

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



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

Next Resolution No. PC 2020-09

AGENDA
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, AUGUST 10, 2020
6:00 PM
VARIOUS TELECONFERENCING LOCATIONS

SPECIAL NOTICE:

Pursuant to the Governor's Executive Order N-29-20, this meeting will be held via teleconference only and no physical location from which members of the public may observe the meeting and offer public comment will be provided.

Access to the meeting will be available via URL: uberconference.com/lomitacity or by phone at 424-208-2491.

In order to effectively accommodate public participation, participants are asked to provide their comments via e-mail before 5:00 p.m. on Monday, August 10, 2020, to L.Abbott@lomitacity.com. Please include the agenda item in the subject line. All comments submitted will be read into the record until the time limit of five minutes has been reached.

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

1. OPENING CEREMONIES

- a. Call Meeting to Order
- b. 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 come to the podium and give your name and address for the record. In order to conduct a timely meeting, a 5-minute time limit per person has been established. Government Code Section 54954.2 prohibits the Planning Commission from discussing or taking action on a specific item unless it appears on a posted agenda.

3. STAFF ITEMS – ANNOUNCEMENTS**4. CONSENT AGENDA**

All items under the Consent Agenda are considered by the Commission to be routine and will be enacted by one motion in the form listed below. There may be separate discussions of these items prior to the time the Commissioners vote on the motion. Specific items may be removed from the Consent Agenda at the request of any Commissioner or staff.

a) APPROVAL OF MINUTES: June 8, 2020

RECOMMENDED ACTION: Approve minutes.

PUBLIC HEARINGS

- 5. SITE PLAN REVIEW NO. 1206**, a request for a modification from Section 11-1.30.02 of the Lomita Municipal Code (LMC) to permit a six foot rear yard setback instead of the Code required 20 feet, located at 2045 262nd Street in the Single-Family Residential (R-1) Zone.

APPLICANT: Jure Sestich, 28731 S. Western Avenue #205, Rancho Palos Verdes, CA 90275

PRESENTED BY: James Dotson, Planning Intern

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

- 6. SITE PLAN REVIEW NO. 1207**, a request for a modification from Section 11-1.68.02 of the Lomita Municipal Code (LMC) to permit a six-foot high wrought-iron fence within the front yard instead of the 42 inches height maximum located at 1962 Lomita Blvd in the M-C, Light Manufacturing and Commercial Zone.

APPLICANT: Andrew Aparicio, 1962 Lomita Blvd, Lomita, CA 90717

PRESENTED BY: James Dotson, Planning Intern

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

- 7. ZONE VARIANCE NO. 244**, a request for a variance from Section 11-1.30.04 of the Lomita Municipal Code (LMC) to permit a 14-foot-by-20-foot patio cover to be attached to the single-family dwelling with a six-foot rear yard setback instead of the Code required 10 feet located at 2321 Robin Lane in the Single-Family Residential (R-1) Zone.

APPLICANT: Daniel Burns, 2321 Robin Lane, Lomita, CA 90717

PRESENTED BY: Laura MacMorran, Assistant Planner

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

WRITTEN COMMUNICATIONS**8. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS****OTHER MATTERS****9. STAFF ITEMS – ANNOUNCEMENTS**

10. PLANNING COMMISSIONER ITEMS**11. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS**

Tuesday, September 1, 2020, and Tuesday, September 15, 2020

12. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Monday, September 14, 2020, at 6:00 p.m.

Written materials distributed to the Planning Commissioners within 72 hours of the Planning Commission meeting are available for public inspection immediately upon distribution in the City Clerk's office at 24300 Narbonne Avenue, Lomita, CA 90717. In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this meeting, you should contact the office of the City Clerk, (310) 325-7110 (Voice) or the California Relay Service. Notification 48-hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted not less than 72 hours prior to the meeting at the following locations: Lomita City Hall lobby and outside bulletin board, Lomita Parks and Recreation, and uploaded to the City of Lomita website http://www.lomita.com/cityhall/city_agendas/.

Dated Posted: August 6, 2020



Linda E. Abbott, Deputy City Clerk

**MINUTES
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, JUNE 8, 2020
6:00 PM**

1. OPENING CEREMONIES

a. Chair Cammarata called the meeting to order at 6:05 p.m. via teleconference pursuant to Governor Newsom's Executive Orders N-25-20 and N-29-20 and COVID-19 pandemic protocols.

b. Roll Call

Responding to the roll call by Deputy City Clerk Abbott were Commissioners Dever, Santos, Steinbach, Waite, Vice-Chair Graf, and Chair Cammarata. Also present were Assistant City Attorney Lauren Langer, Assistant Planner Laura MacMorran, and Community and Economic Development Director Alicia Velasco.

PRESENT: COMMISSIONERS: Dever, Santos, Steinbach, Waite, Vice-Chair Graf, and Chair Cammarata

ABSENT: COMMISSIONERS: Thompson

2. ORAL COMMUNICATIONS

None.

3. CONSENT AGENDA

a) **APPROVAL OF MINUTES:** May 11, 2020

RECOMMENDED ACTION: Approve minutes.

Vice-Chair Graf made a motion, seconded by Commissioner Santos, to approve the minutes of the May 11, 2020, Planning Commission meeting.

MOTION CARRIED by the following vote:

AYES: COMMISSIONERS: Dever, Santos, Steinbach, Waite, Vice-Chair Graf, and Chair Cammarata

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Thompson

PUBLIC HEARING

4. MODIFICATION TO CONDITIONAL USE PERMIT NO. 294 AND VESTING TENTATIVE TRACT MAP NO. 74138, a request for a modification to Conditional Use Permit No. 294 and a new Tentative Tract Map for Phase 2 of a mixed-use project consisting of the development

of 16 residential units with a total of 39 parking spaces located at 24516 Narbonne Ave., in the D-C, Downtown Commercial Zone and to confirm that the project is exempt from CEQA requirements. Phase 1 of the project included 3,700 square feet of commercial space, five residential units and associated parking. The project also includes the sale of a portion of the public alley to the south of the property to be improved as a public pedestrian walkway, which will be considered by the City Council at a later date.

At 6:09 p.m., Chair Cammarata recused himself and left the teleconference.

Community and Economic Development Director Velasco presented the staff report as per the agenda material, and outlined two new Conditions of Approval:

- 1) (Condition 86) Pursuant to the review and approval of the Community and Economic Development Director and Public Works Director, a pedestrian and vehicular access easement shall be recorded across the portion of alley to be purchased and commercial portion of the property in favor of the public and those commercial properties to the south of the project site: and
- 2) (Condition 87) The Developer shall install pedestrian protective devices and/or barriers at both entrances to the paseo per the review and approval of the Community and Economic Development Director.

In response to questions from Commissioner Waite, Director Velasco stated that the residences above Burnin Daylight Brewery will be rentals, and that parking enforcement at the property is addressed in a 2015 Resolution.

Vice-Chair Graf asked if any Commissioners had disclosures to make; there were none.

Vice-Chair Graf opened the public hearing at 6:39 p.m.

Luigi Schiappa, the applicant, and Ricky De La Rosa, the architect, were available to respond to Commission questions.

