

ORDINANCE NO. 867U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, APPROVING AMENDING SECTIONS 11-1.15, 11-1.30.01, 11-1.30.02, 11-1.30.03, 11-1.30.04 AND 11-1.30.05 OF CHAPTER 1 (ZONING) OF TITLE XI (PLANNING AND ZONING) OF THE LOMITA MUNICIPAL CODE, FINDING THE ACTION TO BE CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND DECLARING THE URGENCY THEREOF

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

Section 1. Recitals.

- A. Lomita Municipal Code (LMC) Chapter 1 (Zoning) of Title XI (Planning and Zoning) establishes allowable uses, definitions, and development standards of properties within all zoning districts in the City.
- B. The City initiated Zoning Text Amendment (ZTA) No. 2024-05 in accordance with LMC Section 11-1.70.05 to implement the 2021-2029 Housing Element and General Plan Amendment No. 2024-02 by amending LMC Chapter 1 to provide additional housing development opportunities in the City. ZTA No. 2024-07 is a follow up to ZTA No. 2024-05 in that it cleans up several of the newly adopted zoning code and related sections.
- C. The City initiated ZTA No. 2024-06 to update to the Lomita Municipal Code regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to comply with recent changes in state law. ZTA No. 2024-06 also reorganized the placement of definitions related to the regulation of ADUS and JADUs in the City.
- D. On November 12, 2024, the Planning Commission held a duly noticed public hearing on ZTA No. 2024-07, where public testimony was accepted on the item. By a vote of 6 to 0, the Planning Commission voted to recommend the City Council approval of ZTA No. 2024-07.

Section 2. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

Section 3. CEQA. Adoption of the Ordinance does not constitute a “project” under the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080(a) and State CEQA Guidelines section 15378 since adoption of the Ordinance does not have the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

Moreover, pursuant to State CEQA Guidelines section 15061(b)(3), the adoption of this Ordinance is exempt from CEQA because there is no possibility that it may have a significant effect on the environment.

Section 4. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

Section 5. Code Amendment. Section 11-1.15, 11-1.30.01, 11-1.30.02, 11-1.30.03, 11-1.30.04 and 11-1.30.05 of Chapter 1 (Zoning) of Title XI (Planning and Zoning) of the Lomita Municipal Code is hereby amended to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference.

Section 6. Effective Date. This urgency ordinance shall be effective upon adoption and shall become operative as of December 18, 2024, and shall apply to all projects submitted for plan check and/or permit application on or after that date.

Section 7. Publication. The City Clerk is directed to certify the adoption of this Ordinance and post or publish this Ordinance as required by law.

Section 8. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 24300 Narbonne Avenue, Lomita, CA 90717.

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

Section 10. Urgency Findings. The modifications to the Planning and Zoning Code contain vital provisions regarding definitions related to accessory dwelling units (ADUs), and residential development standards such as floor area ratio, lot coverage and add clarity regarding standards applicable to principal structures versus accessory structures. Ordinance Nos. 865U and 866 repealed and replaced the existing ADU standards and combined all ADU standards and definitions into one section. However, definitions in the general provisions continue to have outdated ADU definitions. Other residential zone standards continue to provide unnecessary ADU notes and footnotes. The proposed code updates are necessary to eliminate internally conflicting definitions, correct inadvertent omissions related to floor area ratio and lot coverage and add clarity to residential development standards. For these reasons, the public health, safety and welfare require that this ordinance take effect immediately. Based on the findings in this Section, the City Council finds that this Ordinance is an urgency ordinance adopted pursuant to Government Code Section 36937, subdivision (b).

PASSED, APPROVED AND ADOPTED by the City Council of the City of Lomita, California, at a regular meeting of the City Council held on the 17th day of December, 2024 by the following vote:

Mayor

ATTEST:

Kathleen Horn Gregory, MMC, City Clerk

APPROVED AS TO FORM:

Trevor Rusin, City Attorney

EXHIBIT A

Amended Residential Development Standards

Definitions in Lomita Municipal Code Section 11-1.15 for the following terms and phrases are hereby deleted: "Accessory dwelling unit", "dwelling, accessory", "dwelling, junior" and "junior accessory dwelling unit", "kitchen, efficiency" and "living area".

Definitions, uses and standards of the Lomita Municipal Code, Title XI (Planning and Zoning), Chapter 1 (Zoning), are hereby amended in their entirety to read as follows:

Sec. 11-1.15.01(A). -

Accessory structure means a detached structure on the same lot or parcel of land as a principal structure and the use is incidental to the principal structure such as garage, carport, gazebo, cabanas, art studio, personal home gym, storage shed, trellis/lattice patio, swimming pool, spa, and other similar non-habitable structures. An accessory structure does not include a principal structure, residential dwelling unit, accessory dwelling unit and junior accessory dwelling unit.

