

Steve Cammarata, Chair
Michael Graf, Vice-Chair
Monica Dever, Commissioner
Jay Mattingly, 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 2023-15

**AGENDA
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, JULY 10, 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/87873904263>

Telephone Option: (669) 900-6833 Meeting ID: 878 7390 4263

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:** June 12, 2023

RECOMMENDED ACTION: Approve minutes.

4. PUBLIC HEARINGS

- a. **CONDITIONAL USE PERMIT NO. 325 AT 1943 PACIFIC COAST HIGHWAY WITHIN THE COMMERCIAL RETAIL (C-R) ZONE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

APPLICANT: Fernanda Lopez, on behalf of Q’Bole Tacos & Beer, 1943 Pacific Coast Highway, Lomita, CA 90717

PRESENTED BY: Planning Intern Weisberg

RECOMMENDED ACTION: Adopt a resolution approving Conditional Use Permit No. 325 to allow the existing restaurant at 1943 Pacific Coast Highway to offer beer and wine for on-site consumption and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

- b. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-07, AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO UPDATE THE MIXED-USE OVERLAY DISTRICT REGULATIONS AND ALLOW MIXED-USE DEVELOPMENTS CONTAINING FOUR OR FEWER UNITS WITHIN THE DOWNTOWN, COMMERCIAL (D-C) ZONE AND RECOMMEND THE ACTION BE FOUND EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

APPLICANT: Luis De Moraes, on behalf of Machida Academy, 116 South Catalina Avenue Ste 102, Redondo Beach, CA 90277

PRESENTED BY: Associate Planner MacMorran

RECOMMENDED ACTION: Adopt a resolution recommending the City Council adopt Zoning Text Amendment 2023-07 and find the request exempt from the California Environmental Quality Act (CEQA).

- c. **DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-08, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT 2023-08 AMENDING VARIOUS SECTIONS OF LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO REGULATE MURALS CITYWIDE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

APPLICANT: City of Lomita

PRESENTED BY: Community & Economic Development Director Rindge

RECOMMENDED ACTION: Adopt a resolution recommending the City Council adopt Zoning Text Amendment 2023-08 and find the request exempt from the California Environmental Quality Act (CEQA).

5. SCHEDULED MATTERS

a. DISCUSSION AND CONSIDERATION OF THE PLANNING COMMISSION BYLAWS

Presented by Community & Economic Development Director Rindge

RECOMMENDED ACTION: Provide specific direction to staff to update the bylaws and return to Planning Commission with a draft resolution accordingly.

b. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

6. OTHER MATTERS

a. STAFF ANNOUNCEMENTS

b. PLANNING COMMISSIONER ITEMS

7. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Tuesday, August 1, 2023, City Council meeting, and Tuesday, August 15, 2023, City Council meeting

8. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Monday, August 14, 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: July 6, 2023



Linda E. Abbott, CMC
Deputy City Clerk

**MINUTES OF THE
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, JUNE 12, 2023**

1. OPENING CEREMONIES

a. Call Meeting to Order

The regular meeting of the Lomita Planning Commission was called to order by Chair Cammarata at 6:05 p.m. on Monday, June 12, 2023, in the Council Chambers at Lomita City Hall, 24300 Narbonne Avenue, Lomita, California.

b. Flag Salute

Vice-Chair Graf led the salute to the flag.

c. Roll Call

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

ABSENT: None

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

Chair Cammarata welcomed newly appointed Commissioner Mattingly.

2. ORAL COMMUNICATIONS

Lomita resident George Kivett welcomed Commissioner Mattingly.

3. CONSENT AGENDA

a. APPROVAL OF MINUTES: May 8, 2023

RECOMMENDED ACTION: Approve minutes.

Vice-Chair Graf made a motion, seconded by Commissioner Santos, to approve the minutes.

MOTION CARRIED by the following vote:

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

NOES: None

ABSENT: None

4. PUBLIC HEARINGS

- a. **AMENDMENT TO SITE PLAN REVIEW NO. 1049; ZONE VARIANCE NO. 246; MINOR CONDITIONAL USE PERMIT NO. 5 FOR 2 UNPERMITTED UNITS TOTALING 1,658 FT², THE UNPERMITTED EXPANSION OF UNITS 204, 205, AND 206, A 256-SQUARE-FOOT PATIO, TO ALLOW UP TO 50 PERCENT OF THE GROUND FLOOR TO BE OCCUPIED BY A COMBINATION OF USES IDENTIFIED IN LOMITA MUNICIPAL CODE SEC. 11-1.48.02(B); VARIANCE TO REMOVE THE LOADING ZONE REQUIREMENT IN ORDER TO ADD REGULAR PARKING SPACES; AND FOR A SHARED PARKING ARRANGEMENT AT 25820 LUCILLE AVENUE WITHIN THE COMMERCIAL RETAIL (C-R) ZONE; AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: Jeff S. Coffman, on behalf of property owner David Nosrati / Maxnet Commercial, LLC)

RECOMMENDED ACTION: Adopt a resolution amending Site Plan Review No. 1049 to allow a combination of uses identified in LMC Sec. 11-1.48.02(B) up to 50 percent, approve a variance to allow the removal of the loading zone for additional parking, approve a minor conditional use permit for shared parking at 25820 Lucille Avenue in the Commercial Retail (C-R) Zone, and confirm the categorical exemption from the California Environmental Quality Act (CEQA).

Commissioner Mattingly recused himself from discussion of this item due to the proximity of his home to the project site, and left the dais and the Council Chambers at 6:09 p.m.

Director Rindge introduced the item. A June 7, 2023, site visit for presentation photos revealed that the current building does not conform to the plans submitted. This site plan review amendment shall regard only the four items specifically listed in the item title and recommendation, as reflected on the submitted plans and in the proposed resolution.

Assistant Planner Barbero presented the staff report per the agenda material. She gave the background on the project, which was granted three entitlements and began with Site Plan Review 1049 in 2005. In October 2021, the Planning Commission approved Site Plan Review No. 1212 to allow for a combination of uses specified in Lomita Municipal Code 11-1.48.03(B) to occupy 46% of the ground floor area. However, the approval was rescinded because the plans furnished were inconsistent with the approved site plan and conditions. The applicant, Jeff S. Coffman, filed on behalf of the property owner, David Nosrati / Maxnet Commercial LLC, applications for several entitlements to bring the site into compliance with the Lomita Municipal Code.

Chair Cammarata invited Commission comments. There was brief discussion relative to imposing fines for the unpermitted work, as well as the possible need for additional onsite parking due to the (unauthorized) increase in total workspace at the location.

Chair Cammarata invited the applicant forward to speak on the project.

Jeff S. Coffman, project architect, stated that the plans depict what is proposed and that building work is still in progress. Some existing suites will ultimately be reconfigured or removed in the final building design. He added that designated storage space is currently being utilized by Lomita Sheriff's Station deputies, but he was otherwise in agreement with the findings in the staff report.

Chair Cammarata opened the public hearing at 7:00 p.m.

Lomita resident George Kivett spoke in favor of allowing the applicant to rectify the problems and move forward with the project. He was opposed to a punitive approach and was

supportive of Lomita Sheriff’s Station deputies using the storage room as a substation of sorts.

Lomita resident Gary Hendershot was happy to see the Holland House Hotel replaced by this project. He questioned the accuracy of traffic studies done by the City, and opposed removal of the loading zone.

Lomita resident Guy Grant stated that the project has been problematic since the beginning due to the applicant doing unauthorized work. He added that there is a public parking shortage on Lucille Avenue as it is so the project must provide adequate onsite parking.

As there were no further requests from the public to speak on this item, Chair Cammarata closed the public hearing at 7:09 p.m. and invited further discussion from the Commission.

Brief discussion was held relative to adequate onsite parking, which includes underground parking, and the feasibility of a “no left turn” sign from the parking lot onto Lucille Avenue to prevent cars from going down the cul-de-sac and turning around to go back to Pacific Coast Highway.

Assistant City Attorney King stated that approvals granted this evening can be revoked down the line if necessary.

Commissioner Steinbach made a motion, seconded by Commissioner Santos, to approve the recommendation action as presented by staff: to adopt a resolution amending Site Plan Review No. 1049 to allow a combination of uses identified in LMC Sec. 11-1.48.02(B) up to 50 percent, approve a variance to allow the removal of the loading zone for additional parking, approve a minor conditional use permit for shared parking at 25820 Lucille Avenue in the Commercial Retail (C-R) Zone, and confirm the categorical exemption from the California Environmental Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

Commissioner Mattingly returned to the Council Chambers and the dais at 7:26 p.m.

5. SCHEDULED MATTERS

a. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

Director Rindge stated that the ADU ordinance was introduced on first reading at the June 6, 2023, Council meeting, and the second reading and presumed adoption is scheduled for the June 20, 2023, meeting.

6. OTHER MATTERS

a. STAFF ANNOUNCEMENTS

Director Rindge welcomed Commissioner Mattingly, and spoke of upcoming GPAC meetings and workshops. She added that Planning Commissioners will be specifically invited to various City events.

b. PLANNING COMMISSIONER ITEMS

Commissioner Santos welcomed Commissioner Mattingly.

Chair Cammarata commented on his attendance at the last City Council meeting, and stated that Director Rindge's code enforcement update presentation was excellent. He asked if the Planning Commission could receive updates on adopted ordinances.

Director Rindge stated that such information is included in the City Council's monthly departmental reports but can also be included in Planning Commission agenda packets. She added that discussion of current Planning Commission bylaws, including requiring representation at City Council meetings, will take place at the July 10, 2023, meeting.

Vice-Chair Graf commented on seeing a lot of graffiti around the City of late.

7. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Tuesday, July 4, 2023, City Council meeting is cancelled; the commissioner to attend the Tuesday, July 18, 2023, City Council meeting is to be determined.

8. ADJOURNMENT

As there was no further business to discuss, Chair Cammarata adjourned the meeting at 7:38 p.m.

Linda E. Abbott, CMC
Deputy City Clerk



CITY OF LOMITA PLANNING COMMISSION REPORT

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

FROM: Whitney Weisberg, Planning Intern

MEETING DATE: July 10, 2023

SUBJECT: Conditional Use Permit No. 325 at 1943 Pacific Coast Highway in the Commercial Retail (C-R) Zone and Finding the Action to be Exempt from the California Environmental Quality Act

RECOMMENDATION

Adopt a resolution approving Conditional Use Permit No. 325 to allow the existing restaurant at 1943 Pacific Coast Highway to offer beer and wine for on-site consumption and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

BACKGROUND

Fernanda Lopez, on behalf of Q'Bole Tacos & Beer, requests approval of Conditional Use Permit No. 325 to allow the existing restaurant at 1943 Pacific Coast Highway to offer beer and wine for on-site consumption within the Commercial Retail (C-R) Zone. In January 2022, Q'Bole Tacos & Beer began food service at this location. This sit-down restaurant will apply for a Type 41 ABC license to serve beer and wine for on-site consumption at a bona fide eating establishment. The City requires a Conditional Use Permit to allow for the service of beer and wine on-site consumption.

Existing Conditions

The subject site is located on the corner of Eshelman Avenue and Pacific Coast Highway and the establishment, Q'Bole Tacos & Beer, is located on the northern end of the property. The total area of the irregularly shaped property is 90,924 ft² and consists of three multi-tenant buildings and a free-standing Bank of America ATM machine. The uses on the subject property vary between service, medical office, and restaurant. 1943 Pacific Coast Highway faces Pacific Coast Highway and is contiguous to the main parking lot. Two shared trash enclosures exist in the northeast corner of the property.

The restaurant is open for breakfast, lunch, and dinner service from 9:30 A.M. to 10 P.M. each day. The total floor area of the suite is approximately 1,056 ft².

ANALYSIS

General Plan

The land use designation for the property is Commercial. A restaurant that serves beer and wine for on-site consumption is consistent with this designation. The Land Use Element contains a floor area ratio of 1.0 to 1.0. The combined 30,272 ft² building area is on a 90,920 ft² lot and has a F.A.R. of less than 1.0 which is consistent with the specification. The applicant does not propose any new square footage.

Zoning Review

The site is zoned C-R (Commercial, Retail) which is established to provide for regional retail sale needs and limited-service establishments. Restaurants serving alcohol are allowed as a conditional use per Lomita Municipal Code Sec. 11.48.04(A)(12).

Adjacent Zoning and Land Uses

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Residential	Single Family Residential (R-1)
South	Commercial	Commercial Retail (C-R)
West	Commercial	Commercial Retail (C-R)
East	Commercial	Commercial Retail (C-R)

Distance Requirements

Any business selling alcoholic beverages for off-site or on-site consumption shall be located a minimum of 300' from schools, parks, and public recreation areas per Lomita Municipal Code Section 11-1.56.03(C). Two types of sensitive uses exist within 300 feet of the subject property, as follows.