In response to a question from Commissioner Waite regarding Unit D being two-story, Mr. De La Rosa stated that the design is that way to create a diminished massing at the corner and to relate to the two-story units across from the corner.

In response to a question from Commissioner Steinbach, Mr. Schiappa stated that he was amenable to all Conditions of Approval, including the two newly added ones.

There being no other requests to speak, Vice-Chair Graf closed the public hearing at 6:42 p.m.

Commissioner Waite stated that it should be noted that the reason a smaller portion of commercial property is allowed on this project is that there is already a good amount of it facing Narbonne and placing businesses on the interior would not make sense.

Vice-Chair Graf expressed concerns regarding people sleeping on the benches on the property, and privacy to residents of the building due to the proximity of the parking lot to the building. Director Velasco stated that the property will be well-lighted and additional landscaping could be used as a buffer.

Vice-Chair Graf re-opened the public hearing at 6:53 p.m.

Mr. De La Rosa stated that fencing is to be semi-transparent but bushes could be planted to mitigate the headlight pollution, and that there is no livable space on the ground floor so there is no direct pedestrian view.

Chair Graf closed the public hearing at 6:56 p.m.

Commissioner Steinbach made a motion, seconded by Commissioner Santos, to adopt a resolution recommending City Council approval (with the two new Conditions of Approval listed below) subject to findings and conditions and confirm that the project is exempt from CEQA requirements:

- 1) (Condition 86) Pursuant to the review and approval of the Community and Economic Development Director and Public Works Director, a pedestrian and vehicular access easement shall be recorded across the portion of alley to be purchased and commercial portion of the property in favor of the public and those commercial properties to the south of the project site; and
- 2) (Condition 87) The Developer shall install pedestrian protective devices and/or barriers at both entrances to the paseo per the review and approval of the Community and Economic Development Director.

MOTION CARRIED by the following vote:

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

WRITTEN COMMUNICATIONS

5. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

Director Velasco stated that a Special City Council Meeting was held at 9:00 a.m., Friday, May 22, 2020, to extend the City's emergency measures and all related actions until June 30, 2020. In addition, the Zone Text Amendment Ordinance regarding commercial fencing types will be heard at the next City Council meeting, June 16, 2020.

OTHER MATTERS

6. STAFF ITEMS – ANNOUNCEMENTS

None.

7. PLANNING COMMISSIONER ITEMS

In response to a question from Commissioner Steinbach, Director Velasco expressed hope that the July Planning Commission meeting could take place in Council Chambers with participants observing social distancing and other protective measures. She added that City staff is making preparations to open City Hall to the public.

Chair Cammarata returned to the meeting at 7:04 p.m.

In response to a question from Chair Cammarata, Director Velasco stated that staff will check out weeds at the entrance to the Picerne Project on Lomita and Crenshaw Boulevards, and graffiti on the temporary fencing at the project on the corner of Pacific Coast Highway and Cypress Street.

8. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Vice-Chair Graf will attend the City Council meeting on Tuesday, July 7, 2020. Commissioner Santos will attend the Tuesday, July 21, 2020, meeting.

9. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned by Chair Cammarata at 7:07 p.m.

Attest:

Linda E. Abbott, Deputy City Clerk



CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission August 10, 2020

FROM: James Dotson, Planning Intern

SUBJECT: Site Plan Review No. 1206
2045 262nd Street in the R-1, Single Family Residential Zone

APPLICANT'S REQUEST

A request for a modification from Section 11-1.30.02 of the Lomita Municipal Code (LMC) to permit a six foot rear yard setback instead of the Code required 20 feet, located at 2045 262nd Street in the Single Family Residential (R-1) Zone. Filed by Jure Sestich, 28731 S. Western Avenue #205, Ranchos Palos Verdes, CA 90275 (Applicant).

RECOMMENDATION

Staff recommends the Planning Commission adopt a resolution approving Site Plan Review No. 1206 subject to findings and conditions as stated in the attached resolution and confirm the categorical exemption.

ANALYSIS

Existing Conditions/ Project Description

The subject property (APN 7553-009-070) is a flag lot originally subdivided from the abutting property at 2047 262nd Street (APN 7553-009-069) in 1976 through Parcel Map #5931. The existing two-story home was constructed in 1976 and possesses 3,260 square feet consisting of four bedrooms and four bathrooms with a detached oversized garage. The existing residence provides a rear yard setback of six feet instead of the required 20 feet which is legally non-conforming.

The applicant is proposing a 51 square foot addition tucked underneath the existing second story on the northern side (rear) of the principal structure. The addition will create a first-floor windowless kitchen pantry by enclosing the existing outdoor stairs and landing. The project will follow the plane of the existing single family dwelling, not changing the existing setback of six feet.

Environmental Determination

This proposed project is categorically exempt pursuant to Section 15301(e) (Existing Facilities) of Title 14 the California Environmental Quality Act (CEQA) guidelines. Projects involving

additions that are less than 50 percent of the existing floor area are exempt from CEQA. The existing floor area is 3,260 square feet. The 51 square foot addition is less than 2% of the existing floor area, and therefore the project qualifies for the exemption. The Notice of Exemption is attached to this report.

General Plan Designation

The General Plan designation for the subject property is Low-Density Residential, which is consistent with the R-1 zoning designation. The residential land use designation “applies to areas of the City which are developed with single family residential uses.”

Adjacent Zoning and Land Uses

Direction	Zone/Land Use
North	R-1 (Single-family residential) Land use: Single-family residence
South	R-1 (Single-family residential) Land use: Single-family residence
West	R-1 (Single-family residential) Land use: Single-family residence
East	R-1 (Single-family residential) Land use: Single-family residence

Development Standards Summary

The project has been reviewed with the applicable City Code requirements as follows:

Development Standard	Project	Allowed/Required	Compliance
Zoning	R-1	R-1	Yes
Lot Size	10,844 square feet	5,000 square feet min.	Yes
Lot Width	36.6 feet	50 feet	No*
Yards:			
Front -	-	20 feet min.	Yes
Side (E) -	27'-11"	5 feet min.	Yes
Side (W) -	-	5 feet min.	Yes
Rear -	6'-0"	20 feet min.	No**
Off-Street Parking	Two-car garage	Two-car garage	Yes
Floor Area Ratio (FAR.)	0.31	0.60 max.	Yes
Building Height	1 stories/ 8'-11"	2 stories/27 feet max.	Yes

*Legally Non-Conforming

**Existing Legal Non-conforming and Setback Modification Requested for the Addition

Site Plan Review

Modifications to yard setbacks are subject to review and approval by the Planning Commission under Section 11-1.30.02, pursuant to the provisions of Section 11-1.70.07, "Site Plan Review" and Section 11-1.70.08, "Modifications." After reviewing the proposed development in accordance with Article 70, staff has determined that the proposed project is consistent with the following required findings:

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

As set forth in the staff report and with Planning Commission review of the six-foot rear yard setback, as required under Section 11-1.70.07 of the LMC, the project complies with all of the development standards in Title 11.

