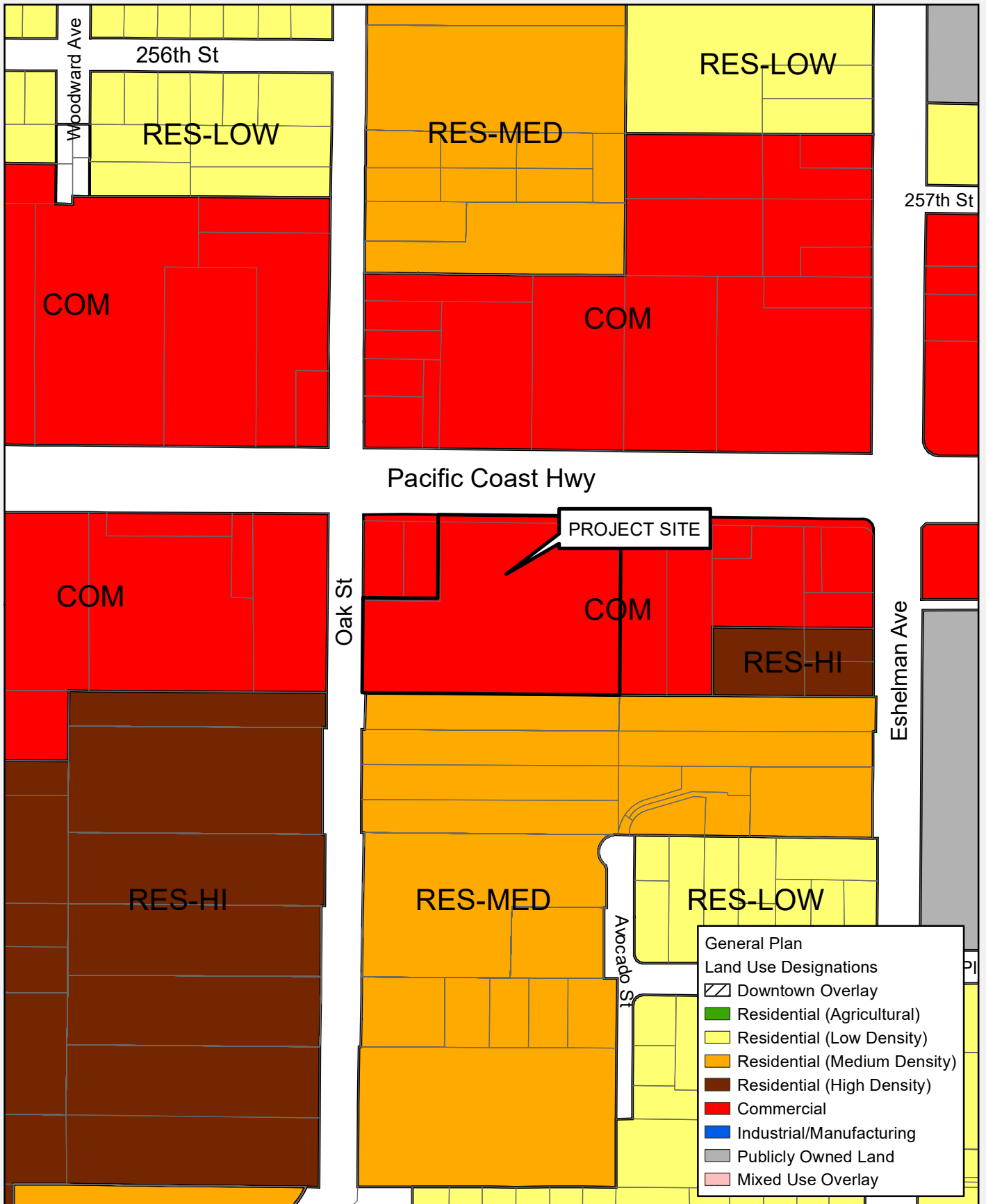


**Conditional Use Permit No.323
2040 Pacific Coast Highway
Attachment 3**

Community Development
April 2023

Source: Lomita GIS Data Layers
/Apps/2140_PCH_2zon.mxd





General Plan
Land Use Designations

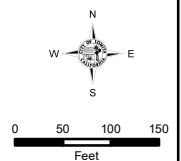
- Downtown Overlay
- Residential (Agricultural)
- Residential (Low Density)
- Residential (Medium Density)
- Residential (High Density)
- Commercial
- Industrial/Manufacturing
- Publicly Owned Land
- Mixed Use Overlay