<i>Sensitive Use</i>	<i>Address</i>	<i>Approximate Distance</i>
Veterans Park	1936 257th St	164'
Alexander Fleming Middle School	25425 Walnut St	287'
Eshelman Ave. Elementary School	25902 Eshelman Ave	232'

Section 11-1-56.03(D) of the Lomita Municipal Code states that the Planning Commission may modify the distance requirements when granting a conditional use permit if the following additional findings can be made. This section enables the City to scrutinize the impacts of new alcohol use or modification on existing sensitive uses. Staff reviewed the project in accordance with Section 11-1.56.03 and advises that the project is consistent with the required findings (see Exhibit A).

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 beer and wine service is a licensing activity and is expected to be a negligible expansion of the use. The

building's footprint will not be altered or expanded to accommodate the on-site consumption of beer and wine.

Conditional Use Permit Findings Summary

Staff reviewed the project in accordance with Section 11-1.70.09 of the Lomita Municipal Code and advises that the project is consistent with the required findings (see Exhibit A). The City has not received any complaints about this establishment. Planning staff recommends approval for Conditional Use Permit No. 325.

PUBLIC NOTICE

On June 28, 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 resolution as recommended.
2. Approve the attached resolution with amended conditions.
3. Deny the application.
4. Provide staff with further direction.

ATTACHMENTS

1. Draft Resolution of CUP No. 325
2. Vicinity Map
3. Zoning Map
4. General Plan Map
5. Aerial Photograph
6. Notice of Exemption
7. Floor Plan
8. Menu

Recommended by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

Prepared by:

Whitney Weisberg

Whitney Weisberg
Planning Intern

PLANNING COMMISSION
RESOLUTION NO. PC 2023-XX
CONDITIONAL USE PERMIT NO. 325
1943 PACIFIC COAST HIGHWAY
APN: 7375-021-021

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING A REQUEST FOR CONDITIONAL USE PERMIT NO. 325 TO ALLOW AN EXISTING RESTAURANT AT 1943 PACIFIC COAST HIGHWAY TO OFFER BEER AND WINE FOR ON-SITE CONSUMPTION FROM 9:30 A.M. TO 10:00 P.M. EACH DAY OF THE WEEK IN THE COMMERCIAL RETAIL (C-R) ZONE. FILED BY FERNANDA LOPEZ ON BEHALF OF Q'BOLE TACOS & BEER AT 1943 PACIFIC COAST HIGHWAY, LOMITA, CA 90717 (APPLICANT).

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 1943 Pacific Coast Highway to offer beer and wine service each day of the week from 9:30 A.M. to 10:00 P.M. Filed by Fernanda Lopez, Q'Bole Beers & Tacos at 1943 Pacific Coast Highway, Lomita, CA 90717 (Applicant).
- B. On July 10, 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 permitting a license to sell beer and wine for on-site consumption, 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 Article 70 (Zoning Ordinance) of*

the Lomita Municipal Code.

Subject to the requirements of Article 56 (Sale of Alcoholic Beverages), restaurants serving alcoholic beverages are permitted in the C-R zone with the approval of a conditional use permit (Section 11-1.48.04(A)(12)).

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

The General Plan land use designation for the subject property is commercial. This designation provides for commercial uses, such as office, retail, and service. A restaurant provides goods and services directly to the consumer and is considered a retail commercial use with a service component, which is consistent with the designation.

(3) The site and building's design, location and size 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 shopping center and unit 1943 Pacific Coast Highway are orientated towards Pacific Coast Highway. The footprint will remain unchanged. Adding beer and wine to a restaurant for onsite consumption will not adversely affect the public welfare or be detrimental to businesses and properties in the vicinity. The adjacent neighbors are all commercial and the restaurant hours and beer and wine service are in keeping with the surrounding uses. The restaurant proposes to sell beer and wine during its operating hours, from 9:30 A.M. to 10 P.M. This aligns with other restaurants in the shopping center. Specifically, 1935 -1937 Pacific Coast Highway has beer and wine service until 10 P.M. Sunday to Thursday and 11 P.M. on Friday to Saturday. This restaurant has more square footage than 1943 Pacific Coast Highway. Typically, smaller restaurants tend to close earlier as they are conducive to small groups or individual diners, whereas larger restaurants are more conducive to social dining and gathering and typically have later operating hours. When appropriate operating hours are coupled with the proposed operating conditions, beer and wine service at the restaurant is compatible with existing and future land uses and will not constitute a public nuisance or be materially detrimental to properties in the vicinity. The proposed beer and wine service coincides with mealtimes and does not extend late into the night.

Several conditions of approval intend to ensure that operations are consistent with restaurant use, protects the general welfare of employees and customers and maintains the look and feel of a restaurant.

The commercial center's trash area is located away from the nearby residences and, while unlikely to cause significant disturbance, Condition of Approval No. 11 requires bottles and cans to be disposed of not later than 30 minutes after closing

to provide added protection.

- (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 was developed in 1990 and modified in 2018 to accommodate a freestanding ATM machine. The project does not require physical changes to the site layout related to buildings and parking. The subject commercial center and tenant location are determined to be legal, nonconforming since the number of parking spaces are less than the minimum requirement later adopted by the Lomita Municipal Code. The continuation of the restaurant use with the addition of beer and wines sales is not anticipated to increase the demand for parking. This conditional use permit focuses only on the addition of beer and wine to an existing restaurant use.

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

The site is served by Pacific Coast Highway, a six—thru-lane state highway, and Eshelman Avenue, a four-lane roadway, both major corridors within Lomita. Serving beer and wine for on-site consumption at an existing restaurant is not expected to appreciably increase trips to the site. These streets can adequately carry the kind and quantity of traffic the proposed use will generate.

Section 3. Distance Requirement Findings

Any business selling alcoholic beverages for off-site or on-site consumption shall be located a minimum of 300 feet from schools, parks, public recreation areas, and any other use determined to be a sensitive use by the Community Development Director per Lomita Municipal Code Section 11-1.56.03(C). Veterans Park, Alexander Fleming Middle School, and Eshelman Avenue Elementary School exist within 300 feet of the subject property. Section 11-1-56.03(D) of the Lomita Municipal Code states that the Planning Commission may modify the distance requirements when granting a conditional use permit if the following additional findings can be made. This section enables the City to scrutinize the impacts of new alcohol use or modification on existing sensitive uses.

- 1) *The proposed use will not have an adverse impact on public safety. Factors that could be considered to determine impact include but are not limited to Los Angeles County Sheriff Department's crime statistics for the underlying and surrounding reporting districts, Los Angeles County Sheriff's Department's crime statistics for the underlying and surrounding properties, and the types of crime within those same areas.*

While the sensitive uses are located within 300 feet of the property, public roadway

and sidewalk access provides more than a 300-foot path of travel from the restaurant to these uses. On-site consumption of beer and wine at a restaurant will not impact safety of the sensitive uses because service is solely dine-in and neither beer nor wine will be sold in containers for off-site consumption.

2) *The business will provide beneficial commercial vitality to the area.*

Expanding the use of the existing restaurant in the Lomita Village Shopping Center expands economic opportunities by providing residents and their families with more local dining options.

3) *The use will not be objectionable or detrimental to surrounding properties and the neighborhood.*

A restaurant operated at this location for over a year should not cause any objectionable effects on the surrounding properties. Currently, there is a 6-foot block wall that separates the building from the residential units behind the site and the restaurant only offers dinner service until 10:00 p.m.

Section 4. Based on the above findings, the Planning Commission of the City of Lomita hereby approves Conditional Use Permit No. 325 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 April 28, 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 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 operate from 9:30 A.M. and shall close to customers by 10:00 P.M., Monday through Sunday.
11. Trash shall be deposited into dumpsters no more than 30 minutes after closing.

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

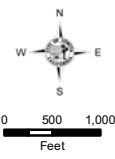
If Applicant, owner, or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City of Lomita Municipal Code.

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.

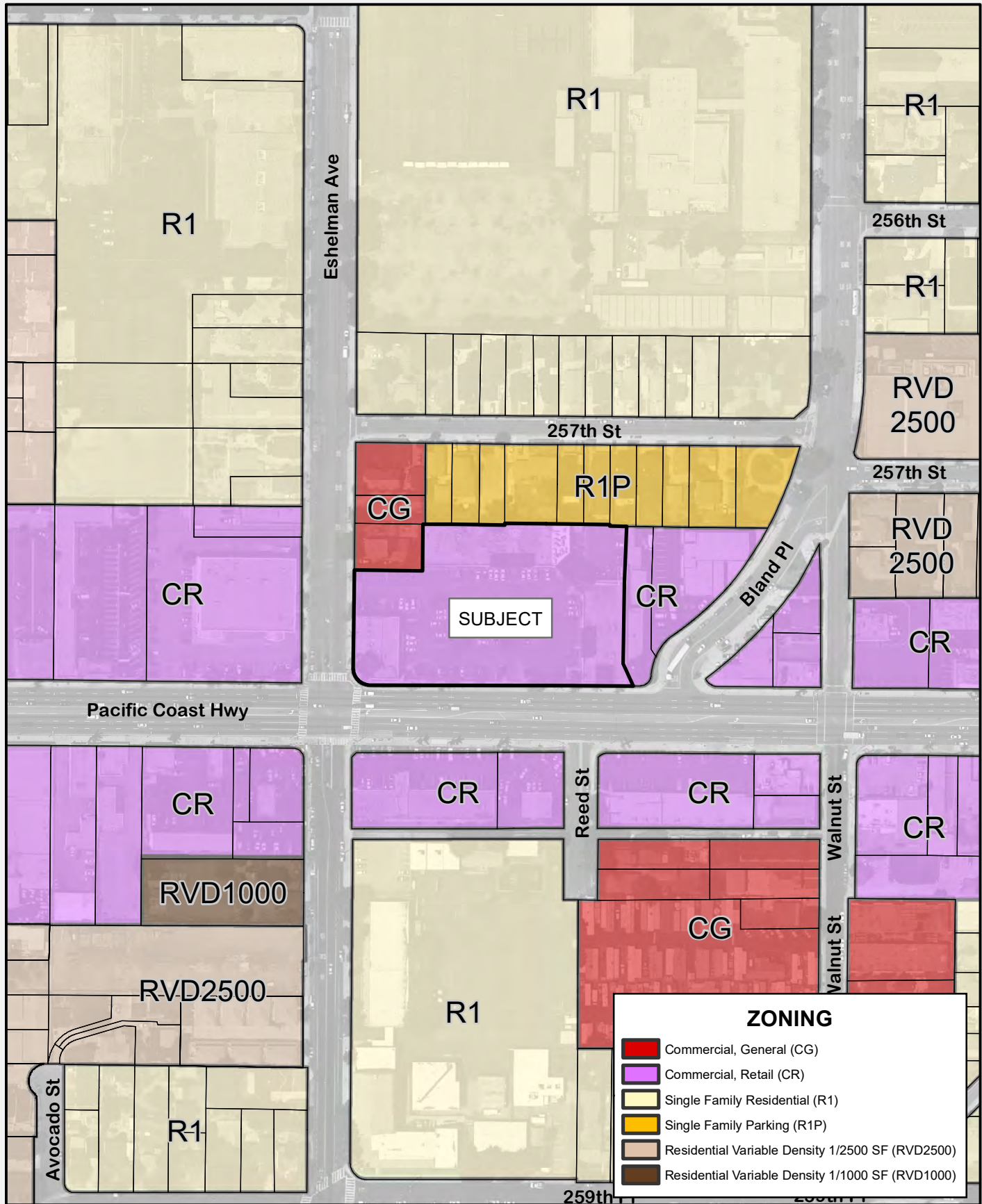


**1943 Pacific Coast Highway
Exhibit B**

Community Development
July 2023



Source: Lomita GIS Data Layers, TIGER Files
GIS/Apps/1943PCH_vty.mxd



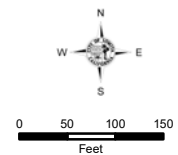
ZONING	
■	Commercial, General (CG)
■	Commercial, Retail (CR)
■	Single Family Residential (R1)
■	Single Family Parking (R1P)
■	Residential Variable Density 1/2500 SF (RVD2500)
■	Residential Variable Density 1/1000 SF (RVD1000)