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

The site contains a single-family dwelling with an oversized garage. With the addition, the floor area ratio will increase from exactly 30.06% to 30.53%. The addition proposes to enclose a 51-square-foot opening below the second story and will match the existing six-foot rear yard setback. The space will be used for a kitchen pantry and will have a solid wall facing the neighbor's rear yard. No noise will result from its use. There is no foreseeable way in which the proposed storage space will adversely affect public health, create traffic congestion, or impact the neighboring property; therefore, the site is suitable for the particular project. Finally, the proposed addition does not create any new units and therefore it is consistent with all the elements of the General Plan.

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

The design of the project is suitable and functional. The 4-foot wide by 12-foot 10-inch long addition will convert the existing rear steps and walkway into enclosed storage space for kitchen items. The addition will follow the first floor's horizontal plane and the second-story's vertical plane, and will have the same six-foot rear yard setback as the rest of the structure. The exterior of the addition will be finished with stucco to match the existing residence.

4. *Topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements or setback line.*

Due to the property's flag-lot configuration, the location of the existing structure and the existing home's floor plan, it is obviously impractical and impossible to have any type of addition to the kitchen that doesn't infringe upon the required setback, creating an

unnecessary hardship. Additionally, it would be an unreasonable regulation to prevent a six foot rear yard setback for a windowless addition on the ground floor, when the second story of the house has an existing six foot setback in the same location.

Public Notice

Notices of this hearing dated July 29, 2020 were mailed to property owners within a 300-foot radius from the subject property, posted at City Hall, and at Lomita Park.

Recommended by:

Prepared by:



Alicia Velasco
Community and Economic Development Director

James Dotson
Planning Intern

Exhibits:

- a) Resolution
- b) Vicinity Map
- c) Zoning Map
- d) General Plan Map
- e) Aerial Photograph
- f) Notice of Exemption
- g) Site Plan, Floor Plan, Elevations

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING SITE PLAN REVIEW NO. 1206 A REQUEST FOR A MODIFICATION FROM SECTION 11-1.30.02 OF THE LOMITA MUNICIPAL CODE (LMC) TO PERMIT A SIX FOOT REAR YARD SETBACK INSTEAD OF THE CODE REQUIRED 20 FEET, LOCATED AT 2045 262ND STREET IN THE SINGLE FAMILY RESIDENTIAL (R-1) ZONE. FILED BY JURE SESTICH, 28731 S. WESTERN AVENUE #205, RANCHOS PALOS VERDES, CA 90275 (APPLICANT).

Section 1. Recitals

- A. The Planning Commission of the City of Lomita has considered an application for a modification from section 11-1.30.02 of the Zoning Code to permit a six foot rear yard setback instead of the Code required 20 feet, located at 2045 262nd Street in the Single-Family Residential (R-1) Zone.
- B. Under Section 11-1.30-02 of the LMC, modifications to setbacks are subject to review and approval by the Planning Commission, pursuant to the provisions of Section 11-1.70.07, "Site Plan Review" and Section 11-1.70.08, "Modifications".
- C. Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines, the project is exempt from the preparation of documents imposed by the California Environmental Quality Act due to the proposed 51 square foot addition being less than a 50 percent increase of the existing floor area of the building.
- D. On August 10, 2020, the Planning Commission held a duly noticed public hearing and accepted public testimony.

Section 2. Pursuant to Sections 11-1.70.07 (Site Plan Review) and 11-1.70.08 (Modifications) of the Lomita Municipal Code, the Planning Commission of the City of Lomita finds, after due study and deliberation that the following circumstances exist:

1. The Site Plan complies with all applicable provisions of this Title;

As set forth in the staff report and with Planning Commission review of the six-foot rear yard setback, as required under Section 11-1.70.07 of the LMC, the project complies with all of the development standards in Title 11.

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

The site contains a single-family dwelling with an oversized garage. With the addition, the floor area ratio will increase from exactly 30.06% to 30.53%. The addition proposes to enclose a 51-square-foot opening below the second story and will match the existing six-foot rear yard setback. The space will be used for a kitchen pantry and will have a solid wall facing the neighbor's rear

yard. No noise will result from its use. There is no foreseeable way in which the proposed storage space will adversely affect public health, create traffic congestion, or impact the neighboring property; therefore, the site is suitable for the particular project. Finally, the proposed addition does not create any new units and therefore it is consistent with all the elements of the General Plan.

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

The design of the project is suitable and functional. The 4-foot wide by 12-foot 10-inch long addition will convert the existing rear steps and walkway into enclosed storage space for kitchen items. The addition will follow the first floor's horizontal plane and the second-story's vertical plane, and will have the same six-foot rear yard setback as the rest of the structure. The exterior of the addition will be finished with stucco to match the existing residence.

4. *Topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements or setback line.*

Due to the property's flag-lot configuration, the location of the existing structure and the existing home's floor plan, it is obviously impractical and impossible to have any type of addition to the kitchen that doesn't infringe upon the required setback, creating an unnecessary hardship. Additionally, it would be an unreasonable regulation to prevent a six foot rear yard setback for a windowless addition on the ground floor, when the second story of the house has an existing six foot setback in the same location.

Section 3. The Planning Commission of the City of Lomita hereby approves Site Plan Review No. 1206 subject to the attached conditions.

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another.
2. This permit is granted for the plans received on July 5th 2020, ("the plans") on file with the Planning Division. 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 Development Director or a modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structure.
3. Approval of this permit shall expire 24 months from the date of approval by the Planning Commission, unless significant construction or improvements of the use authorized hereby have commenced. One or more extensions of time for use inauguration may be requested. No extension shall be considered unless requested at least 30 days prior to the expiration date.
4. By commencing any activity related to the project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein.

5. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Applicant's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof.
6. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit.
7. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. The applicant shall have been provided written notice to cease such violations and have failed to comply for a period of thirty days.
8. Prior to issuance of building permits, Applicant shall sign a letter agreeing to the conditions of approval within this resolution.

PLANNING STANDARD CONDITIONS

9. The final building plans submitted by the Applicant with the building permit application shall depict all building materials and colors to be used in construction.
10. Before the City issues building permits, Applicant shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project.
11. Applicant shall provide for dust control at all times during project property preparation and construction activities.
12. 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.
13. It is further declared and made a condition of this permit that if any condition of this permit is violated, or if any law, statute or ordinance is violated, the permit shall be suspended and the privileges granted hereunder shall lapse.
14. That the Planning Commission may review this approval upon notice of violation by the Code Enforcement Officer.
15. That, in the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit.
16. That final inspection shall not be granted until all conditions of approval have been met and verified by staff.
17. This approval is to permit a six foot rear yard setback instead of the Code required 20 feet for a

first story 51 square foot addition.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 10th day of August, 2020 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