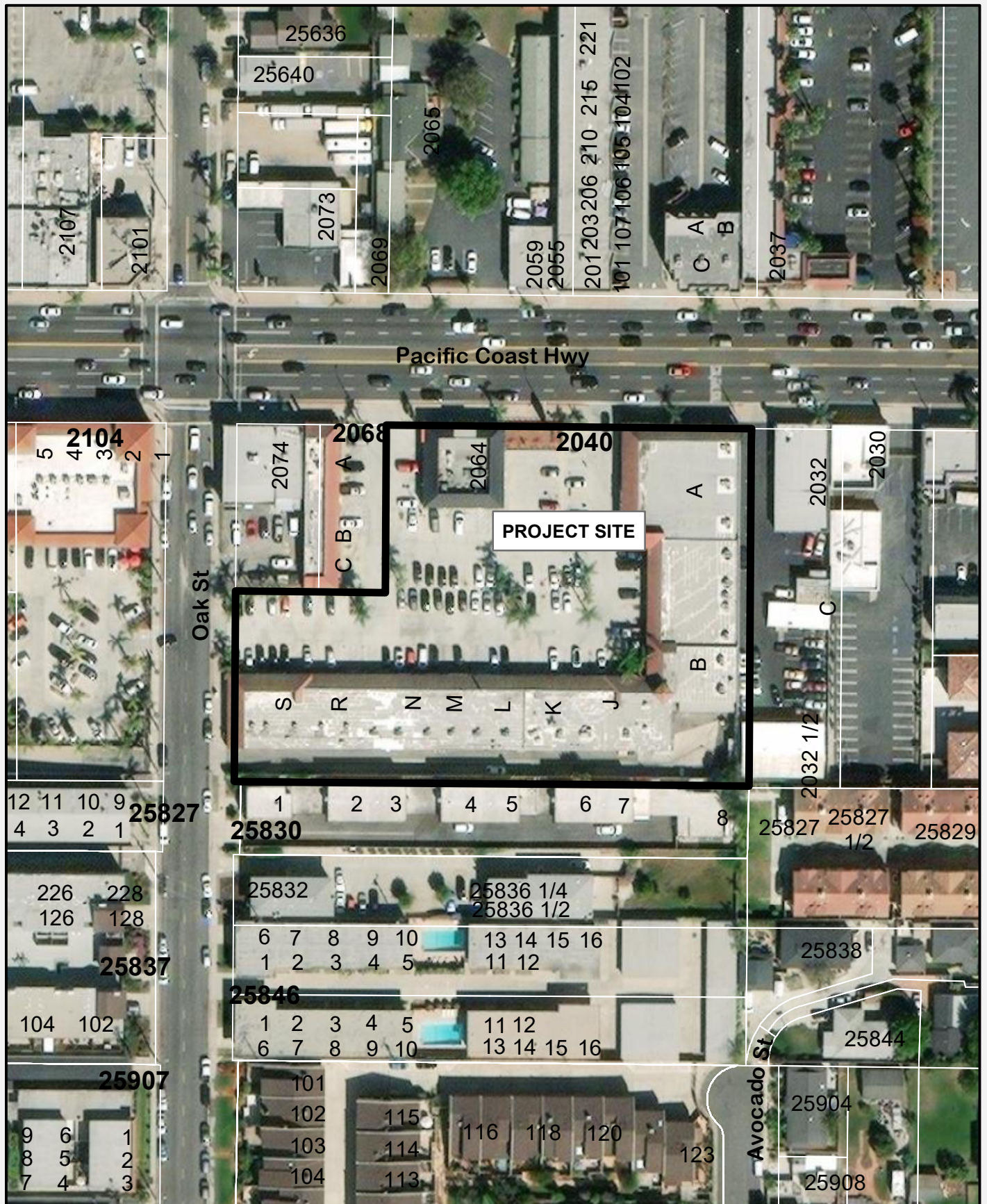


Conditional Use Permit No.323
2040 Pacific Coast Highway
Attachment 4

Community Development
 April 2023

Source: Lomita GIS Data Layers
 GIS/Apps/2040PCH_2gp.mxd

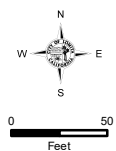




**Conditional Use Permit No.323
2040 Pacific Coast Highway
Attachment 5**

Community Development
April 2023

Source: Lomita GIS Data Layers
/Apps/2040PCH_2aer.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 323

Project Description: A request to modify the operating hours of an existing restaurant serving beer and wine for on-site consumption at 2040 Pacific Coast Highway Suite 1 within the Commercial Retail (C-R) Zone.

Finding:

The Planning Division of the Community Development Department of the City of Lomita has reviewed the 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 15301(a) (Existing Facilities) & Section 15332 (In-Fill Development))
- 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 Pursuant to Section 15301 (Existing Facilities) of the CEQA guidelines, a project that consists of permitting or licensing involving negligible expansion of use may be found to be exempt from the requirements of CEQA. In addition, Section 15332 (In-Fill Development) exempts a project that is consistent with the general plan and zoning designation, is on an urban site less than five acres, is not a special habitat, does not create significant traffic, noise, air quality or water quality issues, and is adequately served by all utilities and public services. The proposed minor conditional use permit for shared parking is a permitting activity and intensification of an existing restaurant use meets the criteria for an infill development. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment.

Date

Erika Barbero
Assistant Planner

Exit

Storage.