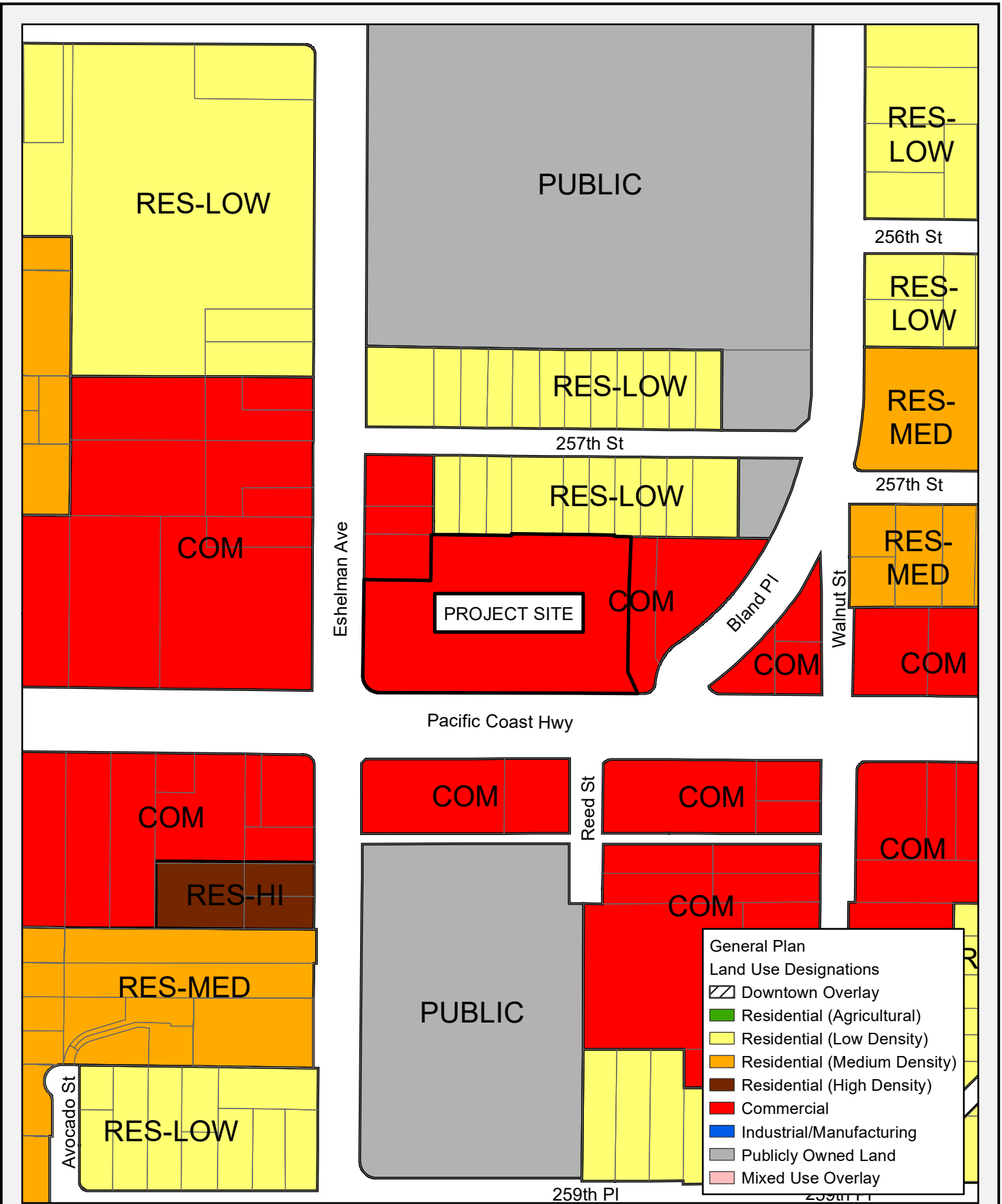


**1943 Pacific Coast Highway
Exhibit C**

Community Development
July 2023

Source: Lomita GIS Data Layers
/Apps/1943PCH_zon.mxd

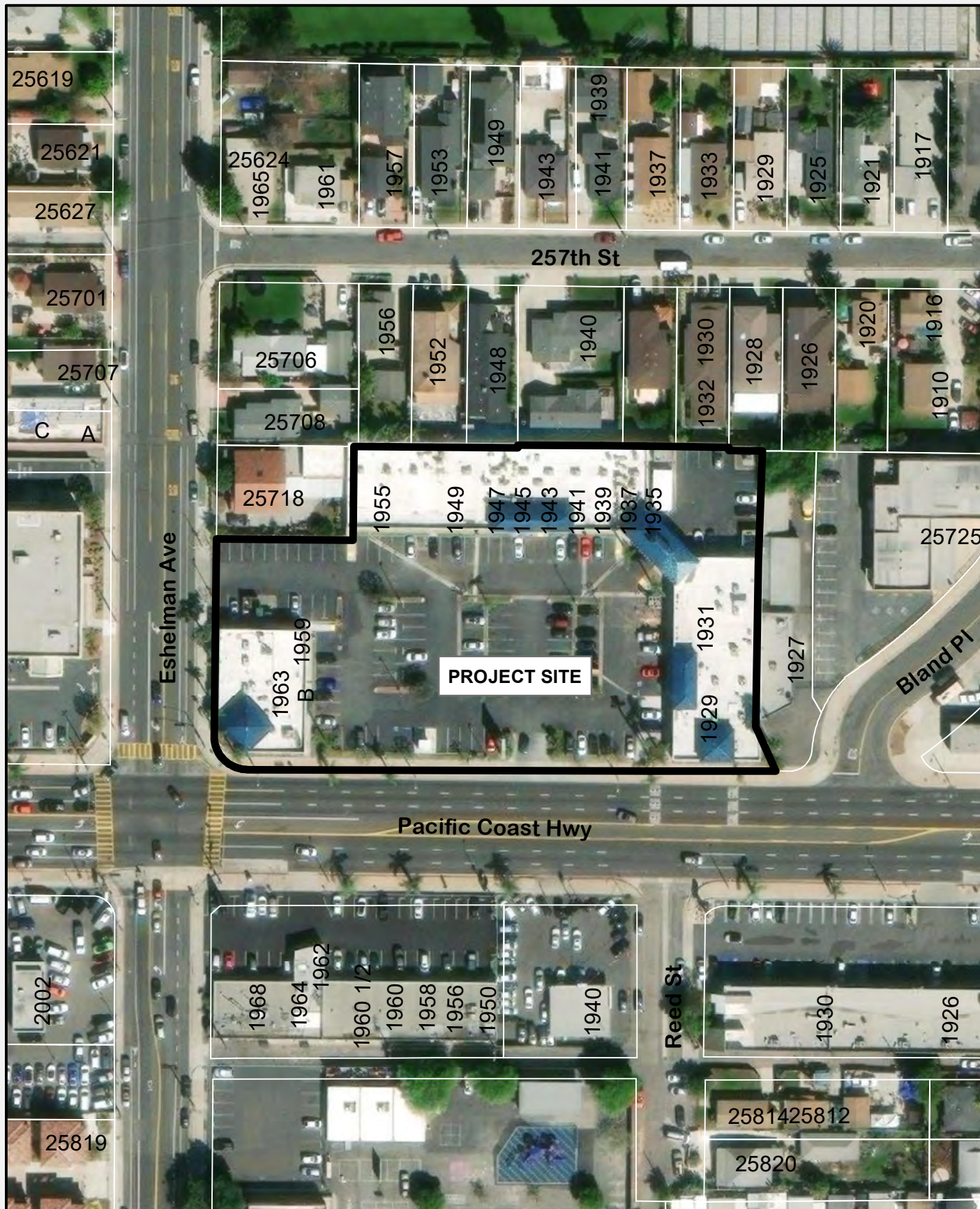




**1943 Pacific Coast Highway
Exhibit D**

Community Development
July 2023

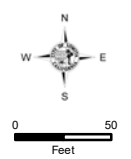
Source: Lomita GIS Data Layers
GIS/Apps/1943PCH_gp.mxd



**1943 Pacific Coast Highway
Exhibit E**

Community Development
July 2023

Source: Lomita GIS Data Layers
/Apps/1943PCH_aer.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 325

Project Description: A request for Conditional Use Permit No. 325 for onsite consumption of beer and wine at 1943 Pacific Coast Highway 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

 Whitney Weisberg
 Planning Intern



EQUIPMENT SCHEDULE										
ITEM NO.	QUANTITY	UNIT	EQUIPMENT DESCRIPTION	MANUFACTURER & MODEL NUMBER	NSF	PLUMBING				REMARKS
						HW	CW	DIR	FS	
001	1	N	HAND SINK	UNIVERSAL STAINLESS	X	X	X	X		DIRECT DRAIN, WITH SOAP DISPENSER AND HAND TOWEL DISPENSER
002	1	N	TYPE 1 HOOD							
003	1	N	1-HOOD SINK	UNIVERSAL STAINLESS	X	X	X	X		INDIRECT DRAIN VIA FLOOR SINK
004	1	N	3-COMP SINK	UNIVERSAL STAINLESS	X	X	X	X		DIRECT DRAIN
005	1	N	4" WOOD TABLE	UNIVERSAL STAINLESS	X					WITH SHELVING ON 4" LEGS
006	1	N								WITH SHELVING ON 4" LEGS
007	3	N	2-DR COOLER	SG DD-49-8205						SELF CONTAINED
008	1	N	2-DR PREP TABLE	TRUE TSU-40-24M	X			X		SELF CONTAINED
009	1	N	2-DR FREEZER	SG DD-49-8205-FZ						SELF CONTAINED
010	1	N	RIVIER	FRYMASTER GF14	X					
011	1	N	SHELVING RACKS	METRO	X					5-TIER SHELVING ON 4" LEGS
012	1	N	MOP SINK	UNIVERSAL STAINLESS	X					
013	1	N	HOT PLATE	APW GRP-2						
014	1	N	GRIDDLE	IMPERIAL INGA-3628	X					
015	1	N	WATER HEATER	RHEEM T50-60N						48 GAL. W/H 50,000 BTU/h
016	2	N	BEVERAGE COOLER	TRUE GDM-49-HC-TS01	X					SELF CONTAINED
017	1	N	LOCKER							
018	1	N	ICE-CUBE MACHINE	INDICO #1300						INDIRECT DRAIN VIA FLOOR SINK
019	1	N	AGUA FRESCA	LIBBY VITROLERO MARBL						

EQUIPMENT SCHEDULE

SCALE: 1/8"=1'-0" 11

- A. ALL DIMENSIONS ARE TO FACE OF FINISH UNLESS NOTED OTHERWISE.
- B. ALL EXISTING UNUSED CONDUITS, PIPING ETC. SHALL BE REMOVED AND CAPPED IN WALLS OR CONCEALED SPACES.
- C. DOORS ALL NEW DOORS SHALL BE EQUIPPED WITH LEVER TYPE HARDWARE THAT DO NOT REQUIRE THE ABILITY TO GRASP THE OPERATING HARDWARE. THE HARDWARE SHALL BE MOUNTED BETWEEN 36" AND 44" ABOVE THE FINISHED FLOOR.
- D. ALL ENCLOSED PORTIONS OF BUILDING CUSTOMARILY OCCUPIED BY HUMANS SHALL BE PROVIDED WITH A MECHANICALLY OPERATED VENTILATION SYSTEM. SUCH MECHANICALLY OPERATED VENTILATION SYSTEMS SHALL BE CAPABLE OF SUPPLYING A MIN. OF 15 CUBIC FEET PER MINUTE (CFM) OF OUTSIDE AIR PER OCCUPANT DURING ANY TIME AS THE BUILDING IS OCCUPIED. IF THE VELOCITY OF AIR AT A REGISTER EXCEEDS 10 FEET PER SECOND, THE REGISTER SHALL BE PLACED MORE THAN 6 FEET ABOVE THE FLOOR DIRECTLY BENEATH. (C.E.C. SECTION 102.2.1)
- E. TOILET ROOMS SHALL BE PROVIDED WITH A MECHANICALLY OPERATED EXHAUST SYSTEM CAPABLE OF PROVIDING A COMPLETE CHANGE OF AIR EVERY 15 MINUTES. SUCH MECHANICALLY OPERATED EXHAUST SYSTEMS SHALL BE CONNECTED DIRECTLY TO THE OUTSIDE FROM THE POINT OF DISCHARGE SHALL BE AT LEAST 3 FEET FROM ANY OPENING WHICH ALLOWS AIR ENTRY INTO OCCUPIED PORTIONS OF THE BUILDING. (C.E.C. SECTION 102.2.1)
- F. GROUP 'B' OCCUPANCIES ARE PERMITTED TO BE EQUIPPED WITH KEY OPERATED LOCKING DEVICES FROM THE EXTERIOR SIDE OF THE LOCKING DEVICE THAT THE LOCKING DEVICE IS READILY OBTAINABLE AS LOCKED. THE USE OF THE KEY OPERATED LOCKING DEVICE IS REVENUE BY THE BUILDING OPERATOR FOR DUE CAUSE.