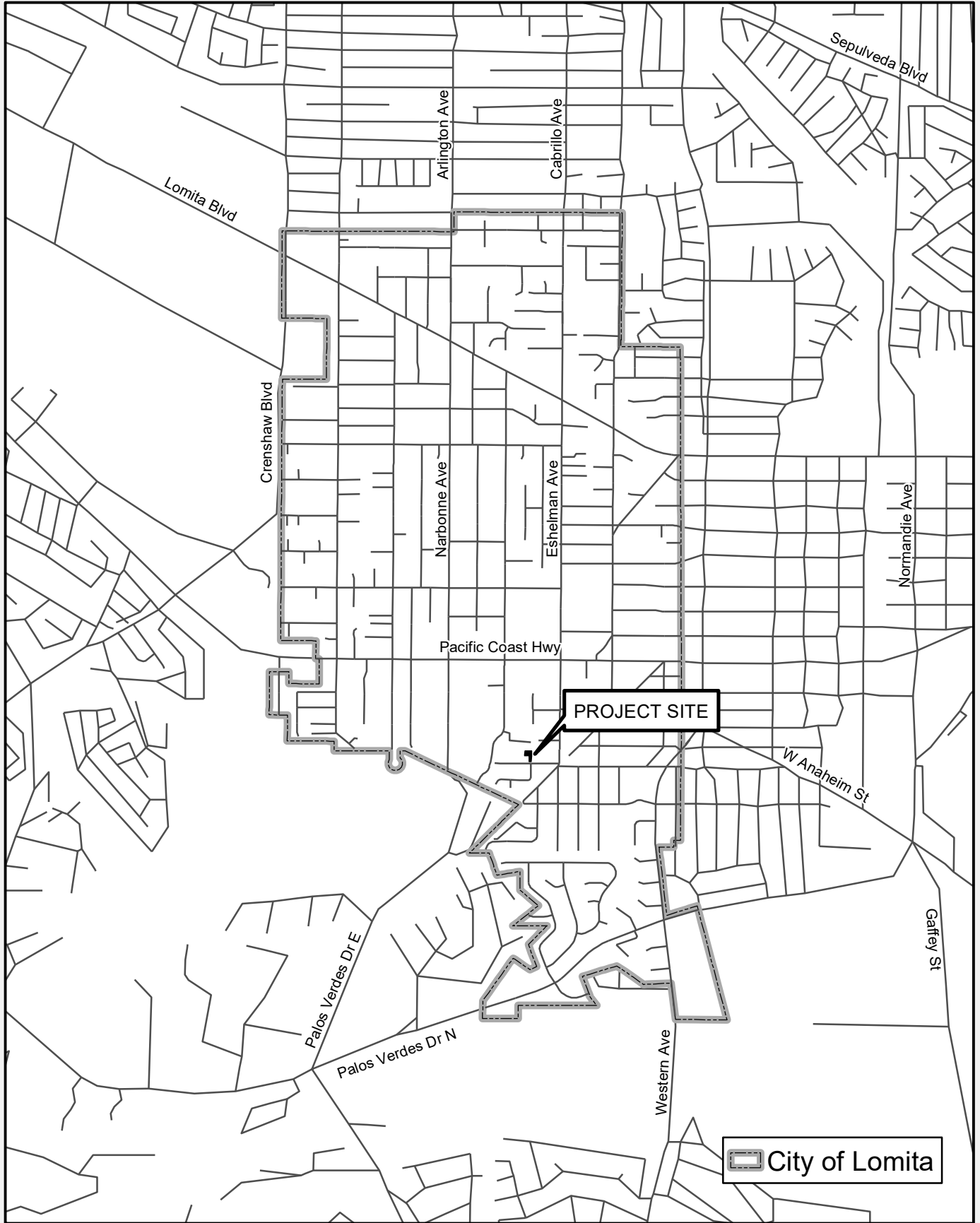
ABSENT: Commissioners:

Steven Cammarata, Chairperson

ATTEST: _____
Alicia Velasco
Community and Economic Development Director

Within thirty days of the date of this decision for an exception, permit, change of zone, or other approval, or by the person the revocation of whose permit, exception, change of zone, or other approval is under consideration, of notice of the action of, or failure to act by, the Commission, any person dissatisfied with the action of, or the failure to act by, the Commission may file with the City Clerk an appeal from such action upon depositing with said Clerk an amount specified by resolution of the City Council.

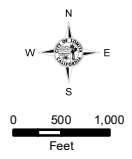
Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