Toilet

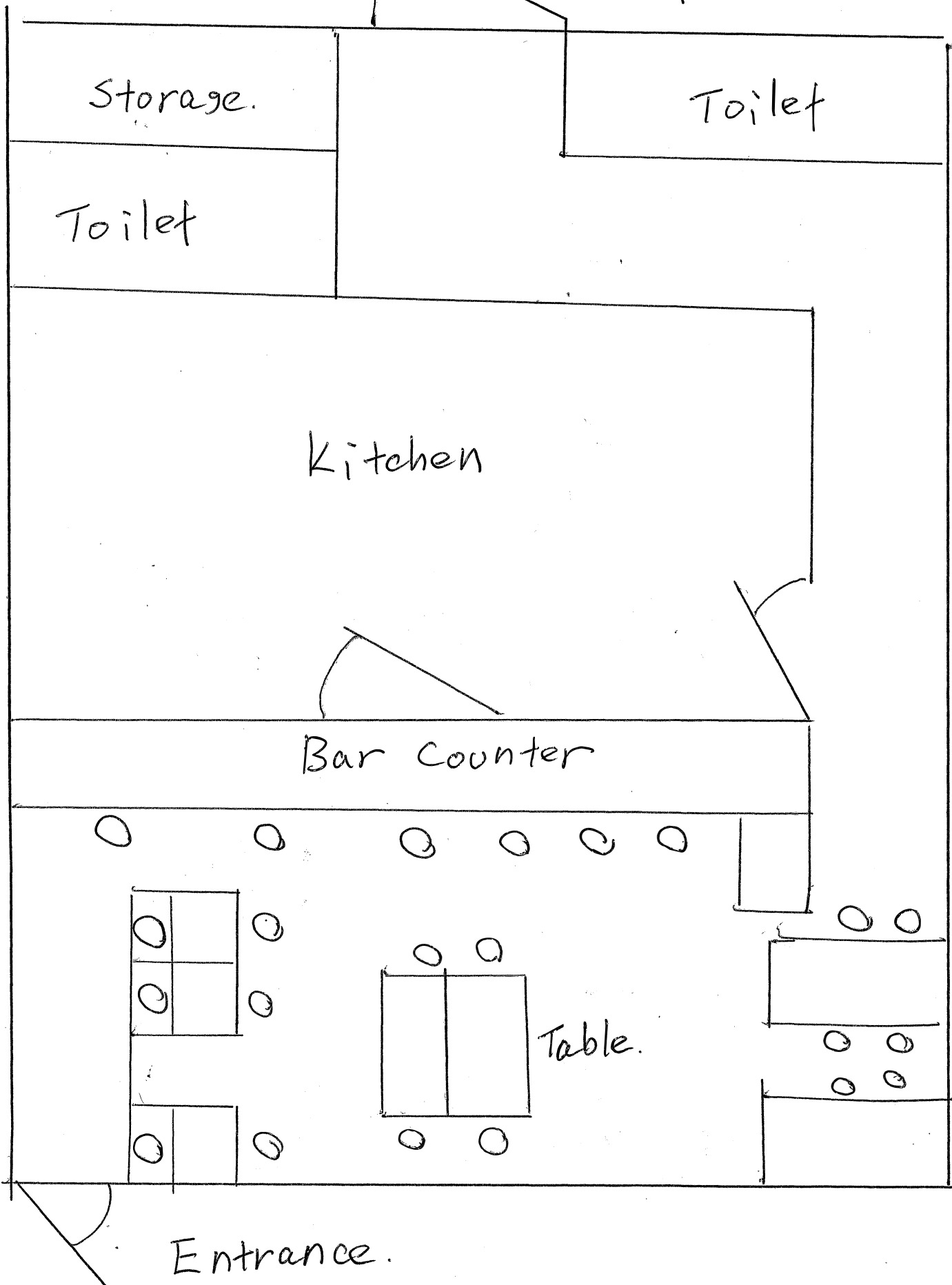
Toilet

Kitchen

Bar Counter

Table.

Entrance.





CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission **Item No. PH 4b**

FROM: Laura MacMorran, Associate Planner

THROUGH: Brianna Rindge, Director of Community & Economic Development

MEETING DATE: May 8, 2023

SUBJECT: Discussion and Consideration of Zoning Text Amendment No. 2023-06, an Ordinance Amending Lomita Municipal Code Title XI (Planning and Zoning) Modifying Accessory Dwelling Unit (ADU) Regulations per California State Mandates and Finding the Action to be Exempt from the California Environmental Quality Act

RECOMMENDATION

Adopt a resolution recommending the City Council adopt Zoning Text Amendment 2023-06 and find the request exempt from the California Environmental Quality Act (CEQA).

BACKGROUND

The City most recently updated its regulations for ADUs on September 6, 2022, through Ordinance No. 838. Additional amendments of the State's accessory dwelling unit law went into effect January 1, 2023, increasing detached accessory dwelling unit height standards in certain situations. Per California Government Code Section 65852.2(a)(6), when a local jurisdiction's standards do not align with the State's standards, the local ordinance is null and replaced with the State's provisions. In order to restore beneficial Lomita-specific standards, the City must adopt an updated ordinance.

The State requires cities to submit new ordinances to the State Department of Housing and Community Development (HCD) within 60 days of adoption, and there is no pre-review. Last year, the City sent its most-recent ordinance to HCD; however, instead of reviewing for approval or denial, HCD informed the City that it was suspending its review for the year, presumably due to pending State law at the time.

ANALYSIS

Approved and proposed State bills trigger the following necessary amendments to Lomita's ADU regulations.

1) HEIGHT STANDARDS

Lomita's 2022 ordinance allowed a maximum height of 27' for attached and detached ADUs that met the underlying zoning districts' setback requirements. This provision enables some projects to shrink the building's footprint and frees limited ground floor space for uses that need to be located on the ground, such as yards, trees, vehicle parking, and trash areas. It also reduces the construction cost, particularly on multi-family properties, where two accessory dwelling units are permitted. The ordinance maintains a provision that properties south of Pacific Coast Highway remain subject to the height variation permit process.

2) UNIT SIZE

State law allows a municipality to limit the maximum size of an ADU to 1,000 ft²; however, absent a local ordinance, an ADU is permitted up to 1,200 ft². Lomita's 2022 ordinance set the maximum unit size at 1,000 ft². The proposed ordinance reestablishes the 1,000 ft² maximum size. Unit size directly correlates to cost and the need for less expensive housing has been well-established. Also, space on the ground is finite and as previously discussed a multitude of uses need ground location. By capping each ADU at 1,000 ft², the rent for the unit should be less expensive and there will exist more opportunity for ground-level uses.

The Housing Element directs the City to create incentives for increasing ADU production. Such ideas will be discussed during the General Plan and Comprehensive Zoning Code Update, along with density bonus incentives and lot consolidation incentives. For example, the City may allow more square footage for an attached ADU if it is designed within the primary dwelling unit's buildable envelope. This may be a win-win situation as the ability to create a larger unit might entice people to use the air space and create vertical two-story projects, instead of horizontal single-story projects.

3) OWNER-OCCUPANCY

Currently, State law does not allow a local jurisdiction to impose an owner-occupancy requirement on ADUs. This provision sunsets January 1, 2025 (CA Gov. Code Sec. 65852.2(c)(2)). Assembly Bill No. 976 would permanently remove the owner-occupancy requirement. As of April 23, 2023, this bill has passed the Assembly Local Government Committee and the Assembly Housing and Community Development Committee. Should the bill not pass, the current owner-occupancy exemption would remain until January 1, 2025; however, should the bill pass, Lomita's local ordinance would become noncompliant. For this reason, staff recommends removing the owner-occupancy requirement and replacing it with a reference to the Government Code. This reference to State law should preserve the City's ordinance.

4) CONSTRUCTION NOTICE

The existing ordinance requires that a construction notice be sent to the neighboring property owners. The provision has good intentions; however, the City does not require single-family, multi-family, or commercial construction projects to provide any such notice. In recent memory, staff has not received any complaints about an ADU under construction. HCD has the potential to view such a requirement as an impediment to ADU

creation, so staff recommends a conservative approach to securing HCD’s approval and removing this provision. Separately, the City could consider a construction notice sign on all sites, if desired.