GENERAL NOTES

SCALE: 1/8"=1'-0" 11

LEGEND

- EXISTING MASONRY WALL TO REMAIN
- EXISTING STUD WALL TO REMAIN
- NEW METAL STUD WALL, FULL HEIGHT
- NEW 5/8" LOW STUD WALL
- EXISTING EAST SIDE, EAST SIDE CONNECTED TO A SOURCE OF EMERGENCY BACK-UP POWER
- EXISTING FLOOR SINK TO REMAIN

LEGEND

SCALE: 1/8"=1'-0" 10

HEALTH DEPT. NOTES

SCALE: 1/8"=1'-0" 9

ROOM	FLOOR	BASE	WALL	CEILING	WAINSCOT	REMARKS
DINING AREA	(N) SEALED CONCRETE	(N) 6" SUBFOOT TILE W/ 3/8 RAD.	(E) CWP. BRD. / PAINT	(E) T-BAR C.G. TILES	----	---
SERVICE AREA	(N) SEALED CONCRETE	(N) 6" SUBFOOT TILE W/ 3/8 RAD.	(E) CWP. BRD. / PAINT	(E) T-BAR C.G. TILES	----	CLEAR SMOOTH WASHABLE C.G. TILES
KITCHEN AREA	(N) SEALED CONCRETE	(E) 6" SUBFOOT TILE W/ 3/8 RAD.	(N) F.R.P.	(E) T-BAR C.G. TILES	----	CLEAR SMOOTH WASHABLE C.G. TILES
BESTROOM	(E) CERAMIC TILE	(E) 6" CERAMIC TILE W/ 3/8 RAD.	(E) CWP. BRD. / PAINT	(E) CWP. BRD. / PAINT	----	---
HALLWAY	(N) SEALED CONCRETE	(N) 6" SUBFOOT TILE W/ 3/8 RAD.	(E) CWP. BRD. / PAINT	(E) T-BAR C.G. TILES	----	CLEAR SMOOTH WASHABLE C.G. TILES

FINISH SCHEDULE

SCALE: 1/8"=1'-0" 12

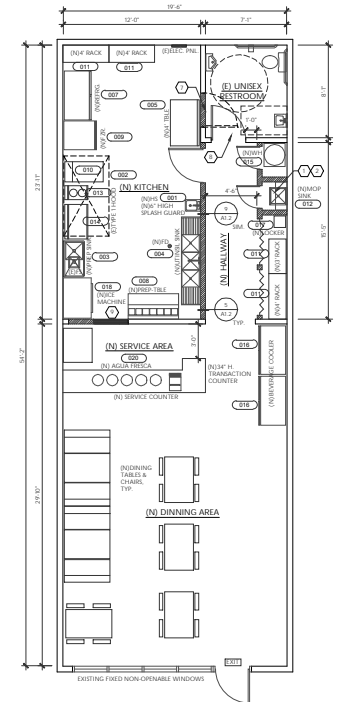
- BEST ROOM FINISHES**
- (E) CEILING - CWP. BRD. CEILING PAINTED WITH SEMI GLOSS
 - (E) WALLS - F.R.P.
 - (E) FLOOR - CERAMIC TILE
 - (E) BASE - CERAMIC TILE COVE BASE W/ 3/8" RADIUS
- TOILET ROOMS SHALL BE PROVIDED WITH A MECHANICALLY OPERATED EXHAUST SYSTEM CAPABLE OF PROVIDING A COMPLETE CHANGE OF AIR EVERY 15 MINUTES. SUCH MECHANICALLY OPERATED EXHAUST SYSTEMS SHALL BE CONNECTED DIRECTLY TO THE OUTSIDE FROM THE POINT OF DISCHARGE SHALL BE AT LEAST 3 FEET FROM ANY OPENING WHICH ALLOWS AIR ENTRY INTO OCCUPIED PORTIONS OF THE BUILDING. (C.E.C. SECTION 102.2.1)**
- NOTE:** ADDITIONAL COUNTY HEALTH DEPARTMENT INFORMATION AND REQUIREMENTS REFER TO THE HEALTH DEPT. APPROVED SET OF PLANS AND THE ATTACHED CERTIFICATION AND LETTER OF APPROVAL.

SQUARE FOOTAGE
 TOTAL BUILDING AREA = 1056 S.F.
 TOTAL AREA OF REMODEL = 1056 S.F.
 (NEW REMODEL)

SALES FLOOR GENERAL NOTES

- NEW MOP SINK, C.C. SHALL PROVIDE BACKFLOW PROTECTION DEVICE
- NEW CLEANING EQUIPMENT SHALL BE MOP MOP HANGER
- NEW FRP OVER EXISTING CWP. BRD. TO 8'-0" AFF. MIN.
- EXISTING SUBFOOT COVE BASE WITH RADIUS, AND FLOORING
- EXISTING FLOOR SINK
- NEW NON-BEARING WALL
- C.C. SHALL DEMO/REMOVE EXIST. DOOR AND FRAME GAVE FOR NEW DOOR(S)
- C.C. SHALL CONSTRUCT NEW OPENING IN EXISTING WALL PER DETAIL. INSTALL DOOR & FRAME FROM ADJACENT LOCATION
- NEW FRAMED IN LOW WALL AT 54" AFF. MIN.

SCOPE OF WORK
 REMODEL EXISTING RESTAURANT SPACE
 EXISTING FINISHES TO REMAIN, NEW PAINT (SEMI GLOSS - THRU OUT)
 NEW KITCHEN EQUIPMENT, SINKS, PREP TABLE, REFR. CASES



FLOOR PLAN

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

SUBMITTAL DATES

HEALTH DEPT.	-
BUILDING DEPT.	-
PER DATE:	-
PREP BY:	SDK
DRAWN BY:	SDK

DATE: 08-09-23

SHEET TITLE: FLOOR PLAN

SHEET NO.: A1.1

DOB NO.: -



Burrito Birria

BURRITAS

BURRITA: Specialty seafood burrito with your choice of sauteed garlic-butter shrimp or flavorful smoked marlin on flour tortilla with molten cheese, lettuce, onions, and tomato. Served with chipotle aioli, cilantro crema, and avocado sauce.

Shrimp - \$14.75
Add Carne Asada for \$1.00
Marlin - \$14.75
Mixed - \$15.75

Classic Burrito: \$12.99

Your choice of Carne Asada or Birria, in a flour tortilla filled with melted cheese, rice, beans, cilantro & onion.

BIRRIA

Quesabirria: \$9.99 Order of 2.
Birria quesadilla made with corn tortilla, served with onion and cilantro.

Arriero: \$12.99 Order of 2.
Birria quesadilla on flour tortilla with beans, cabbage, onions & cilantro.

Plato de Birria: \$16.99
Birria stew, served with warm corn tortillas & sides of onion, cilantro, and lime wedges for topping.

Birria Ramen: \$16.99
Our delicious birria stew served with ramen noodles.

Consome: M \$5.99 L \$11.99

Tacos Dorados de Birria: \$11.99 Order of 4
Fried and crispy quesabirrias.



Ceviche

MARISCOS

Tostada Flight: \$9.99
3 tostadas topped with variety of ceviches.

Ceviche: citrus marinated fish or shrimp mixed with minced onion, cilantro, tomato, and cucumber.

Fish: \$21
Shrimp: \$23.75

Aguachile: Shrimp cooked in spicy lime-juice marinade, mixed with cucumber & red onion. \$23.75
Choice of preparation: Red, Black, or Green



Aguachile Negro

Tostada de Mariscos: \$12.75

Cajun Boil: Cajun-spiced steamed corn, red potatoes, andouille hot-links, and head-on shrimp. Served with side of white rice. \$29

Fish Filet: **Market Price Please ask server for price.
Choice of preparation: Garlic Butter, Guajillo Chili, or Breaded
Served with side of white rice and house salad.

Shrimp Your Way: \$23.75
Choice of preparation: Garlic Butter, Guajillo Chili, or Breaded
Served with side of white rice and house salad.

Botana de Mariscos: Aguachile, fish ceviche, shrimp, octopus, and scallops. (full) \$59, (1/2) \$32. Feeds 2-4

Shrimp & Octopus Cocktail: \$19.50 Served hot or cold.

Fish & Chips: \$14.75

Tacos Dorados de Camaron: \$11.99
3 fried tacos filled with garlic butter shrimp, tomato, and onions. Served with shredded cabbage and salsa.



Tostada de Mariscos



Cajun Boil



1943 PACIFIC COAST HIGHWAY
LOMITA CA 90717
(424) 263-5254

@qboletacos



Baja Taco Combo

BAJA TACOS

Beer Battered: Your choice of 2 fish or shrimp tacos on corn tortilla, with cabbage, pico, and dressing. \$12.49
Grilled fish available upon request.

Taco Gobernador: 3 garlic butter shrimp & smoked marlin tacos on corn tortilla with melted cheese, rice, beans, cilantro & onion. \$11.99



Taco Gobernador

SOUPS & STEWS

7 Mares: \$21
Menudo: \$16.99
Plato de Birria: \$16.99
Birria Ramen: \$16.99

TORTA \$10.99

Birria or Asada on buttered telera bread with mayo and mustard. Topped with avocado & jalapeño.



Sopa de Mariscos

KIDS

Fish & Chips: Deep fried fish with a side of fries. \$9.99

Quesadilla: \$4.50

Chicken Nuggets & Fries: \$9.99

DRINKS

Agua Fresca (S) \$3.50, (L) \$4.50

Canned Soda: \$2.50

Soda: \$3.50

Bottled Water: \$2.50

Beer: \$6.00

Micheladas: \$8.00

Coffee: \$3.50

BREAKFAST

Plato de Chilaquiles: In a red sauce, topped with crema, onions, and cilantro. Eggs your way and a side of refried beans. \$14.75

Omelette Your Way: toppings included: Cheese, Avocado, Chorizo, Ham, Onions, Cilantro, Tomato, Green Chilis, Shrimp, Birria \$14.75

SIDES & APPETIZERS

Spanish Rice \$6.50 / White Rice \$6.50 / Refried Beans \$6.50 / French Fries \$6.50 / Carne Asada Fries \$14.75

Free local delivery on orders \$50+ to South Torrance, Lomita, Harbor City, Wilmington, and Rolling Hills.





CITY OF LOMITA PLANNING COMMISSION REPORT

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

FROM: Laura MacMorran, Associate Planner

MEETING DATE: July 10, 2023

SUBJECT: Discussion and Consideration of Zoning Text Amendment No. 2023-07, an Ordinance Amending Lomita Municipal Code Title XI (Planning and Zoning) to Update the Mixed-Use Overlay District Regulations and Allow Mixed-Use Developments Containing Four or Fewer Units Within the Downtown, Commercial (D-C) Zone and Recommend the Action be Found Exempt from the California Environmental Quality Act

RECOMMENDATION

Adopt a resolution recommending approval of Zoning Text Amendment 2023-07 to the City Council, subject to the findings and conditions and the finding that the request is exempt from the California Environment Quality Act (CEQA).

BACKGROUND

Luis De Moraes and Chinzo Machida have applied to remove the minimum lot size requirement for projects containing four or fewer residential units in the Downtown, Commercial Zone and to grant development standard concessions and incentives for creating deed-restricted affordable housing.

In 2006, the Mixed-Use Overlay (MUO) District was adopted. Only projects with a minimum of 10,000 ft² are eligible for mixed-uses. The size requirement was to promote lot consolidation, which would lead to redevelopment, more efficient land use based on the density calculation methodology, and more optimal use of the land given the development standards.

Since the MUO District was adopted, three mixed-use projects in the Commercial General (C-G) Zone and one mixed-use project in the Downtown Commercial (D-C) Zone have been developed. In addition, there are at least five nonconforming mixed-use properties in the D-C Zone and several in C-G Zone that were developed prior to the City's incorporation.

Except for the Rolling Ranchos neighborhood, Lomita's land subdivision is very irregular. In the commercial zones, property sizes range from 3,000 ft² to nearly 30,000 ft². The D-C Zone, in particular, contains a variety of lot sizes, and a variety of building styles, ages, and heights. This eclectic mix contributes to Lomita's character and small-town identity. As many properties do not meet the current lot size requirement, a small lot is not an extraordinary and unusual condition. As such, the findings for a variance cannot be supported, making a text amendment necessary.

In order for two small properties to combine and create a 10,000-square-foot or more property, there are many variables that factor into the equation. These variables are beyond the City's and a developer's control and. For example, not a single mixed-use project has combined lots from different sellers.