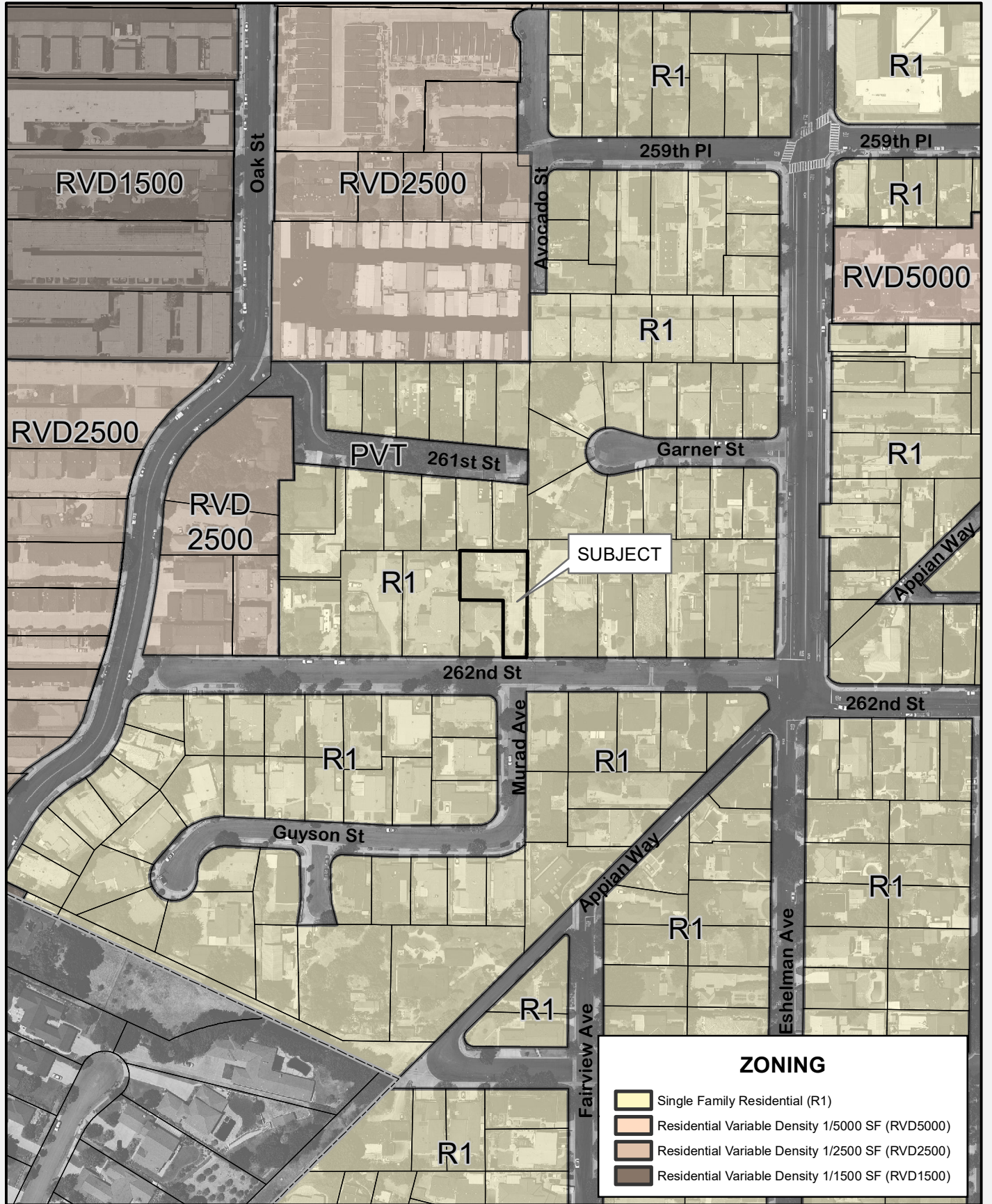


Site Plan Review No. 1206
2045 262nd Street
Exhibit B

Community Development
 July 2020

Source: Lomita GIS Data Layers, TIGER Files
 GIS/Apps/2045_262nd_2vty.mxd





ZONING

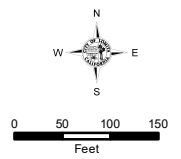
- Single Family Residential (R1)
- Residential Variable Density 1/5000 SF (RVD5000)
- Residential Variable Density 1/2500 SF (RVD2500)
- Residential Variable Density 1/1500 SF (RVD1500)

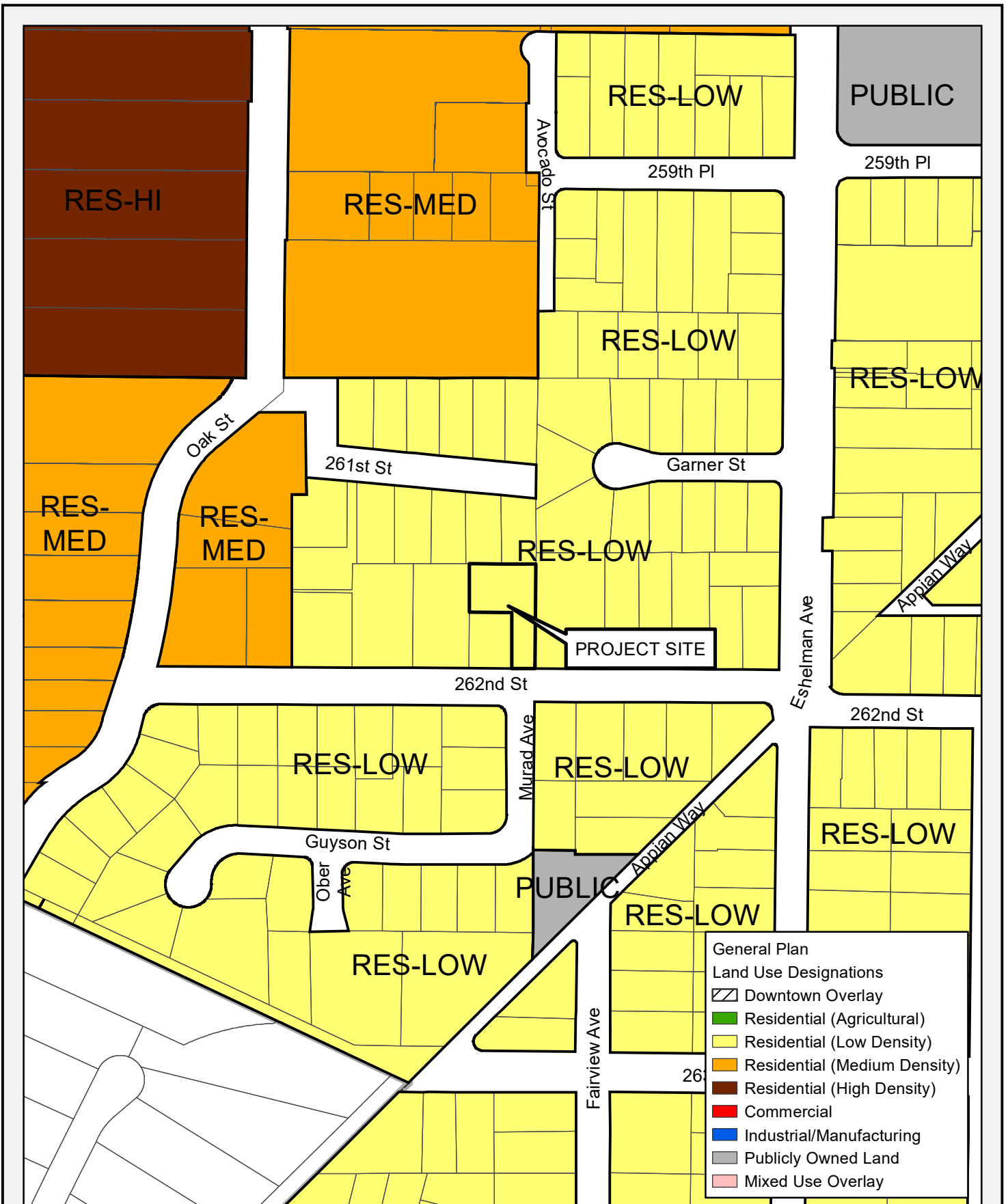


Site Plan Review No. 1206
2045 262nd Street
Exhibit C









Community Development
 July 2020

Source: Lomita GIS Data Layers
 /Apps/2045_262nd_2zon.mxd





**General Plan
Land Use Designations**

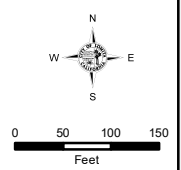
-  Downtown Overlay
-  Residential (Agricultural)
-  Residential (Low Density)
-  Residential (Medium Density)
-  Residential (High Density)
-  Commercial
-  Industrial/Manufacturing
-  Publicly Owned Land
-  Mixed Use Overlay



**Site Plan Review No. 1206
2045 262nd Street
Exhibit D**

Community Development
July 2020

Source: Lomita GIS Data Layers
GIS/Apps/2045_262nd_2gp.mxd

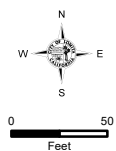




Site Plan Review No. 1206
2045 262nd Street
Exhibit E

Community Development
 July 2020

Source: Lomita GIS Data Layers
 /Apps/2045_262nd_2aer.mxd





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

NOTICE OF EXEMPTION

Project Description:

Site Plan Review No. 1206 – A request for a modification from Section 11-1.30.02 of the Lomita Municipal Code (LMC) to permit a six foot rear yard setback instead of the Code required 20 feet, located at 2045 262nd Street in the Single-Family Residential (R-1) Zone. Filed by Jure Sestich, 28731 S. Western Avenue #205, Ranchos Palos Verdes, CA 90275 (Applicant).