5) OTHER RELEVANT 2023-2024 BILLS

In addition to AB No 976 (no owner-occupancy requirement), the State is processing other bills that will impact or have the potential to impact Lomita.

| <i>Bill</i> | <i>Title or Summary</i> | <i>Potential Impact</i> |
|-------------|---|---|
| AB 1033 | Would authorize a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums, as specified. | The State would provide local jurisdictions with the option to allow condominiums; however, it is not a requirement. Allowing properties to create separate ownership may be an incentive strategy to ADU development; however, the implications for existing single-family zoned properties with multiple units would require further study. |
| AB 1332 | Section 65852.27 would require local agencies to develop a program for preapproval for ADU plans by 1/1/2025 and approve or deny an application within 30 days using said plans. | The City would need to adopt preapproved plans. LA County is already in the process of developing plans; however, the City may wish to create its own version(s). The requirement should not affect the proposed ordinance. |

6) NON-SUBSTANTIVE CLEAN-UP

The proposed ordinance cleans up existing code without any tangible changes to code.

CEQA

This proposed code amendment has been assessed in accordance with the California Public Resources Code (CPRC) 21080.17. The California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which is the code section for the State’s Accessory Dwelling Unit law.

PUBLIC NOTICE

Notices of this hearing dated April 29, 2023 were published in the Daily Breeze Newspaper, and posted at City Hall and Lomita Park.

OPTIONS

1. Recommend approval to the City Council as recommended by staff.
2. Recommend approval to the City Council with amendments.
3. Provide staff with further direction.

ATTACHMENTS

1. Resolution with Exhibit A Draft Ordinance
2. Lomita Municipal Code Redlined

Prepared by:

Laura MacMorran

Laura MacMorran
Associate Planner

Reviewed by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

RESOLUTION NO. PC 2023-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT 2023-06 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 30 SECTION 11-1.30.06 (ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS), AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. Recitals

A. This proposed code amendment has been assessed in accordance with the California Public Resources Code (CPRC) 21080.17. The California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the Government Code, which is the code section for the State's Accessory Dwelling Unit law.

B. On May 8, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-06 (initiated by the City of Lomita), where public testimony was accepted on the item and after deliberations the Planning Commission recommended that the City Council approve the Zoning Text Amendment., in accordance with Lomita Municipal Code sections 11-1.70.04 and 11-1.70.05(C).

C. After review and consideration of all evidence and testimony presented in connection with this hearing, the Planning Commission recommends that the City Council approves the Zoning Text Amendment.

Section 2. In accordance with Municipal Code section 11-1.70.05, the Planning Commission finds that the proposed Zone Text Amendment is consistent with the General Plan as described in Exhibit A.

Section 3. Based on the foregoing, the Planning Commission of the City of Lomita hereby recommends City Council approve the amendments to the Lomita Municipal Code shown in the draft Ordinance (Exhibit A).

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 8th day of May, 2023, by the following vote:

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

Steven Cammarata, Chair

ATTEST: _____
Brianna Rindge, AICP
Community and Economic Development Director

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. XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), REVISING THE CITY'S REGULATIONS FOR 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 May 8, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-06 where public testimony was accepted on the item and recommended City Council approval.
- F. On _____ 2023, City Council held a duly noticed public hearing to consider the proposed text amendment regarding Accessory Dwelling Units.

Section 2. General Plan

This Ordinance's amendments to Title XI of the Lomita Municipal Code are consistent with, and in furtherance of, the City's adopted General Plan as they effectuate the following Policies of the General Plan:

- A. Program 6 requires the City to adopt an amendment to the City's Zoning Code consistent with or less restrictive than State requirements, by spring 2023. This

ordinance is consistent with state law and incentivizes better design by allowing an accessory dwelling unit to have the same height as the principal dwelling unit when meeting the zoning district's principal dwelling unit setbacks.

B. Goal 2's Policy 2.2 commits the City to modify ordinances intended to address a variety of housing types, and Goal 4's Policy 4.4 commits the City to expand opportunities for housing access for those with special housing needs. Accessory dwelling units that exceed 800 square feet or are converted from existing structures adding more than 150 square feet shall design specific building components to accommodate a wheelchair.

Section 3. Environmental Review

The City Council finds and determines that the adoption of an ordinance regarding Accessory Dwelling 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.

The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

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

Section 4. Zoning Amendments

Based on the foregoing, the City Council hereby approves the following amendments to the Lomita Municipal Code:

A. Section 11-1.30.06 ("Accessory and junior accessory dwelling units") of Article 30 ("Residential Zones") of Chapter 1 ("Zoning") of Title XI of the Lomita Municipal Code is hereby amended in its entirety to read as follows:

"Section 11-1.30.06. - Accessory and junior accessory dwelling units.

(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 Sections 65852.2 and 65852.22 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 from time to time.
- (2) *Attached* or *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* or *Detached ADU* means an ADU that is physically separated from, but located on the same lot as, a primary dwelling unit.
- (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* 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.
- (7) *Public transit* has the same meaning as that stated in Government Code Section 65852.2 as that section may be amended from time to time.
- (8) *Floor area of an accessory dwelling unit* means, for the purpose of this section, 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. ADUs 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 (E) of this section, development standards and requirements, except for those provisions which do not allow an ADU otherwise in compliance with

Section 65852.2(e) of the Government Code. An ADU 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. The combination of ADU categories set forth in Section 65852.2(e)(A) through (D) of the Government Code is prohibited.

- (2) Applications for ADUs and JADUs shall be approved or denied 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 ADU or a JADU is submitted with a permit application to create a new single-family dwelling or multifamily dwelling on the lot, the city may delay acting on the application for the ADU or the JADU until the city acts on the permit application to create the new single-family dwelling or multifamily dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty (60) day time period shall be tolled for the period of the delay.
 - (3) Approval of a permit for the creation of an ADU or JADU shall not be conditioned on the correction of nonconforming zoning conditions, building code violations, or unpermitted structures 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) ADU 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 ADU.
 - (5) It is prohibited to convert existing floor area or construct an ADU without first obtaining approval and issuance of a building permit. Such permit shall be issued if it is determined that the ADU will conform to the provisions of this section.
 - (6) ADUs of less than seven hundred fifty (750) square feet in size shall be exempt from all impact fees. ADUs of greater than 750 square feet in size shall be charged impact fees established by city council resolution. Such fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (D) *State-exempt accessory dwelling units and junior accessory dwelling units.*
- (1) Within a residential zone or the Mixed-Use Overlay District, all development standards (including, but not limited to lot coverage, floor area ratio, required building separation, and open space) are reduced

solely to the extent necessary to allow one (1) of the following solely through building permit:

- a. One (1) ADU and one (1) JADU on a lot if all of the following apply:
 1. Each unit is located either:
 - (i) Within the space of a proposed single-family dwelling; or
 - (ii) Within the space of an existing single-family dwelling or accessory structure;
 2. Each unit maintains exterior access that is independent of that for the primary single-family dwelling;
 3. Each unit maintains side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes;
 4. The JADU complies with the requirements of California Government Code Sec. 65852.22; and
 5. Each unit may include an expansion of not more than one hundred fifty (150) square feet beyond the physical dimensions of the existing accessory structure; such expansion beyond the physical dimensions of the existing accessory structure is limited to accommodating ingress and egress.
- b. One (1) ADU and one (1) JADU per lot if all of the following apply:
 1. The ADU is detached, new construction on a lot with a proposed or existing single-family dwelling;
 2. The ADU is eight hundred (800) square feet or less;
 3. The height of the ADU does not exceed the applicable height limit in subsection (E)(2) of this section;
 4. The ADU maintains at least four (4) foot side and rear yard setbacks;
 5. The ADU complies with applicable front yard setbacks; and
 6. The JADU complies with subsection (D)(1)(a) of this section.
- c. On a lot with an existing or proposed multifamily dwelling, up to two (2) detached ADUs that are eight hundred (800) square feet or less and which have a height not exceeding the applicable height limit in subsection (E)(2), and which comply with setbacks of at least four (4) feet from the side and rear yards, and which comply with front yard setbacks, provided that, if the existing multifamily dwelling has a rear or side yard setback of less than four (4) feet, the city will not require any modification to the existing multifamily dwelling as a condition of approving the ADU.

- d. *Converted on existing multifamily building.* No more than twenty-five (25) percent of the number of the existing units, but at least one (1) unit, shall be permitted as ADUs constructed within the non-livable space and shall be enclosed on at least three (3) 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 (1) ADU shall be allowed.

(E) *Development standards and requirements for accessory dwelling units.*

(1) Number of units.

- a. For lots with an existing or proposed single-family dwelling, one (1) ADU shall be allowed on a lot.
- b. For lots with an existing or proposed multifamily residential dwelling structure
 1. No more than twenty-five (25) percent 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 (3) 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 (1) ADU shall be allowed.
 2. Up to two (2) ADUs shall be permitted as detached from the multifamily residential structure and may be attached or detached to each other.

(2) Height.

- a. Detached ADUs on a lot with an existing or proposed single family or multifamily dwelling unit and complying with a four (4) feet side and four (4) feet rear setback shall not exceed a height of sixteen (16) feet.
- b. On a lot that is within one-half of one (0.5) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, detached ADUs complying with a four (4) foot side and four (4) foot rear setback shall not exceed a height of eighteen (18) feet. For such ADUs, an additional two feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- c. On a lot with an existing or proposed multifamily, multistory dwelling, detached ADUs complying with a four (4) foot side and

four (4) foot rear setback shall not exceed a height of eighteen (18) feet.

- d. A height of twenty-five (25) feet or the maximum height of the principal structure according to Section 11-1.30.02 of this Code, whichever is lower, is the height limit for an ADU that is attached to the principal dwelling. Pursuant to Section 11-1.70.11, residential lots south of Pacific Coast Highway shall obtain a height variation permit for an attached ADU over sixteen (16) feet in height measured from the natural grade. Converted area from the existing dwelling is exempt from this requirement.
- e. An attached or detached ADU complying with the setback requirements of the underlying zone shall not exceed sixteen (16) feet at one story and twenty-seven (27) feet at two (2) stories. ADUs shall not exceed two (2) stories. Pursuant to Section 11-1.70.11, residential lots south of Pacific Coast Highway shall obtain a height variation permit for an attached ADU over sixteen (16) feet in height measured from the natural grade. Converted area from the existing dwelling is exempt from this requirement.

(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 ADU or to a portion of an ADU.
- g. ADUs are not eligible for modifications to yard setbacks pursuant to Article 70.

(4) Lot coverage. An ADU exceeding eight hundred (800) square feet shall comply with the lot coverage and floor area ratio of underlying zone requirements of Article 30.

(5) Useable open space. ADUs exceeding eight hundred (800) square feet shall provide, at a minimum, a continuous private recreation area

of two hundred twenty-five (225) square feet with minimum interior dimensions of ten (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 for new construction units.
 1. Attached ADUs with zero (0) bedrooms or one (1) bedroom are subject to a maximum size of eight hundred fifty (850) square feet or fifty (50) percent of the size of the dwelling unit, whichever is less.
 2. Attached ADUs with two (2) or more bedrooms are subject to a maximum size of one thousand (1,000) square feet or fifty (50) percent of the size of the dwelling unit, whichever is less, and in no event less than eight hundred (800) square feet.
 3. Attached or detached ADUs located on lots with multifamily dwelling structures shall not exceed eight hundred (800) square feet each.
 4. Detached ADUs with zero (0) bedrooms or one bedroom are subject to a maximum size of eight hundred fifty (850) square feet.
 5. Detached ADUs with two (2) or more bedrooms are subject to a maximum size of one thousand (1,000) square feet.
 - b. Minimum floor area size. An attached or detached ADU shall provide a minimum floor area no less than one hundred fifty (150) square feet.
 - c. Converted floor area size. The conversion of an existing accessory structure or a portion of the existing primary dwelling to an ADU 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 ADU; otherwise the converted floor area size shall be governed by the maximum floor area size requirement.
 - d. An ADU 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 ADUs 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 eight hundred (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 ADU 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 ADU.
 - b. Parking shall be located on the same lot containing the ADU and may be provided as tandem parking on a driveway. Parking shall conform to the requirements of Article 66 of this Code.
 - c. Parking for the ADU 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 ADU or converted to an ADU.
- (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 applicable to new construction of ADUs exceeding eight hundred (800) square feet and ADUs converted from existing structures adding more than one hundred fifty (150) square feet.
 - 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 and shall not have an interior connection to any other dwelling unit.
 - 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 twenty-four (24) inches in diameter, or seventy-five (75) inches in circumference, measured at a height of four and one-half (4½) 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 (2) twenty-four (24) inch box trees within the front yard setback or open space area.