Sec. 11-1.15.02(B). -

Basement shall mean that portion of a building between floor and ceiling, which is entirely below grade or partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to the ceiling at any one point of the exterior walls, except for subterranean garages and building code requirement for egress which may allow an opening for vehicles and/or pedestrian access not to exceed 25 percent of the basement's perimeter walls. Even with daylighting openings, the entire basement may not exceed the average of more than 50 percent above grade. False ceilings are not counted for the distance between grade and the ceiling.

Building height shall be defined as the vertical distance as measured from the average level of the natural grade of that portion of the site covered by the building(s) to the highest point of the structure. For existing structures, height shall be measured from the existing improved grade adjacent to the structure to the highest point of the structure. In residential zones south of Pacific Coast Highway, any construction above sixteen (16) feet, as measured in the manner prescribed above, shall require a height variation permit.

Sec. 11-1.15.03(C). -

Carport shall mean any freestanding structure, tent, or canopy designed to serve as a shelter for a vehicle, and having less than four (4) sides.

Cellar shall mean same as a basement, except that the space is not conditioned for habitation.

Sec. 11-1.15.04(D). -

Driveway shall mean a vehicular access to an off-street parking space, parking lot or parking structure-being public or private, or, where required, to provide fire department access and turnaround.

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

Sec. 11-1.15.06(F). -

In calculating the floor area ratio (F.A.R.), the measurements from outside wall to outside wall, using gross square footage shall be used. The gross square footage includes the area of all floors of the main structure and all of the accessory structures, but excludes basements, decks, balconies, trellis/lattice patio and covered porches and patios enclosed on not more than two (2) sides.

Sec. 11-1.15.07(G). -

Garage shall mean an accessory building with a roof, not less than three (3) enclosed sides and an openable garage door on the fourth side.

Sec. 11-1.15.08(H). -

Height: See "Building height."

Height variation permit: Procedure whereby the-community and economic development director or planning commission may grant permission to construct a new building, addition or alteration to an existing building above sixteen (16) feet and not to exceed twenty-seven (27) feet in height in residential zones south of Pacific Coast Highway.

Sec. 11-1.15.12(L). -

Lot coverage shall mean the horizontal area measured within the outside of the exterior walls of all buildings and accessory structures on a lot including garages, carports, and covered porches. Lot coverage does not include swimming pools, spas, equipment, trellis/lattice patios, hardscape and ground-level decks or patio slabs.

Lot line, front, shall mean a line separating an interior lot from a street or highway, or a line separating the narrower street frontage of a corner lot from the street or highway. In the case of a flag lot, the front lot line is the property line most parallel to the street or highway other than the flag staff.

Lot, through, shall mean an interior lot having a frontage on two (2) streets and/or highways.

Lot width shall mean the horizontal distance between the side lot lines measured at right angles to the lot depth line or the average of the lot width where the lot width across the front and rear lot lines are different at any point thereto, excluding the flag staff for flag lots.

Sec. 11-1.15.14(N). -

Nonconforming structure shall mean any structure or improvement of land or property that was lawfully established in compliance with all applicable ordinances and laws at the time of approval, but which, due to the application of the chapter or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zone in which the structure or improvement is located.

Nonconforming use shall mean any use of land or property that was lawfully established and in compliance with all applicable ordinances and laws at the time the use was established, but which, due to any amendment thereto, the use is no longer permitted or is subject to a conditional use permit or minor conditional use permit based on the zone in which the use is located.

Sec. 11-1.15.16(P). -

Principal structure means the same as “dwelling, primary”.

Sec. 11-1.30.01. - Uses.