In conjunction with the applicants' amendment, some minor changes are proposed to align the Lomita Municipal Code with State laws, update some standards, and clean up a procedural inconsistency.

ANALYSIS

The proposed amendment is in response to limitations on lots less than 10,000 ft², an increased demand for housing, preservation of the character and scale of the Downtown Commercial Zone, the Sixth Cycle Housing Element commitments, and the need for other minor revisions.

1) D-C ZONE MIXED-USE PROJECTS WITH FOUR OR FEWER RESIDENTIAL UNITS *See Section 11-1.58.04(B) of the draft ordinance (Attachment 1 Exhibit A)*

The proposed amendment offers an additional path for MUO-D-C-Zone properties. Neither the land use nor the zoning will change. Mixed-use is already permitted, but the minimum lot size standard excludes some properties from creating residential units.

For projects with four or fewer residential units, there would no minimum lot size. Four units was determined to be the appropriate number because as the Code is written these projects cannot be developed, they align the Housing Element's mixed-use density of 20 units to 30 units an acre, and projects of this size do not have a corresponding State development tool. Projects with five or more units are eligible for the State's Density Bonus Law; therefore, a project would opt for those more generous provisions.

In the case of co-applicant Mr. Machida, the 6,900-square-foot property that he owns (24333 Narbonne Avenue) is located between a city-owned parking lot and The Lomita Feed Store. The likelihood that 24333 Narbonne Avenue will merge with one of these properties is slim and therefore cannot develop residential units a mixed-use property even though its consistent with the land use.

The proposed mixed-use standards mostly replicate the existing standards; but there are a few differences to preserve Lomita's downtown character.

Development requirements typically set a minimum unit size, and the State requires at least 150 ft². Lomita's existing mixed-use unit size standards require a studio unit to be at least 500 ft², a one-bedroom to be at least 700 ft², a two-bedroom to be at least 900 ft², and additional bedrooms to be at least 200 ft². However, the Code does not set a maximum unit size. Without a cap, a residential unit can be as big as the developer wants, and the floor area occupied by residential uses has the potential to shrink the floor area available for nonresidential (commercial) uses.

Staff recommends implementing an average maximum unit size standard for projects with four or fewer units. These average unit sizes contain ample room. Studios must average 550 ft² or less; one-bedrooms must average 800 ft² or less, two-bedrooms must average 1,000 ft² or less, and additional bedrooms can add up to 200 ft². In general, smaller units tend to cost less, and tend to be occupied by only one household, which means that the unit occupant's needs and impacts correspond to the development standards. In addition, by capping the residential unit sizes, there is a higher probability that the desired 30% commercial space to 70% residential space ratio will be met.

Another difference between the four-or-fewer-unit standards and the five-or-more-unit standards is a requirement that the ground floor space fronting Narbonne Avenue and Lomita Boulevard be occupied with commercial/nonresidential uses. Though mixed-use typically implies street-fronting commercial, it is not explicitly stated.

2) AFFORDABLE UNIT AND INCENTIVES AND CONCESSIONS

See Section 11-1.58.04(B)(3) of the draft ordinance (Attachment 1 Exhibit A)

Staff analyzed the majority of the Mixed-Use Overlay properties in the D-C Zone. Those properties that contain 60-year-old plus buildings would find it challenging or impossible to meet all the development standards. Modifying or eliminating development standards to create affordable housing is recognized nationwide as a cost-effective method to develop affordable housing.

The proposed Affordable Unit provision is modeled after the State's Density Bonus Law (CA Gov. Code 65915), which allows a developer to receive a certain number of incentives to or concessions from a local jurisdiction's development standards in exchange for creating deed-restricted affordable housing.

Unlike the State's program, bonus units are not awarded. Staff recommends adhering to the densities approved in the HE. This recommendation recognizes that bonus units place an unforeseen demand on off-site facilities and infrastructure.

3) OTHER AMENDMENTS FOR CONSISTENCY

See Section 11-1.58.04(A)(1), and Section 11-1.15.13(C) of the draft ordinance (Attachment 1 Exhibit A)

The draft amendment proposes a) to revise a subjective standard, and b) to replace one entitlement process with a more appropriate entitlement.

- a) Lomita's Mixed-use Standards of Development contains a corner lot provision to ensure that vehicles have adequate visibility at intersections. For example, 24516 Narbonne Avenue applied this standard to its design and created an active outdoor use for the open space. As written, the Code doesn't provide prescriptive standards, instead each project is evaluated on a "case-by-case basis". Case-by-case is a subjective criterion and contrary to Streamlined Affordable Housing (SB 35) and the Housing Crisis Act (SB 330). The update adds specific values to this sightline standard. A clear vision triangle starts at intersection of the property lines that are parallel to each street and extends for ten feet in each direction. The third triangle leg connects the two ten-foot segments. The term "clear vision triangle" is defined and based on definitions found in the American Planning Association's Dictionary. There may be situations where conditions, such as the direction of a one-way street or alley, make it unnecessary for a clear visibility triangle. If there's a project that would not obstruct sightlines, then the project may apply for a modification.
- b) The existing standards of development section states that the maximum building height and other standards can be deviated from through the conditional use permit process. While the conditional use permit (CUP) process consolidates the potential number of entitlements because a CUP is already required for a mixed-use project, a CUP pertains to special land uses that are not allowed by-right and evaluates their operating characteristics, impacts, and consistency with the General Plan's policies. Also, CUPs can be revoked or terminated. Deviations from objective and quantifiable standards of development require a variance, or if specified a modification with a site plan review. None of the zoning districts use a conditional use to deviate from a development standard; therefore, staff has removed a sentence from former subparagraph (d) pertaining to the building's height.

It is not necessary to add language in the Mixed-Use Overlay District's Standards of Development that a variance may be obtained in order to deviate from the development standards, and subparagraph (l) has been deleted. Lomita Municipal Code Article 70 Paragraph 10 (Zone Variance) stipulates that "The Commission, or City Council on appeal may grant a Variance from the required development standards, with or without conditions...". If the City wanted to place a lesser burden on deviating from any or all of the development standards, it could make certain standards eligible for a modification pursuant to Article 70 Paragraph 8.

The one exception to the variance process is the percentage of nonresidential use requirement. The 6th Cycle HE's Program 12: Lot Consolidation stated that a deviation from the minimum commercial percentage is considered through the conditional use permit process. The CUP process does not require finding exceptional or extraordinary circumstances, which might create an impediment to the project. As the nonresidential use percentage pertains to the land use, a CUP would not be inappropriate.

GENERAL PLAN CONSISTENCY

The zone text amendment is consistent with the Land Use Element's mixed-use intent. The Amendment is also consistent with the Housing Element's (HE) Policy 2.4 which is to 'promote and encourage innovation and creativity in housing development through regulations that increase transparency and flexibility in the development approval process'. Removing the lot size requirement in the D-C Zone encourages innovation in housing development. It also advances HE's Program 7: Incentives and Regulations. The City is committed to evaluating a range of incentive-based and regulatory approaches to facilitate the development of housing for lower-income households. One specific objective is to "Improve development regulations intended to incentivize affordable and mixed-income housing development through regulatory inducements such as incentive zoning paired with objective development standards, or process incentives such as technical assistance in exchange for affordable housing no later than fall 2023." This ordinance demonstrates both an incentive-based approach to creating affordable housing and technical assistance in performing the research, analysis, and creating the standards for small-sized mixed-use mixed-income projects.

CEQA

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

PUBLIC NOTICE

Notices of this hearing dated June 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 and 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 and Economic
Development Director

**PLANNING COMMISSION
RESOLUTION NO. PC 2023-XX
ZONE TEXT AMEDNMENT 2023-007
DOWNTOWN, COMMERCIAL ZONE**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT 2023-07 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 58 SECTION 11-1.58.06 (MIXED-USE OVERLAY DISTRICT), 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 Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendment will not have a significant effect on the environment because the proposed amendments would provide for new standards consistent with State Law and do not propose any physical construction.

B. On July 10, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-07 (initiated by Messrs. Luis De Moraes and Chinzo Machida), 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 10th day of July, 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.

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 MIXED-USE OVERLAY DISTRICT TO UPDATE STANDARDS; TO ALLOW MIXED-USE DEVELOPMENTS CONTAINING FOUR OR FEWER UNITS WITHIN THE DOWNTOWN COMMERCIAL (D-C) ZONE; TO DEFINE A TERM 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 mixed-use developments 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 mixed-use standards of development regulations as necessary to allow for four or fewer units on properties with less than 10,000 square feet, and to establish affordable housing incentives in the Downtown-Commercial Zone.
- C. On July 10, 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 _____.
- F. On _____ 2023 and _____ 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. Housing Element Policy 2.4 which is to promote and encourage innovation and creativity in housing development through regulations that increase transparency and flexibility in the development approval process.
- B. Housing Element Program 7 which requires the City to evaluate a range of incentive-based and regulatory approaches to facilitate the development of housing for lower-income households. One specific objective is to "Improve development regulations intended to incentivize affordable and mixed-income

housing development through regulatory inducements such as incentive zoning paired with objective development standards, or process incentives such as technical assistance in exchange for affordable housing no later than fall 2023.”

Section 3. Environmental Review

The City Council finds and determines that the adoption of this Ordinance regarding Mixed Use Overlay standards of development in the Downtown Commercial Zone is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The Ordinance will not have a significant effect on the environment because only new standards consistent with the existing municipal code and State Law are provided and does not propose any physical construction.

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 11-1.15.03(C) of Title XI of the Lomita Municipal Code is amended to read as follows:

“Clear vision triangle shall mean an unoccupied triangular area located at the intersection of two vehicular passageways composed of either two streets, a street and an alley, a street and a driveway, or a driveway and a sidewalk. Two perpendicular triangle legs are measured from the corner intersection of property lines for a minimum distance of 10 feet each way along the lot line(s), or driveway based on the situation. The third leg of the triangle is a line joining the ends of the other two legs. Such triangular area shall remain clear of obstructions between three and 10 feet above grade.”

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

“Sec. 11-1.58.06. Standards of development

Premises within the mixed-use overlay zone shall be subject to the development standards prescribed in this section and those standards contained in part 6, "General Standards of Development."

Projects that are not considered mixed-use are subject to the underlying zoning regulations of its applicable zone.

- (A) Mixed-Use Projects with Five (5) or More Residential Units

- (1) *Minimum lot size.* The minimum lot size for mixed-use developments shall be ten thousand (10,000) square feet.
- (2) *Yards. and sightlines.*
 - (a) *Front yard.* None required.
 - (b) *Side yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a side lot line adjoining property in a residential zone shall have a side setback not less than ten (10) feet.
 - (c) *Rear yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a rear lot line adjoining property in a residential zone shall have a rear setback not less than ten (10) feet.
 - (d) *Corner lots.* To ensure adequate visibility for vehicles turning a corner, a clear vision triangle shall be created with ten (10) foot-long perpendicular legs.
- (3) *Minimum unit size.*
 - Studio — Five hundred (500) square feet;
 - One bedroom — Seven hundred (700) square feet;
 - Two (2) bedrooms — Nine hundred (900) square feet;
 - Additional bedrooms — Two hundred (200) additional square feet per bedroom.
- (4) *Building height.* No lot or parcel of land in the mixed-use overlay zone shall have a building or structure in excess of thirty-five (35) feet.
- (5) *Percentage of nonresidential uses.* Percentage of nonresidential uses for mixed-use projects shall be a minimum of thirty (30) percent. Mixed-use projects shall be consistent with the definition in Section 11-1.58.02. A deviation from this requirement may be granted subject to conditional use permit.
- (6) *Off-street parking and loading.* For new mixed-use development, the commercial component shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." The parking ratio for the residential component of mixed-use projects is as follows. Residential parking may be met by covered or open parking spaces.
 - Units between five hundred (500) and seven hundred (700) square feet — One space;
 - Units seven hundred one (701) square feet and greater — Two (2) spaces;
 - Guest parking — .25 spaces per unit.