Finding:

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

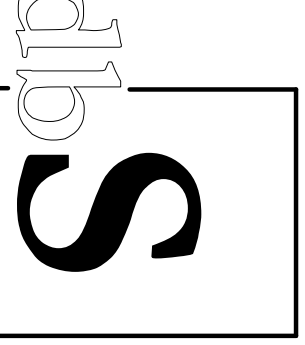
- Ministerial Project
- Categorical Exemption (CEQA Guidelines, Section 15301(e) Existing Facilities)
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons Pursuant to §15301 Existing Facilities of the CEQA Guidelines, the proposed project is categorically exempt from the requirements of CEQA. Section 15301(e) (Existing Facilities) of Title 14 exempts projects involving additions that are less than 50 percent of the existing floor area. The existing floor area is 3,260 square feet. The 51 square foot addition is least than 2% of the existing floor area. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment.

(Date)

Alicia Velasco
Director of Community and Economic
Development

KOBIYASHI PROJECT



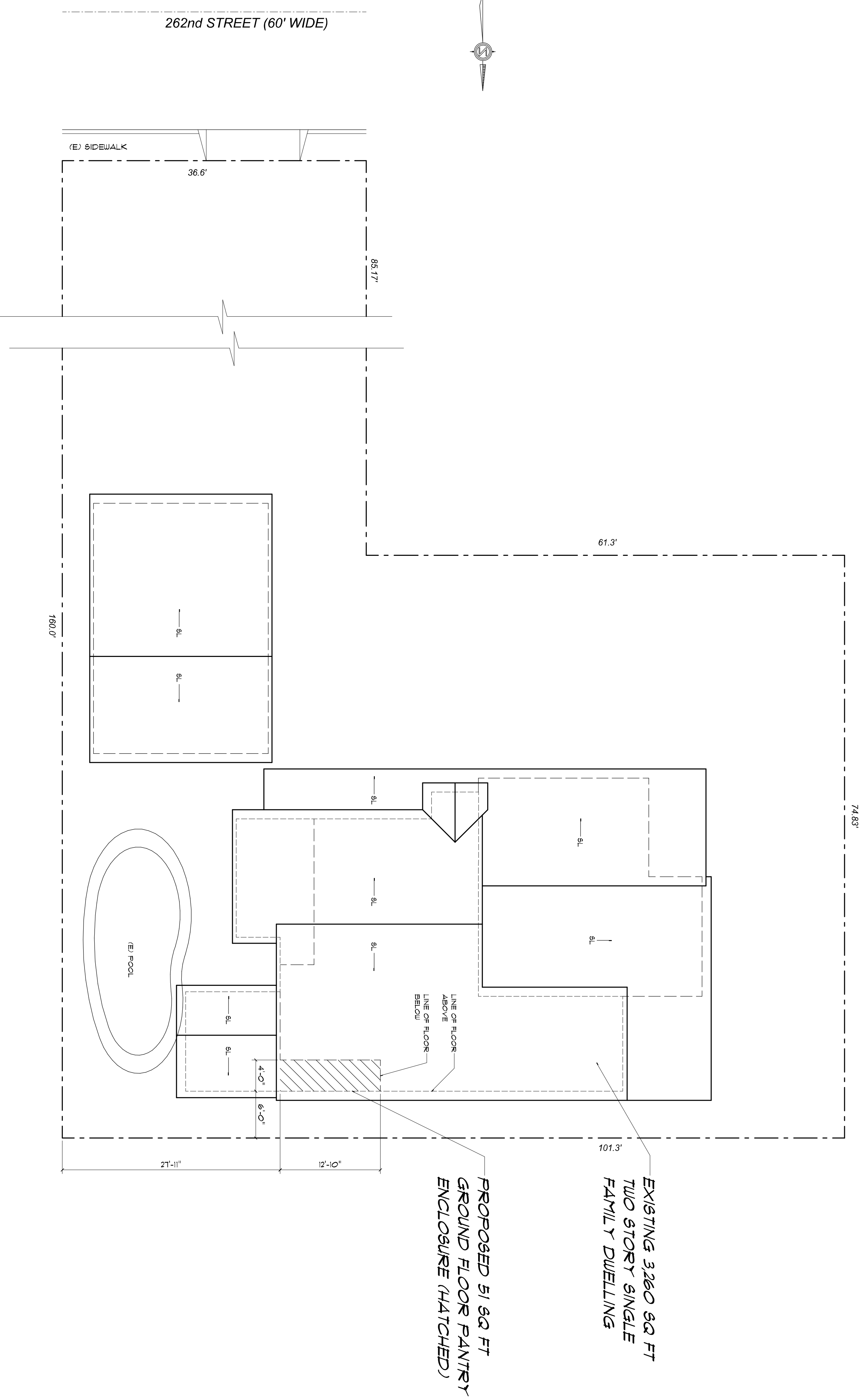
San Pedro, California
310.686.3252
Jure Sestich

PROJECT DATA

PROJECT ADDRESS	MR. & MRS. KOBIYASHI 2045 262ND STREET LOMITA, CALIFORNIA
ASSESSOR PARCEL NUMBER	7853 - 009 - 070
LEGAL DESCRIPT	TRACT: BLOCK: LOT: ZONE: CONGT. TYPE: CLASSIFICATION: OCCUPANCY: LOT SIZE:
SCOPE OF WORK	1 FLOOR OF 2 TYPE V.B. TUDOR STORY SINGLE FAMILY DWELLING R - 3 10990 SQ FT
PROJECT TEAM	ENGINEER:
SCOPE OF WORK	A PROPOSED 51 SQ FT GROUND FLOOR PANTRY ENCLOSURE TO THE EXISTING TUDOR STORY SINGLE FAMILY DWELLING WITH DETACHED TUDOR GARAGE LOCATED AT 2045 262ND STREET IN LOMITA