Table 11-1.30.A: Permitted uses in residential zones

Land Use	Zoning District				Supplemental Requirements
	A-1	R-1	R-2	R-3	
Accessory dwelling unit ^{3,4}	P	P	P	P	Section 11-1.30.06
Accessory structures ⁴	P	P	P	P	Section 11-1.30.05
Childcare facilities not in a residence	--	--	C	C	
Civic and public buildings	C	C	P	P	
Condominium conversions	C	C	C	C	Section 11-2.370
Employee housing for six (6) or fewer employees	As defined and permitted in the California Health and Safety Code Sections 17021.5 and 17021.6 and the Employee Housing Act				
Farm pets ⁴	P	--	--	--	Section 11-1.30.08
Hens (female chickens) ⁴	P	P	--	--	Section 11-1.30.08
Home occupations ⁴	P	P	P	P	Section 11-1.30.11
Hospitals	--	--	C	C	
Junior accessory dwelling unit ^{3,4}	P	P	P	P	Section 11-1.30.06
Large family day care up to fourteen (14) persons	P	P	P	P	Section 11-1.30.10 as defined in California Code of Regulations Section 102416.5

Land Use	Zoning District				Supplemental Requirements
	A-1	R-1	R-2	R-3	
Manufactured homes	P	P	P	P	Section 11-1.30.09
Multifamily housing ¹	--	--	P	P	Section 11-1.70.07
Nursery stock	C	--	--	--	
Organizational house (convent, etc.)	--	--	C	C	
Parking lots adjoining or located directly across the street from a commercial use	C	C	C	C	
Parking pads in front yard	S	S	S	S	See "Off-street parking, storage and loading"
Planned residential development	P	P	P	P	Section 11-1.70.07 Section 11-1.30.17
Private tennis clubs	C	--	--	--	
Public parks	P	P	P	P	
Public utilities	C	C	C	C	
Religious facilities and assembly halls	C	C	C	C	See "Special development standards"
Rooming house	--	--	P	P	
Schools ²	C	C	C	C	Unless otherwise exempted by the school district, schools with a total capacity of more than fifty (50) students (as determined by the Building and Safety Division) shall be subject to the development standards in Section 11-1.68.04
Senior housing	--	--	P	P	Section 11-1.30.14
Single-family residence	P	P	P	P	
Small family day care	P	P	P	P	Section 11-1.30.10 as defined in California Code of Regulations Section 102416.5
State-licensed community care facilities with six (6) or fewer persons	P	P	P	P	As defined in California Health and Safety Code Section 1502, and 1596.750 et seq.
State-licensed community care facilities with seven (7) or more residents in addition to the caregiver	C	C	C	C	As defined in California Health and Safety Code Sections 1502 and 1596.750 and regulated by Lomita Municipal Code Section 11-1.30.10
Supportive housing	P	P	P ¹	P ¹	As defined in California Health and Safety Code Section 50675.14(b)(2)
Transitional housing	P	P	P	P	As defined in California Health and Safety Code Section 50801
Two-unit residential development	P	P	--	--	Section 11-1.30.16
Urban lot split	P	P	P	P	Section 11-1.30.15
Wireless communication facilities	WCFP	WCFP	WCFP	WCFP	See "Wireless communications facilities"

Land Use	Zoning District				Supplemental Requirements
	A-1	R-1	R-2	R-3	
-- – Not Permitted P – Permitted Use S – Site Plan Review Required C – Conditional Use Permit Required WCFP – Wireless Communication Facility Permit					

Notes:

1. New buildings and additions requiring additional parking must receive site plan review approval pursuant to this title.
2. Nonprofit organizations which existed prior to 1979 may apply for a conditional use permit provided that the school is located on the same site as the organization.
3. ADUs and JADUs are either subject to a building permit only or ADU.
4. These uses are only permitted with a primary use as determined by the director of community and economic development.

Sec. 11-1.30.03. - Development standards.

Table 11-1.30.B: Residential zone development standards

Development Standard	Zoning District				PRD
	A-1	R-1	R-2	R-3	
Density, Maximum	10.89 dwelling units per acre	10.89 dwelling units per acre	19.79 dwelling units per acre	43.6 dwelling units per acre	3,7,9
Lot Area, Minimum ⁸	5,000 square feet	5,000 square feet	5,000 square feet	5,000 square feet	Varies
Lot Width, Minimum ^{2,8}	50'	50'	50'	50'	Varies
Maximum floor area ratio	.60	.60	N/A	N/A	N/A
Lot coverage	N/A	N/A	.80	.80	N/A
Maximum combined area of accessory structures ¹³	750 square feet	750 square feet	750 square feet	750 square feet	N/A
<i>Maximum Height</i>					
Principal structure ^{5,8}	27'	27'	27'	35'	27'
Accessory structures ⁶	16'	16'	16'	16'	N/A
<i>Minimum Building Setbacks for Principal Structures</i>					
Front Yard ¹	20'-0"	20'-0"	20'-0"	20'-0"	20'-0"