- (7) *Ground floor building coverage.* For visual interest at the pedestrian level, at least fifty (50) percent of the total ground floor building frontage of any new or reconstructed building facing the public street shall have the following: windows with clear glass, recessed entries, residential stoops, or recesses for outdoor dining areas. To calculate the total ground-floor frontage, use the length of the building frontage along the pedestrian realm times the first-floor height from floor to ceiling.
 - (8) *Open space.*
 - (a) Recreation and open space shall be provided for each mixed-use project. The required minimum amount of open space for a mixed-use project is two hundred (200) square feet per unit. The minimum open space may be met through a combination of common and private open space. All required open space shall be useable.
 - (b) A minimum of twenty-five (25) percent of all open space shall be planted area including trees, shrubs and gardens. Planters and planting containers may be counted toward this requirement.
 - (c) Common open space shall require a minimum width of ten (10) feet and be a minimum of two hundred (200) square feet in area.
 - (d) Projects that propose a public open space component as part of a mixed-use project may request a waiver from the open space requirement pursuant to Article 70 (Zoning Ordinance Administration).
 - (9) *Utilities.* All new utilities shall be placed underground.
 - (10) *Satellite antennas.* Satellite antennas when fully screened from the public right-of-way may be ground or roof mounted but may not exceed the height limit of buildings or structures in this zone.
 - (11) *Walls.*
 - (a) Each lot or parcel of land in the mixed-use overlay zone which has a side or rear lot line adjoining property in a residential zone shall have a solid masonry wall, not less than six (6) feet in height, established along said side and rear lot lines except as otherwise provided in section 11-1.66.08(1) and except where such adjoining property is used in conjunction with such commercial lot.
 - (b) No wall shall be required if the building is located on a property line adjoining residential zones. However, windows shall not be located on the side of a commercial building which adjoins residential zones.
- (B) Mixed-Use Projects with Four (4) or Less Residential Units in the Downtown, Commercial (D-C) Zone

- (1) Definitions. For purposes of this subsection, the following definitions will apply:
 - (a) *Concession* shall mean a reduction in development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission.
 - (b) *Incentive* shall mean a modification to development standards, of zoning code requirements or architectural design requirements.
- (2) Development standards.
 - (a) *No minimum lot size.*
 - (b) *Yards and sightlines.*
 - (i) *Front yard.* None required.
 - (ii) *Side yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a side lot line adjoining property in a residential zone shall have a side setback not less than ten (10) feet.
 - (iii) *Rear yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a rear lot line adjoining property in a residential zone shall have a rear setback not less than ten (10) feet.
 - (iv) *Corner lots.* To ensure adequate visibility for vehicles turning a corner, a clear vision triangle shall be created with ten (10) foot-long perpendicular legs.
 - (v) *Exemption.* Existing buildings converting existing floor area or up to one-hundred fifty (150) square feet for ingress/egress shall be exempt from setback and sightline requirements.
- (3) Further development standards.
 - (a) *Maximum average unit size (no minimum size greater than CA Health & Safety Code Section 17958.1).*
 - Studio — Five hundred fifty (550) square feet;
 - One (1) bedroom— Eight hundred (800) square feet;
 - Two (2) bedrooms— One thousand (1,000) square feet;
 - Additional bedrooms — Two hundred (200) additional square feet per bedroom.
 - (b) *Building height.* No lot or parcel of land in the mixed-use overlay zone shall have a building or structure in excess of thirty-five (35)

feet. Existing buildings converting existing space shall be exempt from height requirements.

- (c) *Percentage of nonresidential uses.* Percentage of nonresidential uses shall be a minimum of thirty (30) percent. Mixed-use projects shall be consistent with the definition in Section 11-1.58.02. A deviation from this requirement may be granted subject to conditional use permit.
- (d) *Off-street parking and loading.* For new mixed-use development, the commercial component shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." The parking ratio for the residential component of mixed-use projects is as follows. Parking may be met by covered or open parking spaces, but not enclosed parking spaces.

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

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

Guest parking — One (1) space total per project.

- (e) *Building ground floor*
 - (i) Fronting Narbonne Avenue or Lomita Boulevard, only nonresidential uses may be located on the ground floor, with the exception of ingress/egress for units located above the ground floor. Commercial ground floor area shall not be converted to residential ground floor area, with the exception of ingress/egress for units located above the ground floor.
 - (ii) Building coverage. For visual interest at the pedestrian level, at least fifty (50) percent of the total ground floor building frontage of any new or reconstructed building facing the public street shall have the following: windows with clear glass, recessed entries, residential stoops, or recesses for outdoor dining areas. To calculate the total ground-floor frontage, use the length of the building frontage along the pedestrian realm times the first-floor height from floor to ceiling.
- (f) *Open space.*
 - (i) Recreation and open space shall be provided for each mixed-use project. The required minimum amount of open space for a mixed-use project is two hundred (200) square feet per unit. The minimum open space may be met through a combination of common and private open space. All required open space shall be useable.
 - (ii) A minimum of twenty-five (25) percent of all open space shall be planted area including trees, shrubs and gardens. Planters

and planting containers may be counted toward this requirement.

- (iii) Common open space shall require a minimum width of ten (10) feet and be a minimum of two hundred (200) square feet in area.
 - (g) *Utilities.* All new utilities shall be placed underground.
 - (h) *Satellite antennas.* Satellite antennas when fully screened from the public right-of-way may be ground or roof mounted but may not exceed the height limit of buildings or structures in this zone.
 - (i) *Walls.*
 - (i) Each lot or parcel of land in the mixed-use overlay zone which has a side or rear lot line adjoining property in a residential zone shall have a solid masonry wall, not less than six (6) feet in height, established along said side and rear lot lines except as otherwise provided in section 11-1.66.08(1) and except where such adjoining property is used in conjunction with such commercial lot.
 - (ii) No wall shall be required if the building is located on a property line adjoining residential zones. However, windows shall not be located on the side of a commercial building which adjoins *residential zones*.
- (4) *Affordable residential unit(s).*
- (a) This subsection applies to any proposed mixed-use project with four (4) or less residential units, when an applicant proposes to reserve a portion of the units for lower income households. In exchange for reserving affordable residential units, the applicant shall be eligible to select incentives or concessions to relieve the project of either two or three requirements listed within subsection (B)(3), as follows:
 - (i) Two (2) incentives or concessions for projects that include one (1) unit for a lower income household.
 - (ii) Three (3) incentives or concessions for projects that include at least two (2) units for lower income households, or one unit for a very low income household.
 - (b) To be eligible for the incentives or concessions, the unit(s) shall be rented at an affordable rent for lower income or very low income as defined in Health and Safety Code Section 50053(b), and shall only be rented to either lower income households, as defined in California Health and Safety Code Section 50105, or very low income households, as defined in Health and Safety Code Section 50079.5, for a minimum of thirty (30) years. Prior to the issuance of a building permit for any unit at the property or mixed-use project, the owner of the property shall execute and record on the property

a deed restriction, in a form approved by the director and the city attorney, establishing legal restrictions consistent with this section.

- (c) The affordable unit(s) shall be comparable, both in size and quantity of bedrooms and bathrooms, to the largest market rate unit(s).
- (d) For proposed projects that meet the eligibility requirements set forth in this subsection, the director of community development shall ministerially grant the incentives or concessions as part of the site plan review process.”

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

Sec. 11-1.15.13(C)

Clear vision triangle shall mean an unoccupied triangular area located at the intersection of two vehicular passageways composed of either two streets, a street and an alley, a street and a driveway, or a driveway and a sidewalk. Two perpendicular triangle legs are measured from the corner intersection of property lines for a minimum distance of 10 feet each way along the lot line(s), or driveway based on the situation. The third leg of the triangle is a line joining the ends of the other two legs. Such triangular area shall remain clear of obstructions between three and 10 feet above grade.

Sec. 11-1.58.06. Standards of development

Premises within the mixed-use overlay zone shall be subject to the development standards prescribed in this section and those standards contained in part 6, "General Standards of Development".

Projects that are not considered mixed-use are subject to the underlying zoning regulations of its applicable zone.

(A) Mixed-Use Projects with Five (5) or More Residential Units

- (a1) *Minimum lot size.* ~~1.~~ The minimum lot size for mixed-use developments shall be ten thousand (10,000) square feet.
- (b2) *Yards- and sightlines.*
 - ~~1.~~(a) *Front yard.* None required.
 - ~~2.~~(b) *Side yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a side lot line adjoining property in a residential zone shall have a side setback not less than ten (10) feet.
 - ~~3.~~(c) *Rear yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a rear lot line adjoining property in a residential zone shall have a rear setback not less than ten (10) feet.
 - ~~4.~~(d) *Corner lots.* ~~On corner lots, setbacks, building and wall heights shall be reviewed on a case-by-case basis~~ To ensure adequate visibility for vehicles ~~entering and existing [exiting] the site turning a corner,~~ a clear vision triangle shall be created with ten (10) foot-long perpendicular legs.
- (e3) *Minimum unit size.*
 - Studio — Five hundred (500) square feet;
 - One bedroom — Seven hundred (700) square feet;
 - Two (2) bedrooms — Nine hundred (900) square feet;
 - Additional bedrooms — Two hundred (200) additional square feet per bedroom.

- (~~d~~4) *Building height.* No lot or parcel of land in the mixed-use overlay zone shall have a building or structure in excess of thirty-five (35) feet. ~~Height limits in excess of these limits may be considered by the Planning Commission subject to a conditional use permit.~~
- (~~e~~5) *Percentage of nonresidential uses.* Percentage of nonresidential uses for mixed-use projects shall be a minimum of thirty (30) percent. Mixed-use projects shall be consistent with the definition in Section 11-1.58.02. A deviation from this requirement may be granted subject to conditional use permit.
- (~~f~~6) *Off-street parking and loading.* For new mixed-use development, the commercial component shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." The parking ratio for the residential component of mixed-use projects is as follows. Residential parking may be met by covered or open parking spaces.
- Units between five hundred (500) and seven hundred (700) square feet — One space;
- Units seven hundred one (701) square feet and greater — Two (2) spaces;
- Guest parking — .25 spaces per unit.
- ~~Residential parking may be met by covered or open parking spaces. Shared parking is encouraged with new mixed-use projects and shall be allowed pursuant to the approval of a minor conditional use permit.~~
- (~~g~~7) *Ground floor building coverage.* For visual interest at the pedestrian level, at least fifty (50) percent of the total ground floor building frontage of any new or reconstructed building facing the public street shall have the following: windows with clear glass, recessed entries, residential stoops, or recesses for outdoor dining areas. To calculate the total ground-floor frontage, use the length of the building frontage along the pedestrian realm times the first floor height from floor to ceiling.
- (~~h~~8) *Open space.*
- ~~1-~~(~~a~~) Recreation and open space shall be provided for each mixed-use project. The required minimum amount of open space for a mixed-use project is two hundred (200) square feet per unit. The minimum open space may be met through a combination of common and private open space. All required open space shall be useable.
- ~~2-~~(~~b~~) A minimum of twenty-five (25) percent of all open space shall be planted area including trees, shrubs and gardens. Planters and planting containers may be counted toward this requirement.
- ~~3-~~(~~c~~) Common open space shall require a minimum width of ten (10) feet and be a minimum of two hundred (200) square feet in area.
- ~~4-~~(~~d~~) Projects that propose a public open space component as part of a mixed-use project may request a waiver from the open space

requirement pursuant to Article 70 (Zoning Ordinance Administration).

- (i9) *Utilities.* All new utilities shall be placed underground.
- (j10) ~~{~~*Satellite antennas.*~~}~~ Satellite antennas when fully screened from the public right-of-way may be ground or roof mounted but may not exceed the height limit of buildings or structures in this zone.
- (k11) *Walls.*
 - (a) Each lot or parcel of land in the mixed-use overlay zone which has a side or rear lot line adjoining property in a residential zone shall have a solid masonry wall, not less than six (6) feet in height, established along said side and rear lot lines except as otherwise provided in section 11-1.66.08(1) and except where such adjoining property is used in conjunction with such commercial lot.
 - (b) No wall shall be required if the building is located on a property line adjoining residential zones. However, windows shall not be located on the side of a commercial building which adjoins residential zones.

~~(l) *Deviations from standards.* Deviations from mixed-use development standards may be considered through the conditional use permit process.~~

(B) Mixed-Use Projects with Four (4) or Less Residential Units in the Downtown, Commercial (D-C) Zone

(1) *Definitions.* For purposes of this subsection, the following definitions will apply:

- (a) *Concession* shall mean a reduction in development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission.
- (b) *Incentive* shall mean a modification to development standards, of zoning code requirements or architectural design requirements.

(2) *Development standards.*

(a) *No minimum lot size.*

(b) *Yards and sightlines.*

- (i) *Front yard.* None required.
- (ii) *Side yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a side lot line adjoining property in a residential zone shall have a side setback not less than ten (10) feet.
- (iii) *Rear yard.* None required, except that a building exceeding sixteen (16) feet in height on a lot or parcel in the mixed-use overlay zone which has a rear lot line adjoining property in a residential zone shall have a rear setback not less than ten (10) feet.

(iv) Corner lots. To ensure adequate visibility for vehicles turning a corner, a clear vision triangle shall be created with ten (10) foot-long perpendicular legs.

(v) Existing buildings converting existing floor area or up to one-hundred fifty (150) square feet for ingress/egress shall be exempt from setback and sightline requirements.