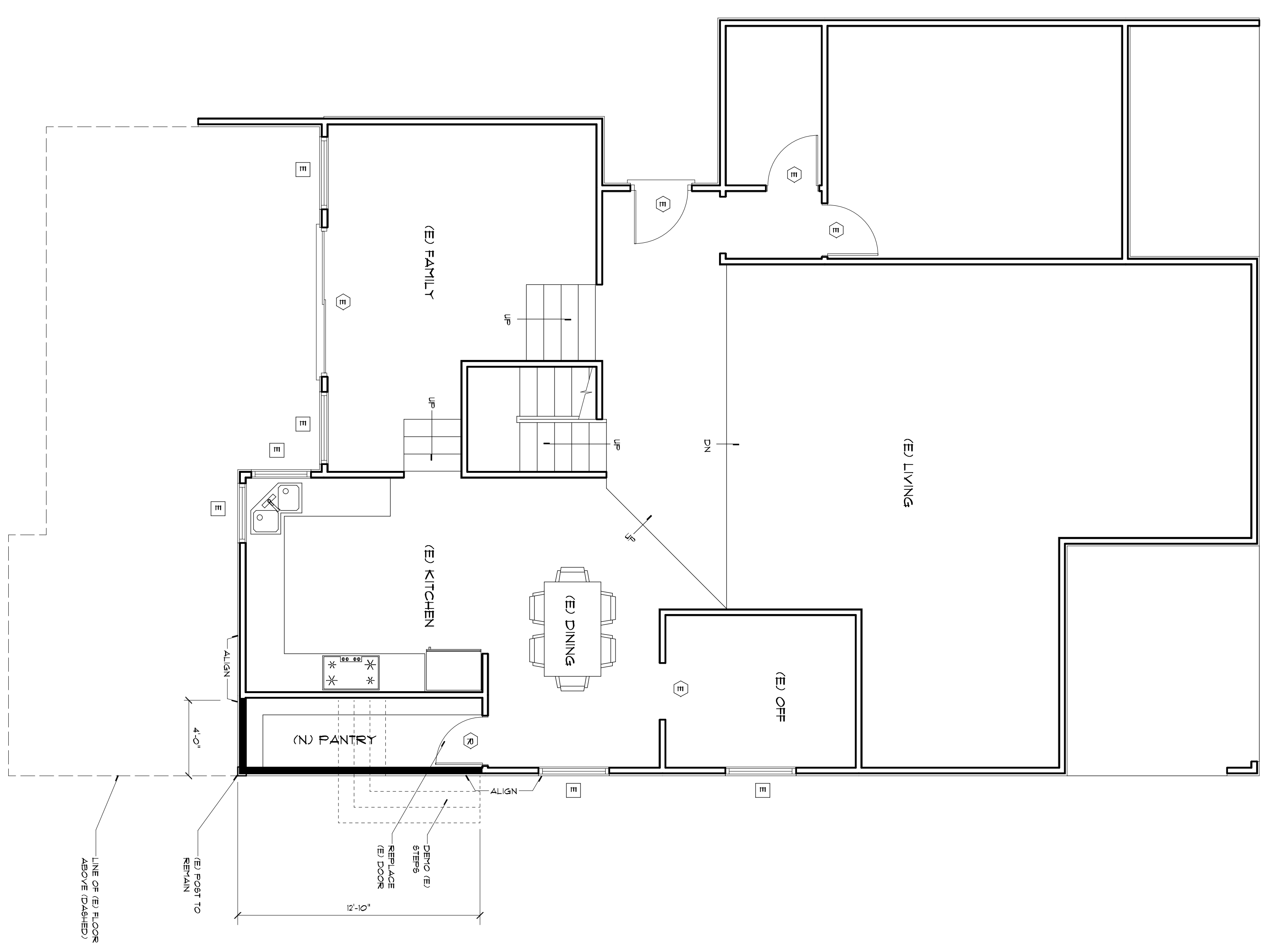
SHEET INDEX

41.1	SITE PLAN / PROJECT DATA		
42.1	FLOOR PLAN		
43.1	ELEVATIONS		
44.1			



SITE / ROOF PLAN

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

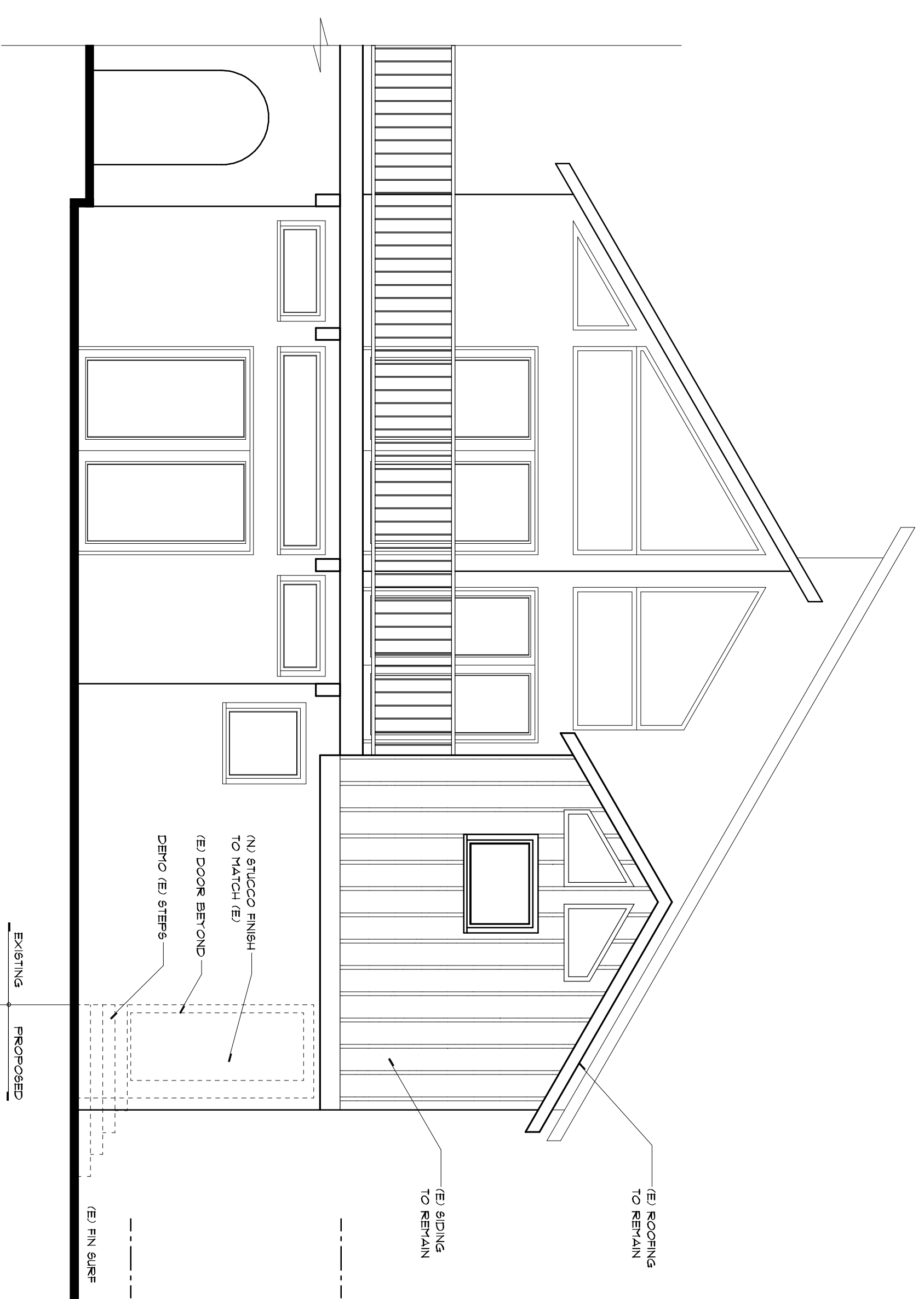


WALL LEGEND

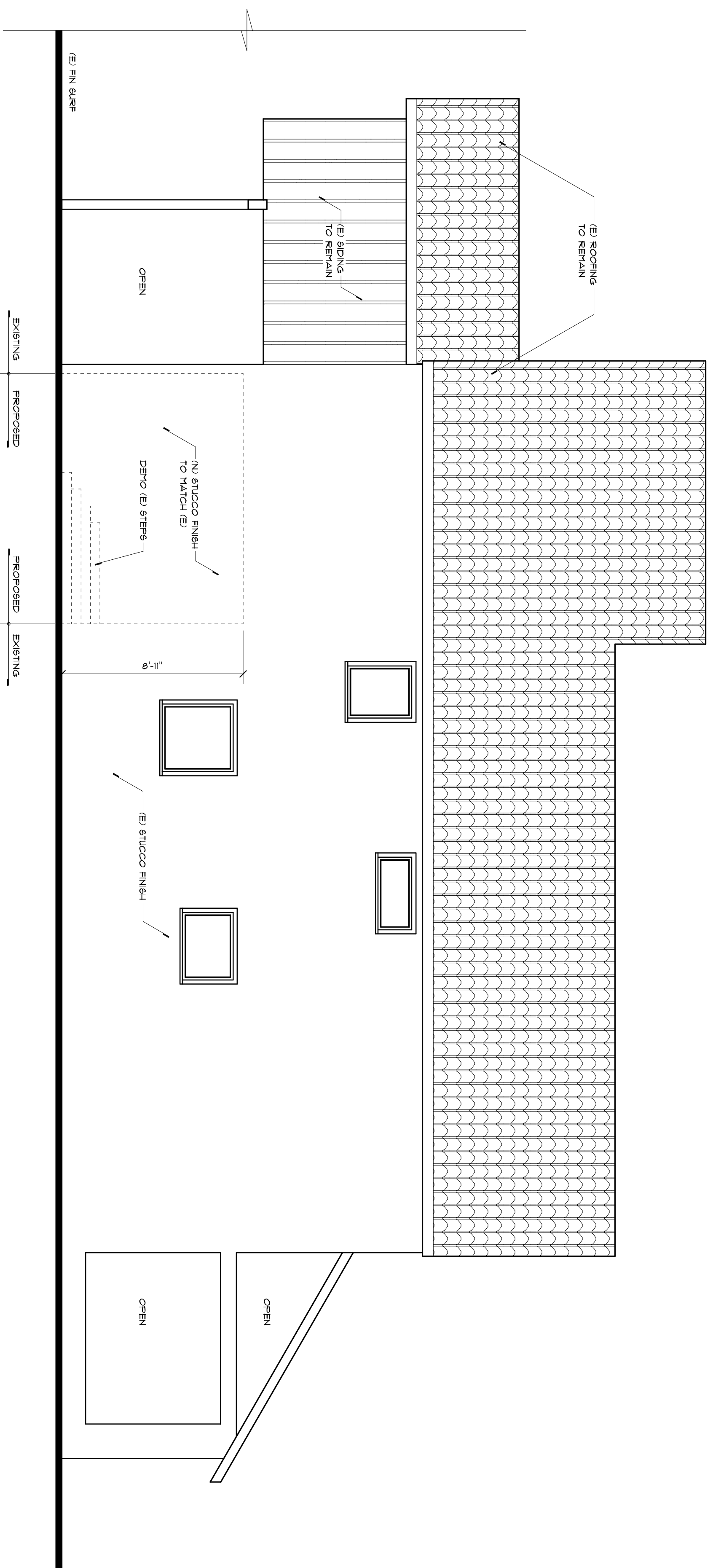
- EXISTING WALL
- NEW WALL
- DEMO WALL

NOTE: ALL DIMENSIONS TAKEN FROM FINISH SURFACE TO FINISH SURFACE

GROUND FLOOR PLAN PARTIAL
SCALE: 1/4"=1'-0"



EAST ELEVATION



NORTH ELEVATION



CITY OF LOMITA PLANNING COMMISSION REPORT

Item 6

TO: Planning Commission August 10, 2020

FROM: James Dotson, Planning Intern

SUBJECT: Site Plan Review No. 1207
1962 Lomita Blvd in the M-C (Light Manufacturing and Commercial) Zone

APPLICANT'S REQUEST

A request for a modification from Section 11-1.68.02 of the Lomita Municipal Code (LMC) to permit a six-foot high wrought-iron fence within the front yard instead of the 42 inch height maximum located at 1962 Lomita Blvd in the M-C, Light Manufacturing and Commercial Zone. Filed by Andrew Aparicio, 1962 Lomita Blvd, Lomita, CA 90717 (Applicant).

RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution approving Site Plan Review No. 1207 subject to findings and conditions, and to confirm the categorical exemption.

BACKGROUND

Existing Conditions

The subject site is a 12,012 square foot lot located at 1962 Lomita Boulevard. It has vehicle and pedestrian entrances on Lomita Boulevard between Eshelman Avenue and Walnut Street. Vehicles enter the site via the one-way driveway on Lomita Boulevard and exit the site via the southerly alley. The building was built in 1932 as a single-family dwelling and was later converted to commercial use. Element Outdoor Living Inc. has owned and occupied the property since September 2015. The existing 6'-4" fence in the front yard predates Element Outdoor Living Inc.'s occupancy.

Project Description

The applicant is proposing to replace the existing 6'-4" high wrought iron fence in the front yard with a similar six-foot high wrought iron fence, instead of the 42 inch code allowed maximum. The proposed fence's spindle's have a spacing of 4 ½ inches on center. The driveway will remain clear and no gate is proposed to replace the existing gate at the driveway.