Development Standard	Zoning District				PRD
	A-1	R-1	R-2	R-3	
Corner lot – Secondary front ^{1,10}	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
Side Yard ^{1,4}	5'-0"	5'-0"	5'-0"	5'-0"	5'-0"
Rear yard setback ^{1,11}	20'-0"	20'-0"	20'-0"	20'-0"	15'-0"
<i>Minimum Building Setbacks for Accessory Structures</i>					
Front Yard ¹	20'-0"	20'-0"	20'-0"	20'-0"	20'-0"
Corner Lot – Secondary front ^{1,10}	10'-0"	10'-0"	10'-0"	10'-0"	10'-0"
Rear and side yard setbacks ¹¹	3'-0"	3'-0"	3'-0"	3'-0"	3'-0"

Notes:

1. Modifications to yard setbacks subject to the provisions for "Modifications" (Section 11-1.70.08) and "Site plan review" (Section 11-1.70.07).
2. Fifty (50) feet of frontage must be on a dedicated public or private street, except for urban lot splits (Section 11-1.30.15). A lot fronting a turnaround portion of a cul-de-sac may be forty (40) feet wide. Modification subject to development standards and requirements applicable to Section 11-1.30.17 for planned residential development.
3. Density subject to the General Plan land use designation of the subject property as outlined below. Note that the General Plan ranges are not code required minimums, i.e., housing could be constructed at less than 10.9 du/ac in the R-2 zone (Residential – Medium Density).
 - a. Residential – Agricultural; 0 – 10.89 du/ac
 - b. Residential – Low Density; 5.8 – 10.89 du/ac
 - c. Residential – Medium Density; 10.9 – 19.79 du/ac
 - d. Residential – High Density; 19.8 – 43.6 du/ac
4. Setback equals ten (10) percent of the lot width, but not less than three (3) feet and need not exceed five (5) feet.
5. Residential properties located south of Pacific Coast Highway shall be limited to sixteen (16) feet, and no more than one-story, excluding basement, in height unless a height variation permit is granted (Section 11-1.70.11).
6. Accessory structures are limited to one story, except for ADUs and JADUs which are subject to the height limits in-Section 11-1.30.06.
7. Refer to Section 11-1.30.14 for additional requirements.
8. Refer to Section 11-1.30.15 for development standards applicable to urban lot splits; Section 11-1.30.16 for development standards applicable to two-unit residential development; and Section 11-1.30.17 for planned residential development.
9. Refer to Section 11-1.30.17 for development standards applicable to planned residential developments.
10. Garages shall be located a minimum of twenty (20) feet from secondary front property line.
11. Garages must maintain a 10-foot distance from an alley centerline.
12. Accessory structures are also subject to Section 11-1.30.05 (Accessory buildings and structures).
13. Swimming pools, spas, trellis/lattice patios and existing garages are not included in the maximum combined area of accessory structures.

Sec. 11-1.30.03. - General standards of development.

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

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

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

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

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

- D. Rain conductors, spouts, utility service risers, and shutoff valves may project a maximum distance of one-foot into any required yard setback.
- E. Utility equipment locations excluding solar equipment.
 - (1) All ground-mounted utility equipment shall be a minimum of two (2) feet from interior property lines, ten (10) feet from corner property lines and not located within the required front yard setback area. All ground-mounted utility equipment shall be effectively screened from public view.
 - (2) Utility and mechanical equipment that is visible from the public right-of-way or an adjacent property may not be located on the roof of a single-family residence.
 - (3) Modifications to the requirements in subsection (1) and (2) above may be made subject to the provisions for "Modifications" (Section 11-1.70.08) and "Site Plan Review" (Section 11-1.70.07).
- F. Pool and spa-equipment shall be a minimum of three (3) feet from interior property lines, ten (10) feet from the secondary front and not located within the front yard.
- G. Roof eaves may project a maximum of two and one-half (2.5) feet into a required yard provided it maintains a two and one-half (2.5)-foot setback from all property lines.

Sec. 11-1.30.05. – Accessory buildings and structures.

- A. This section does not apply to accessory dwelling units as described in Section 11-1.30.06 and two-unit housing developments described in Section 11-1.30.16.
- B. In addition to any other applicable development standards, accessory structures must meet the following requirements:
 - (1) No kitchen, bathrooms, permanent dividing wall, or drain pipes larger than two (2) inches shall be constructed in said structure, except for outdoor kitchens.
 - (2) Maximum combined area for accessory buildings and structures shall not occupy more than fifty (50) percent of the required rear yard, except for pools, spas, ground-mounted equipment, patio slabs and on-grade decks. Modifications to this requirement may be made subject to the provisions for "Modifications" (Section 11-1.70.08) and "Site Plan Review" (Section 11-1.70.07).