(12) Owner-occupancy. Subject to the requirements of California Government Code Sec. 65852.2.

(13) Covenant restriction. Prior to issuance of the building permit for an ADU, 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 ADU 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 ADU 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 ADU shall be restricted to the floor area and height allowed per the development standards at the time of building permit issuance;
- c. Any owner-occupancy requirement shall be consistent with California Government Code Sec. 65852.2. If the state allows the city to require owner-occupancy, the ADU shall be considered legal only so long as the owner resides at the property built with the ADU.
- d. The ADU shall not be operated as a short-term rental or rented for a period less than thirty (30) days; and
- e. 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 ADU on the property.

(15) Illegal ADUs. This section shall not validate any existing illegal ADUs. Any conversions from illegal units to a conforming legal ADU shall be considered a new ADU subject to the provisions of this section.

- a. Effective January 1, 2020, the property owner of a lot containing an ADU 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 ADU 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) Applicability and permissible use.

- a. One (1) JADU is allowed per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.
- b.
- c. JADUs are prohibited on lots that contain multiple detached single-family dwellings.

(3) Development standards and requirements. JADUs shall comply with the following development standards and requirements:

- a. Number of units. One (1) JADU 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 JADU.
- c. A JADU shall not be operated as a short-term rental or rented for a period less than thirty (30) days.
- d. Covenant restriction. A covenant restriction shall be completed and recorded, as provided in subsection (13) of this section.
- e. Location of JADU. A JADU 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.

- f. Separate entry required. An exterior entrance is required for all JADUs, independent of the exterior entrance for the single-family dwelling, and shall not open directly toward an alley.
 - g. Kitchen requirements. The JADU 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.
 - h. Common sanitation. Where a JADU shares the bathroom facilities contained in the single-family dwelling, a direct unobstructed interior connection shall be provided at all times between the JADU 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 JADU or single-family dwelling.
- (4) 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.
- (5) Parking. No parking is required for the JADU 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 JADU. Parking shall conform to the requirements of Article 66 of this Code.
- (6) Setbacks and other zoning regulations. The JADU 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.
- (7) Density. For purposes of calculating allowable density under the general plan and zoning code a JADU is an accessory use that does not count toward the allowable density for the lot.
- (8) Maximum floor area. A JADU shall not exceed five hundred (500) square feet in floor area.

- (9) Minimum floor area. A JADU shall provide a minimum floor area no less than one hundred fifty (150) square feet.
- (10) Utility service. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit. An inspection may be assessed to confirm the JADU complies with development standards.
- (11) Illegal JADUs. This section shall not validate any existing illegal JADUs. Any conversions from illegal units to a conforming legal JADU shall be considered a new JADU subject to the provisions of this section.
- (12) Covenant restriction.
 - a. Prior to issuance of the building permit for a JADU, 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 JADU 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:
 1. The JADU shall not be sold separately from the single-family dwelling;
 2. The JADU shall be restricted to the maximum size allowed per the development standards;
 3. The JADU shall be considered legal only so long as either the single-family dwelling or the JADU is occupied by the property owner;
 4. The JADU shall not be operated as a short-term rental or rented for periods less than thirty (30) days;
 5. 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 JADU on the property.

Section 5.

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 6 . 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 __2023.

Barry Waite, Mayor

ATTEST:

Kathleen Horn Gregory, MMC, City Clerk

APPROVED AS TO FORM:

Trevor Rusin, City Attorney

(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 Sections 65852.2 and 65852.22 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 from time to time.
- (2) *Attached or 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 or Detached ADU* means an ADU that is physically separated from, but located on the same lot as, a primary dwelling unit.
- (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* ~~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. shall have same meaning as that stated in Government Code Section 65852.22(h)(1) as that section may be amended from 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 from time to time.
- (8) *Floor area of an accessory dwelling unit* means, for the purpose of this ~~chapter~~section, 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~~ADUs 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 (E) of this section, development standards and requirements, except for those provisions which do not allow an ~~accessory dwelling unit~~ADU otherwise in compliance with Section 65852.2(e) of the Government Code. An ~~accessory dwelling unit~~ADU 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~~ADU categories set forth in Section 65852.2(e)(A) through (D) of the Government Code is prohibited.
- (2) Applications for ~~accessory dwelling units~~ADUs and ~~junior accessory dwelling units~~JADUs shall be ~~approved or denied 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~~ADU or a ~~junior accessory dwelling unit~~JADU is submitted

with a permit application to create a new single-family dwelling or multifamily dwelling on the lot, the city may delay acting on the application for the ~~accessory dwelling unit~~ADU or the ~~junior accessory dwelling unit~~JADU until the city acts on the permit application to create the new single-family dwelling or multifamily dwelling, but the application to create the ~~accessory dwelling unit~~ADU or ~~junior accessory dwelling unit~~JADU shall be considered without discretionary review or hearing. If the applicant requests a delay, the sixty (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~~ADU or ~~junior accessory dwelling unit~~JADU shall not be conditioned on the correction of nonconforming zoning conditions, building code violations, or unpermitted structures 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~~ADU 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~~ADU.
 - (5) It is prohibited to convert existing floor area or construct an ~~accessory dwelling unit~~ADU without first obtaining approval and issuance of a building permit. Such permit shall be issued if it is determined that the ~~accessory dwelling unit~~ADU will conform to the provisions of this section.
 - (6) ~~Applicant shall pay all applicable development impact fees established by city council resolution.~~ ~~Accessory dwelling unit~~ADUs of less than seven hundred fifty (750) square feet in size shall be exempt from all impact fees. ~~Accessory dwelling unit~~ADUs of greater than 750 square feet in size shall be charged impact fees established by city council resolution. Such fees shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (D) ~~State-~~exempt accessory dwelling units and junior accessory dwelling units.
- (1) Within a residential zone or the Mixed-Use Overlay District, All-all development standards (including, but not limited to lot coverage, floor area ratio, required building separation, and open space) are reduced solely to the extent necessary to allow ~~either one (1) of~~ the following solely through building permit:
 - ba. One (1) ADU and one (1) JADU on a lot if all of the following apply:
 - 1. Each unit is located either:
 - (i) Within the space of a proposed single-family dwelling; or
 - (ii) Within the space of an existing single-family dwelling or accessory structure;
 - 2. Each unit maintains exterior access that is independent of that for the primary single-family dwelling;
 - 3. Each unit maintains side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes;
 - 4. The JADU complies with the requirements of California Government Code Sec. 65852.22; and
 - 5. Each unit may include an expansion of not more than one hundred fifty (150) square feet beyond the physical dimensions of the existing accessory structure; such expansion beyond the physical dimensions of the existing accessory structure is limited to accommodating ingress and egress.
 - ab. One (1) ADU and one (1) JADU ~~Onper-~~a lot if all of the following apply:

1. ~~The ADU is detached, new construction on a lot with a proposed or existing single-family dwelling;~~
 2. ~~one attached or detached ADU that~~ The ADU is eight hundred (800) square feet or less;
 3. ~~The ,with a height of the ADU does not exceeding the applicable height limit in subsection (E)(2) of this section; sixteen (16) feet,~~
 4. ~~The ADU maintains with setbacks of~~ at least four (4) feet ~~from the side and rear yards setbacks;~~
 5. ~~The ADU and~~ complies with applicable front yard setbacks; ~~and-~~
 6. ~~The JADU complies with subsection (D)(1)(a) of this section.~~
- c. On a lot with an existing or proposed multifamily dwelling, up to two (2) detached ADUs that are eight hundred (800) square feet or less and which have a height not exceeding the applicable height limit in subsection (E)(2) sixteen (16) feet, and which comply with setbacks of at least four (4) feet from the side and rear yards, and which comply with front yard setbacks, provided that, if the existing multifamily dwelling has a rear or side yard setback of less than four (4) feet, the city will not require any modification to the existing multifamily dwelling as a condition of approving the ADU.
- d. Converted on existing multifamily building. No more than twenty-five (25) percent of the number of the existing units, but at least one (1) unit, shall be permitted as ADUs constructed within the non-livable space and ~~are shall be~~ enclosed on at least three (3) 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 (1) accessory dwelling unit ADU shall be allowed.
- (E) ~~Development standards and requirements for Aa~~ Development standards and requirements for Aa ~~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 ADU shall be allowed on a lot.
 - b. For lots with an existing or proposed multifamily residential dwelling structure
 1. No more than twenty-five (25) percent 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 (3) 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 (1) accessory dwelling unit ADU shall be allowed.
 2. Up to two (2) ~~accessory dwelling unit ADUs~~ shall be permitted as detached from the multifamily residential structure and may be attached or detached to each other.
 - (2) Height.
 - a. ~~Attached or d~~ Detached ADUs on a lot with an existing or proposed single family or multifamily dwelling unit and complying with a four (4) feet side and four (4) feet rear setback shall not exceed ~~one story and~~ a height of sixteen (16) feet.
 - b. On a lot that is within one-half of one (0.5) mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, detached ADUs complying with a four (4) foot side and four (4) foot rear setback shall not exceed a height of eighteen (18) feet. For such ADUs, an additional two

feet in height is allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

c. On a lot with an existing or proposed multifamily, multistory dwelling, detached ADUs complying with a four (4) foot side and four (4) foot rear setback shall not exceed a height of eighteen (18) feet.

d. A height of twenty-five (25) feet or the maximum height of the principal structure according to Section 11-1.30.02 of this Code, whichever is lower, is the height limit for an accessory dwelling unit ADU that is attached to the principal dwelling. Pursuant to Section 11-1.70.11, residential lots south of Pacific Coast Highway shall obtain a height variation permit for an attached ADU over sixteen (16) feet in height measured from the natural grade. Converted area from the existing dwelling is exempt from this requirement.

e. An attached or detached accessory dwelling unit ADU complying with the setback requirements of the underlying zone shall not exceed sixteen (16) feet at one story and twenty-seven (27) feet at two (2) stories. ADUs shall not exceed two (2) stories. Pursuant to Section 11-1.70.11, residential lots south of Pacific Coast Highway shall obtain a height variation permit for an attached ADU over sixteen (16) feet in height measured from the natural grade. Converted area from the existing dwelling is exempt from this requirement.

~~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 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. Converted area from the existing dwelling is exempt from this requirement.~~

(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 ADU or to a portion of an accessory dwelling unit ADU.

g. ADUs are not eligible for modifications to yard setbacks pursuant to Article 70.

(4) Lot coverage. An accessory dwelling unit ADU exceeding eight hundred (800) square feet shall comply with the lot coverage and floor area ratio of underlying zone requirements of Article 30.

(5) Useable open space. Accessory dwelling unit ADUs exceeding eight hundred (800) square feet shall provide, at a minimum, a continuous private recreation area of two hundred twenty-five (225) square feet with minimum interior dimensions of ten (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 for new construction units.
 - 1. Attached ~~accessory dwelling units~~ADUs with zero (0) bedrooms or one (1) bedroom are subject to a maximum size of eight hundred fifty (850) square feet or fifty (50) percent of the size of the dwelling unit, whichever is less.
 - 2. Attached ~~accessory dwelling units~~ADUs with two (2) or more bedrooms are subject to a maximum size of one thousand (1,000) square feet or fifty (50) percent of the size of the dwelling unit, whichever is less, ~~and~~ in no event less than eight hundred (800) square feet.
 - 3. ~~Attached or detached ADU~~Accessory ~~dwelling units~~ located on lots with multifamily dwelling structures shall not exceed eight hundred (800) square feet each.
 - 4. Detached ~~accessory dwelling unit~~ADUs with zero (0) bedrooms or one bedroom are subject to a maximum size of eight hundred fifty (850) square feet.
 - 5. ~~Detached ADUs~~The maximum size of an ~~accessory dwelling unit~~ with two (2) or more bedrooms are subject to a maximum size of ~~is~~ one thousand (1,000) square feet. ~~Accessory dwelling units located on lots with multifamily dwelling structures shall not exceed eight hundred (800) square feet.~~
 - b. Minimum floor area size. An attached or detached ~~accessory dwelling unit~~ADU shall provide a minimum floor area no less than one hundred fifty (150) 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~~ADU 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~~ADU; otherwise the converted floor area size shall be governed by the maximum floor area size requirement.
 - d. An ~~accessory dwelling unit~~ADU 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 unit~~ADUs 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 eight hundred (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~~ADU 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~~ADU.
 - b. Parking shall be located on the same lot containing the ~~accessory dwelling unit~~ADU and may be provided as tandem parking on a driveway. Parking shall conform to the requirements of Article 66 of this Code.
 - c. Parking for the ~~accessory dwelling unit~~ADU 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~~ADU or converted to an ~~accessory dwelling unit~~ADU.
- (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 applicable to new construction of ADUs exceeding eight hundred (800) square feet and ADUs converted from existing structures adding more than one hundred fifty (150) square feet.
- 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 and shall not have an interior connection to any other dwelling unit.
 - 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 twenty-four (24) inches in diameter, or seventy-five (75) inches in circumference, measured at a height of four and one-half (4½) 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 (2) twenty-four (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:
 - ~~1. Notice that construction has been authorized~~
 - ~~2. The anticipated start and end dates for construction~~
 - ~~3. The hours of construction~~
 - ~~4. Contact information for the project manager (for construction-related complaints)~~
 - ~~5. Contact information for 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.~~
- (132) Owner-occupancy. Subject to the requirements of California Government Code Sec. 65852.2.