(3) Further development standards.

(a) Maximum average unit size (no minimum size).

Studio — Five hundred fifty (550) square feet;

One (1) bedroom— Eight hundred (800) square feet;

Two (2) bedrooms— One thousand (1,000) square feet;

Additional bedrooms — Two hundred (200) additional square feet per bedroom.

(b) Building height. No lot or parcel of land in the mixed-use overlay zone shall have a building or structure in excess of thirty-five (35) feet. Existing buildings converting existing space shall be exempt from height requirements.

(c) Percentage of nonresidential uses. Percentage of nonresidential uses shall be a minimum of thirty (30) percent. Mixed-use projects shall be consistent with the definition in Section 11-1.58.02. A deviation from this requirement may be granted subject to conditional use permit.

(d) Off-street parking and loading. For new mixed-use development, the commercial component shall have off-street parking and loading pursuant to Article 66, "Off-Street Parking, Storage and Loading." The parking ratio for the residential component of mixed-use projects is as follows. Parking may be met by covered or open parking spaces, but not enclosed parking spaces.

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

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

Guest parking — One (1) space total per project.

(e) Building ground floor.

(i) Fronting Narbonne Avenue or Lomita Boulevard, only nonresidential uses may be located on the ground floor, with the exception of ingress/egress for units located above the ground floor. Commercial ground floor area shall not be converted to residential ground floor area, with the exception of ingress/egress for units located above the ground floor.

(ii) Building coverage. For visual interest at the pedestrian level, at least fifty (50) percent of the total ground floor building frontage of any new or

reconstructed building facing the public street shall have the following: windows with clear glass, recessed entries, residential stoops, or recesses for outdoor dining areas. To calculate the total ground-floor frontage, use the length of the building frontage along the pedestrian realm times the first-floor height from floor to ceiling.

(f) Open space.

(i) Recreation and open space shall be provided for each mixed-use project. The required minimum amount of open space for a mixed-use project is two hundred (200) square feet per unit. The minimum open space may be met through a combination of common and private open space. All required open space shall be useable.

(ii) A minimum of twenty-five (25) percent of all open space shall be planted area including trees, shrubs and gardens. Planters and planting containers may be counted toward this requirement.

(iii) Common open space shall require a minimum width of ten (10) feet and be a minimum of two hundred (200) square feet in area.

(g) Utilities. All new utilities shall be placed underground.

(h) Satellite antennas. Satellite antennas when fully screened from the public right-of-way may be ground or roof mounted but may not exceed the height limit of buildings or structures in this zone.

(i) Walls.

(i) Each lot or parcel of land in the mixed-use overlay zone which has a side or rear lot line adjoining property in a residential zone shall have a solid masonry wall, not less than six (6) feet in height, established along said side and rear lot lines except as otherwise provided in section 11-1.66.08(1) and except where such adjoining property is used in conjunction with such commercial lot.

(ii) No wall shall be required if the building is located on a property line adjoining residential zones. However, windows shall not be located on the side of a commercial building which adjoins residential zones.

(4) Affordable residential unit(s).

(a) This subsection applies to any proposed mixed-use project with four (4) or less residential units, when an applicant proposes to reserve a portion of the units for lower income households. In exchange for reserving affordable residential units, the applicant shall be eligible to select incentives or concessions to relieve the project of either two or three requirements listed within subsection (B)(3), as follows:

(i) Two (2) incentives or concessions for projects that include one (1) unit for a lower income household.

- (ii) Three (3) incentives or concessions for projects that include at least two (2) units for lower income households, or one unit for a very low income household.
- (b) The unit(s) shall be rented at an affordable rent for lower income or very low income as defined in Health and Safety Code Section 50053(b), and shall only be rented to either lower income households, as defined in California Health and Safety Code Section 50105, or very low income households, as defined in Health and Safety Code Section 50079.5, for a minimum of thirty (30) years. Prior to the issuance of a building permit for any unit at the property or mixed-use project, the owner of the property shall execute and record on the property a deed restriction, in a form approved by the director and the city attorney, establishing legal restrictions consistent with this section.
- (c) To be eligible for the incentives or concessions, the affordable unit(s) shall be comparable, both in size and quantity of bedrooms and bathrooms, to the largest market rate unit(s).
- (d) For proposed projects that meet the eligibility requirements set forth in this subsection, the director of community development shall ministerially grant the incentives or concessions as part of the site plan review process.



CITY OF LOMITA PLANNING COMMISSION REPORT

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

FROM: Brianna Rindge, Community & Economic Development Director

MEETING DATE: July 10, 2023

SUBJECT: Discussion and Consideration of Zoning Text Amendment No. 2023-08, a Resolution of the Planning Commission of the City of Lomita Recommending City Council Approval of Zoning Text Amendment 2023-08 Amending Various Sections of Lomita Municipal Code Title XI (Planning and Zoning) to Regulate Murals Citywide 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 2023-08 and find the request exempt from the California Environmental Quality Act (CEQA).

BACKGROUND

Since July 1, 2021, the City has removed over 110 instances of graffiti, a code violation, throughout the city. The “Broken Windows Theory” holds that in environments where small problems go unaddressed, crime and disorder will follow. Therefore, the more graffiti remains, the more the city will harbor. Staff has found this to be true; where other code violations exist, graffiti often follows. Staff has received requests for mural installation as a means to deter future or continuous graffiti, citing success in other cities. Requests range from flower paintings to Lomita-specific art. Lomita Municipal Code lacks the following basic guidance regarding murals:

- Allowance of murals outside of a relatively small zone
- Maintenance responsibilities & update provisions
- Places where murals may be permitted or encouraged (ex: blank walls, construction barricades, parking garages, etc.)
- Development standards (size, height, thickness, color, material, etc.)

On March 21, 2023, staff presented this information along with visuals at the City Council meeting. The City Council directed staff to return with a draft ordinance expanding and specifying mural allowance throughout the city.

In addition to murals on private property, Public Works is working on a plan regarding murals within the public right-of-way, such as on utility boxes or other areas. The right-of-way study also considers other public improvements such as crosswalk design, City entry signs, and utility undergrounding, and will be presented to the City Council for discussion.

ANALYSIS

Staff researched mural allowances in 23 other jurisdictions and found a host of trends regarding private property murals. At the March 21, 2023, City Council meeting, staff presented a palette of options the City Council may wish to incorporate into Lomita Municipal Code. The draft ordinance (see Attachment 1) carries forth as so. Every mural that may be displayed within the city is required to go through Site Plan Review and approval by Planning Commission.

CEQA

The City Council finds that adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the actions identified in the ordinance are limited to the permitting and minor alteration of existing facilities. The ordinance would not result in any expansion of existing commercial uses or of the public's use of City right-of-way. Alternatively, the adoption of this ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

PUBLIC NOTICE

Notices of this hearing dated June 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 1 Draft Ordinance
2. Lomita Municipal Code Redlined

Prepared by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

**PLANNING COMMISSION
RESOLUTION NO. PC 2023-XX
ZONE TEXT AMENDMENT 2023-08
ALL ZONING DISTRICTS**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT 2023-08 AMENDING VARIOUS SECTIONS OF LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO REGULATE MURALS CITYWIDE 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 Environmental Quality Act (CEQA). Pursuant to Section 15301 (Existing Facilities), the actions identified in the ordinance are limited to the permitting and minor alteration of existing facilities. The ordinance would not result in any expansion of existing commercial uses or of the public's use of City right-of-way. Alternatively, the adoption of this ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

B. On July 10, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-08 (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 10th day of July 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, CALIFORNIA, APPROVING ZONE TEXT AMENDMENT 2023-08 AMENDING VARIOUS SECTIONS OF LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO REGULATE MURALS CITYWIDE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 1. Recitals

- A. Chapter 1 of Title XI of the Lomita Municipal Code establishes allowable uses, definitions, and development standards of properties within all zoning districts in the city.
- B. The proposed zoning text amendment 2023-08 is an update to the Lomita Municipal Code to allow for the keeping of a limited number of hen chickens consistently in both zoning districts allowing for single-family residential, while protecting the public interest.
- C. On March 21, 2023, staff presented this information along with visuals at the City Council meeting. The City Council directed staff to return with a draft ordinance expanding and specifying mural allowance throughout the city.
- D. On July 10, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-08 (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 requested Zoning Text Amendment.
- E. On _____, 2023, the City Council considered Zoning Text Amendment No. 2023-01 to amend Lomita's Municipal Code Title XI ("Planning and Zoning") to modify regulations regarding supportive, transitional, and employee housing, low-barrier navigation centers, senior planned unit developments, substandard living conditions, reasonable accommodation, covered parking, and emergency shelters, and held a duly noticed public hearing and accepted testimony in regard to the same.

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 implement the following Policies:

- A. Economic Development Policy 1 which provides that the City will promote and support revitalization within the City's commercial districts;

B. Economic Development Policy 2 which provides that the City will continue to encourage the development of prosperous tourist, commercial, and entertainment uses along Pacific Coast Highway;

C. Economic Development Policy 3 which provides that the City will promote the improvement and revitalization of existing commercial areas and neighborhood shopping centers;

E. Economic Development policy 8 which provides that the City will strive to attract destination-oriented businesses that will stimulate commercial activity and investments in the community;

F. Land Use Policy 10 which provides that the City will promote the improvement of aesthetic and visual qualities of the community by implementing development standards for private improvements;

I. Land Use Policy 17 which provides that the City will promote the maintenance and preservation of activities that contribute to the City's economic and employment base; and

J. Land Use Policy 19 which provides that the City will strive to develop a pedestrian downtown that is economically viable and promotes a wide range of activities.

Section 3. Environmental Review

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

The City Council finds that adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the actions identified in the ordinance are limited to the permitting and minor alteration of existing facilities. The ordinance would not result in any expansion of existing commercial uses or of the public's use of City right-of-way. Alternatively, the adoption of this ordinance is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

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 of the following amendments to the Lomita Municipal Code:

A. The following definition for "mural" is hereby added to Section 11-1.15.13(M) of Article 15 ("Definitions") of Title XI of the Lomita Municipal Code as follows:

“Mural shall mean a pictorial representation, painting, or other artwork, that is made integral with an exterior wall surface, and that does not specifically identify goods or services offered by the business on the premises or include a commercial advertising message by a business not on the premises.”

B. Subsection (6)(j) (“Wall murals”) of Section 11-1.67.04 (“Sign regulations for specific zones”) of Article 67 (“Signs”) of Title XI of the Lomita Municipal Code is hereby repealed.

C. Subsection (o) of Section 11-1.67.05 (“Sign Prohibited signs and sign restrictions”) of Article 67 (“Signs”) of Title XI of the Lomita Municipal Code is hereby repealed.

D. Section 11-1.68.11, entitled “Murals”, is hereby added to Title XI of the Lomita Municipal Code to read in its entirety as follows:

“Section 11-1.68.12. - Murals.

(A) A mural shall be permitted within any zoning district only by site plan review and approval by the planning commission and must comply with the following requirements:

(1) Murals may not interfere with pedestrian or traveler safety.

(2) Murals shall not be used to advertise a particular business establishment or property and shall not include trademarks, company logos, or advertising copy, except logos which are determined by the planning commission to have historical significance.

(B) Murals are not subject to the maximum sign area.

(C) As part of its review of a mural, the planning commission shall:

(1) Establish appropriate requirements for the use of long-lasting paint, ultraviolet coating protection, and/or a medium preventative of vandalism, theft, and weather impact.

(2) Require provisions for alterations and maintenance, included a required minimum length of time for maintenance, otherwise the property owner is subject to the administrative citations and penalties provisions in Title 1, Chapter 5 of this Code.

(3) Establish insurance requirements.”

Section 5. Severability

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, City Clerk

APPROVED AS TO FORM:

Trevor Rusin, City Attorney

Sec. 11-1.15.13(M)

Mural shall mean a pictorial representation, painting, or other artwork, that is made integral with an exterior wall surface, and that does not specifically identify goods or services offered by the business on the premises or include a commercial advertising message by a business not on the premises.

Subsection (16) of Section 11-1.67.02 (“Definitions”) of Article 67 (“Signs”):

~~“Mural shall mean a large painting, picture or decoration which is applied directly to a wall and which usually depicts a scene or an event.”~~Repealed.

Sec. 11-1.67.04. - Sign regulations for specific zones.

(6) D-C, Downtown Commercial:

~~(j) Wall murals: Wall murals may be allowed subject to site plan review by the planning commission and subject to the following standards:~~

~~(i) Wall murals shall not be used to advertise a particular business establishment or property;~~

~~(ii) The intent of a wall mural shall be purely decorative in nature and shall be limited to the depiction of a scene or event related to the City's history;~~

~~(iii) Exterior wall murals are allowed without being included in the maximum sign area provided that the mural is a painting which includes images or pictorial elements, but does not include trademarks, company logos, or advertising copy, except logos which are determined by the planning commission to have historical significance; and~~

~~(iv) Murals shall not be permitted on the same wall in connection with commercial business or advertising signs.~~Repealed.