~~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.~~

(143) Covenant restriction. Prior to issuance of the building permit for an accessory dwelling unit ADU, 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 ADU 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 ADU 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 ADU shall be restricted to the floor area and height allowed per the development standards at the time of building permit issuance;
- c. Any owner-occupancy requirement shall be consistent with California Government Code Sec. 65852.2. If the state allows the city to require owner-occupancy, the ADU shall be considered legal only so long as the owner resides at the property built with the ADU.
- ~~d.~~ The accessory dwelling unit ADU shall not be operated as a short-term rental or rented for a period less than thirty (30) days; and
- ~~ed.~~ 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 ADU on the property.

(15) Illegal accessory dwelling unit ADUs. This section shall not validate any existing illegal accessory dwelling unit ADUs. Any conversions from illegal units to a conforming legal accessory dwelling unit ADU shall be considered a new accessory dwelling unit ADU subject to the provisions of this section.

- a. Effective January 1, 2020, the property owner of a lot containing an accessory dwelling unit ADU 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 ADU 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.~~

~~(32)~~ Applicability and permissible use.

- a. ~~One (1) JADU Junior accessory dwelling units are~~ allowed on lots that contain a proposed or existing single-family dwelling. ~~Junior accessory dwelling units are not allowed on a lot with more than one residence per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.~~
- 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 unit~~JADUs are prohibited on lots that contain multiple detached single-family dwellings.

~~(43)~~ Development standards and requirements. ~~Junior accessory dwelling unit~~JADUs shall comply with the following development standards and requirements:

- a. Number of units. One ~~(1) junior accessory dwelling unit~~JADU 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~~JADU.
- ~~c. A JADU shall not be operated as a short-term rental or rented for a period less than thirty (30) days.~~
- ~~ed.~~ Covenant restriction. A covenant restriction shall be completed and recorded, as provided in subsection (13) of this section.
- ~~ed.~~ Location of ~~junior accessory dwelling unit~~JADU. A ~~junior accessory dwelling unit~~JADU 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.
- ~~ef.~~ Separate entry required. An exterior entrance is required for all ~~junior accessory dwelling unit~~JADUs, independent of the exterior entrance for the single-family dwelling, and shall not open directly toward an alley.
- ~~fg.~~ Kitchen requirements. The ~~junior accessory dwelling unit~~JADU 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.
- ~~gh.~~ Common sanitation. Where a ~~junior accessory dwelling unit~~JADU 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~~JADU 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~~JADU or single-family dwelling.

~~(54)~~ 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.
- (65) Parking. No parking is required for the ~~junior accessory dwelling unit~~JADU 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~~JADU. Parking shall conform to the requirements of Article 66 of this Code.
- (76) Setbacks and other zoning regulations. The ~~junior accessory dwelling unit~~JADU 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.
- (87) Density. For purposes of calculating allowable density under the general plan and zoning code a ~~junior accessory dwelling unit~~JADU is an accessory use that does not count toward the allowable density for the lot.
- (98) Maximum floor area. A ~~junior accessory dwelling unit~~JADU shall not exceed five hundred (500) square feet in floor area.
- (409) Minimum floor area. A ~~junior accessory dwelling unit~~JADU shall provide a minimum floor area no less than one hundred fifty (150) square feet.
- (104) Utility service. For purposes of providing service for water, sewer, or power, including a connection fee, a ~~junior accessory dwelling unit~~JADU shall not be considered a separate or new dwelling unit. An inspection may be assessed to confirm the ~~junior accessory dwelling unit~~JADU complies with development standards.
- (112) Illegal ~~junior accessory dwelling unit~~JADUs. This section shall not validate any existing illegal ~~junior accessory dwelling unit~~JADUs. Any conversions from illegal units to a conforming legal ~~junior accessory dwelling unit~~JADU shall be considered a new ~~junior accessory dwelling unit~~JADU subject to the provisions of this section.
- (123) Covenant restriction.
 - a. Prior to issuance of the building permit for a ~~junior accessory dwelling unit~~JADU, 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~~JADU 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:
 1. The ~~junior accessory dwelling unit~~JADU shall not be sold separately from the single-family dwelling;
 2. The ~~junior accessory dwelling unit~~JADU shall be restricted to the maximum size allowed per the development standards;
 3. The ~~junior accessory dwelling unit~~JADU shall be considered legal only so long as either the single-family dwelling or the ~~junior accessory dwelling unit~~JADU is occupied by the property owner;
 4. The ~~junior accessory dwelling unit~~JADU shall not be operated as a short-term rental or rented for periods less than thirty (30) days;
 5. 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

Sec. 11-1.30.06. Accessory and junior accessory dwelling units.

Attachment 2

owner, including revocation of any right to maintain a ~~junior accessory dwelling unit~~ JADU on the property.