Sec. 11-1.67.05. - Prohibited signs and sign restrictions.

~~(o) “Murals, as defined in this chapter, shall be permitted only by review and approval of the planning commission.”~~Repealed.

Sec. 11-1.68.12. – Murals

(A) Murals shall be permitted within any zoning district only by site plan review and approval by the planning commission and must comply with the following requirements:

(1) The intent of a wall mural shall be purely decorative in nature.

(2) Murals may not interfere with pedestrian or traveler safety.

(3) Murals shall not be used to advertise a particular business establishment or property and shall not include trademarks, company logos, or advertising

copy, except logos which are determined by the planning commission to have historical significance.

(B) Murals are not subject to the maximum sign area.

(C) As part of its review of a mural, the planning commission shall

(1) Establish appropriate requirements for the use of long-lasting paint, ultraviolet coating protection, and/or a medium preventative of vandalism, theft, and weather impact.

(2) Require provisions for alterations and maintenance, included a required minimum length of time for maintenance, otherwise the property owner is subject to the administrative citations and penalties provisions in Title 1, Chapter 5 of this Code.

(3) Establish insurance requirements.



CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission **Item No. SCH 5a**
FROM: Brianna Rindge, Community & Economic Development Director
MEETING DATE: July 10, 2023
SUBJECT: Discussion and Consideration of the Planning Commission Bylaws

RECOMMENDATION

Provide specific direction to staff to update the bylaws and return to Planning Commission with a draft resolution accordingly.

BACKGROUND

On February 9, 2004, the Planning Commission adopted Resolution No. 2004-02 to establish rules and procedures for the Lomita Planning Commission. At the June 12, 2023 Planning Commission meeting, the board requested staff to agendize a review of these existing bylaws. Staff is prepared to return with a resolution amending the bylaws in the manner agreed upon by the Planning Commission.

OPTIONS

1. Provide specific direction to staff to update the bylaws and return to Planning Commission with a draft resolution accordingly.
2. Maintain existing Resolution No. 2004-02.
3. Provide staff with further direction.

ATTACHMENTS

1. Planning Commission Bylaws (Resolution No. 2004-02)

Prepared by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

City of Lomita
Planning Commission
Rules and Procedures

RESOLUTION NO. 2004-02

RESOLUTIONS OF THE PLANNING COMMISSION OF THE CITY OF LOMITA
ESTABLISHING RULES AND PROCEDURES

The Planning Commission of the City of Lomita (hereinafter "Commission") resolves to adopt the following rules and procedures to govern the conduct of their meetings:

I. RECEIPT OF RULES AND PROCEDURES

Upon appointment, each member of the Commission shall receive a copy of these rules and procedures.

II. MEETINGS

A. Regular Meetings

Regular meetings of the Commission shall be held on the second Monday evenings of each month at 7:00 p.m. in the City Hall Council Chambers.

B. Adjourned and Special Meetings

Adjourned meetings of the Commission may be held on the fourth and fifth Mondays of the month. Special meetings may be called in the manner prescribed in the Brown Act.

C. Brown Act

All meetings of the Commission shall be governed by the Ralph M. Brown Act.

III. QUORUM/VOTING REQUIREMENTS

A. A quorum of the Commission shall be four members. A quorum shall be present in order for the Commission to conduct business. A member disqualified from participation in an item of business due to a financial conflict of interest under the Political Reform Act of 1974, as amended, shall not be counted towards the quorum during consideration of that item.

B. An affirmative vote of a majority of the members present and eligible to vote shall be required to adopt resolutions including, but not limited to:

Approval or denial of a:

1. Conditional Use Permit

2. Variance
3. Height Variation Permit
4. Site Plan Review
5. Appeals of Lot Mergers and Lot Line Adjustments
6. Adoption of Mitigated Negative Declarations and Negative Declarations (which may be included in resolutions approving other development permits)
7. Certification of EIRs

C. Recommendation for approval or denial of:

1. Tentative Map
2. Adoption or amendment of a General Plan
3. Adoption or amendment of a Specific Plan
4. Zone Change
5. Development Agreement
6. Adoption of a resolution of intention for an Annexation or Zone change

D. No Proxy

Absent members may not vote by proxy on any item before the Commission at any meeting.

E. Failure of Item

Where the Commission has the power to approve or deny an action and an item fails to receive the number of votes required by subsection IIIB above, this failure shall constitute denial of the item under consideration. Where the Commission has authority to recommend to the Council, a deadlock shall be considered no recommendation.

IV. ORGANIZATION OF COMMISSION AGENDAS

A. Public Comments

1. The agenda of each meeting of the Commission shall include an item entitled "Public Comments."
2. When the Public Comments item is called during a regular or adjourned regular meeting, members of the public may address the Commission on matters that are within the subject matter jurisdiction of the Commission and that do not appear on the agenda or that appear on the consent agenda.
3. When the Public Comments item is called during a special meeting, members of the public may address the Commission on matters that do not appear on the agenda as public hearings and that have been described in the notice for the special meeting.

Each member of the public speaking on the Public Comments item shall be limited to three (3) minutes, unless additional time is granted by the chair.

B. Approval of Minutes

Minutes of previous meetings shall be approved at a subsequent Commission meeting. Members who were not present at a meeting for which minutes are being considered may choose, at their own discretion, to participate or abstain from the approval of those minutes.

C. Consent Agenda

1. The consent portion of the agenda shall include minor or routine items, whether they be requests for resolutions of intention, or other matters.
2. When the consent portion of the agenda is called, the chair shall ask the members if they have questions or if there is a need for discussion. Staff may respond to minor questions from members concerning items on the consent agenda. If there is a need for substantial questions from or discussion by members, items may be removed from the consent agenda and considered as the first new public hearings.
3. The Commission may act on the consent agenda by one motion and second and a standard vote.

D. Disruptive Public Speakers

No member of the public who addresses the Commission shall engage in conduct that disrupts, disturbs or impedes the orderly conduct of the meeting. Such conduct may include making loud, threatening, abusive, personal, impertinent or profane remarks. Any person who engages in such conduct may, at the discretion of the chair or a majority of the members present and eligible to vote, be ordered to be silent and be barred from further communication with the Commission during that meeting.

E. No Action

The Commission shall not take action on any item not appearing on the agenda unless the action is authorized by the Ralph M. Brown Act.

V. CONDUCT OF PUBLIC HEARINGS

A. Order of Presentation

Unless otherwise directed by the chair, the order of presentation of evidence or testimony, oral and written, on any public hearing item shall be as follows:

1. Chair opens the public hearing.

2. Staff makes a brief presentation, including a summary of the item, an analysis of the issues and a recommendation.
3. Members question staff and raise any new issues.
4. Applicant makes a presentation, if he/she chooses.
5. Members question applicant.
6. Chair invites public testimony on the item.
7. Applicant rebuts public testimony.
8. Chair closes hearing to public testimony.
9. Summation by staff, upon request by chair.
10. Members deliberate on the item.
11. Members vote on the item.

B. Oral Testimony

All oral testimony received at meetings of the Commission shall be directed to the chair. Unless otherwise granted by the chair and except for presentations by an applicant, a member of staff, a consultant to the City, or a representative from a public agency, all oral testimony from one person shall be limited to five minutes.

C. Debate and Questions

The chair shall not allow debate between members of the public holding different views on an item. Any person wishing to direct a question to another person shall submit such question to the chair, who may, at his or her discretion, ask the question. The chair may prohibit a member of the public from speaking on an issue more than once at any hearing.

D. Rules of Evidence

Public hearings held by Commission shall not be conducted according to the rules of evidence contained in the California Evidence Code. The following rules of evidence shall apply:

1. The Commission may consider any evidence which is the sort of evidence which responsible persons are accustomed to rely upon in the conduct of serious affairs.
2. All evidence shall be directly related to the item under consideration.
3. Persons testifying before the Commission shall be encouraged to submit their testimony and comments in writing for the record.

VI. COMMUNICATIONS AND REPORTS TO THE COMMISSION

A. Information Provided by Staff

1. Staff reports and other information related to a meeting shall be provided to the Commission on the Wednesday preceding any Monday meeting.
2. Ordinarily, if written information from staff cannot be distributed to the Commission at that time, staff shall recommend that the Commission continue that item for an appropriate time and shall inform the applicant of the recommendation prior to the meeting. In unusual circumstances, staff may provide supplemental information closer to the time of or at a meeting and the item need not be continued.
3. As provided in section 54957.5 of the Government Code, agendas, staff reports and other writings distributed to all, or a majority, of the members in connection with a matter subject to discussion or consideration at a Commission meeting shall be made available for public inspection without delay, unless such writings are exempt from public disclosure.

B. Written Communications from the Public

The Commission encourages the public to prepare and send letters and other correspondence that may assist the Commission in its deliberations on an item. The correspondent shall provide 12 copies of all written material for members, the recording secretary, staff, file, and the public.

The Commission shall refer to staff all correspondence regarding a subject or matter not appearing on the agenda.

VII. ELECTION AND DUTIES OF OFFICERS

A. Election of Officers

The first regular meeting of the Commission held in every calendar year, the members of the Commission shall elect one of their number as chair and another as vice-chair, to serve for one year and until their successors are appointed, unless they are earlier removed from such positions by majority vote of the regular members of the Commission.

B. Duties and Responsibilities of Officers

The chair shall:

1. Preside at all meetings and conduct the meetings as specified herein.
2. Re-order the agenda as necessary.

3. Represent the Commission at meetings of the City Council, other public agencies and civic events. However, the chair shall not express the position or opinion of the Commission at such meetings or events without obtaining the consent of a majority of the members.
4. Sign resolutions adopted by the Commission and verify the accuracy of the contents.
5. Call special meetings.

In the absence of the chair, the vice-chair shall perform the duties of the chair.

In the absence of both the chair and vice-chair, the immediate past chair shall preside at the meeting.

VIII. RESTRICTION ON REPRESENTATION

No member shall purport to represent or speak on behalf of the Commission except as specified in subsection VII(B)(3) or with the approval of a majority of the members.

IX. RECORD OF MEETINGS

A. The following shall be completed as official record of the meetings:

1. A minutes record of all proceedings before the Commission shall be preserved by staff.
2. Minutes shall be prepared in the form and format prescribed by the City Council for citizen advisory committees.
3. All reports and written correspondence directed to the Commission shall be made a part of the permanent record of the Commission.
4. All motions considered by the Commission shall be recorded whether they pass or fail.
5. Members wishing to have specific comments regarding an item reflected in the minutes and preserved for the record shall state, prior to making the comment, that the comment is "for the record."
6. Draft minutes of meetings shall be presented to the Commission for correction and approval as soon as practical.

X. SUBCOMMITTEES

With the approval of a majority of the regular members, the chair may appoint members to subcommittees for the purpose of making recommendations to the full Commission on policy matters or such other matters as may be deemed appropriate.

XI. PARLIAMENTARY PROCEDURE

In conducting meetings, the chair shall be guided by, but is not required to strictly adhere to, Robert's Rules of Order, Newly Revised.

XII. SEATING ARRANGEMENT

The seating arrangement for the Commission shall be as follows:

The chair shall be seated in the middle of the dais. The vice-chair shall sit immediately to the chair's left.

XIII. RESIGNATION

Any member desiring to resign from the Commission shall submit a written resignation to the City Council and the City Clerk's Office.

XIV. AMENDMENT OF RULES AND PROCEDURES

These rules and procedures may be amended at any regular meeting of the Commission by a majority of the members, provided that the amendment has been submitted in writing to the members at a preceding meeting.

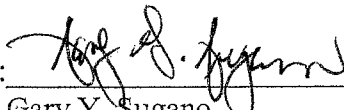
PASSED AND ADOPTED by the Planning Commission of the City of Lomita on this 9th day of February, 2004, by the following vote:

AYES: Commissioners: Colbary, Campbell, Savidan, Kaneen, Servino, Waite, and
Chair Scully

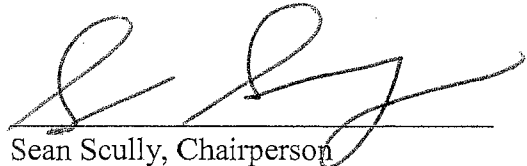
NOES: Commissioners: None

ABSENT: Commissioners: None

ATTEST:



Gary Y. Sugano
Community Development Director



Sean Scully, Chairperson