The fence is being replaced in conjunction with new front yard landscaping, hardscaping, and other ancillary improvements. These changes are allowed by right and will both exhibit the type of services the business provides, as well as improve the appearance of the property. The existing driveway gate will be relocated to approximately 40 feet from the front property line.

Environmental Determination

This proposed project is categorically exempt pursuant to Section 15301(f) (Existing Facilities) of Title 14 the California Environmental Quality Act (CEQA) guidelines. The Class 1 exemption consists of those projects pertaining to mechanical equipment and involving negligible expansion of use. Specifically, additions of safety protection devices are exempt in conjunction with existing structures, as is mechanical equipment. The Notice of Exemption is attached to this report.

General Plan Designation

The General Plan Land Use designation for the subject property is Industrial/Manufacturing which is consistent with the M-C zoning designation. The Industrial/Manufacturing land use designation “is limited to the area near the intersection of Crenshaw Boulevard and Lomita Boulevard and portions of east Lomita”.

Adjacent Zoning and Land Uses

North	C-G (Commercial General) Zone Land Use: Nursing home
South	R1-P (Single Family Residential) Zone Land Use: Single-family residence
West	M-C (Manufacturing and Commercial) Zone Land Use: Service & Repair Shop
East	M-C (Manufacturing and Commercial) Zone Land Use: Multi-family Residence

Development Standards

The project has been reviewed with the applicable City code requirements as follows:

Development Standard	Project	Allowed/Required	Compliance
Zoning	M-C	M-C	Yes
Lot Area	12,012 square feet	5,000 square feet	Yes
Front Yard Fence	6 feet	42 inches	No*

*Fence Height Site Plan Review and Modification Requested

Site Plan Review

Modifications to commercial fence heights are subject to review and approval by the Planning Commission under Section 11-1.68.02, pursuant to the provisions of Section 11-1.70.07, “Site Plan Review” and Section 11-1.70.08, “Modifications.” After reviewing the proposed

development in accordance with Article 70, staff has determined that the proposed project is consistent with the following required findings:

1. The Site Plan complies with all applicable provisions of this Title;

As set forth in the staff report and with Planning Commission review of the height of the fence as required under Section 11-1.70.07 of the LMC, the project complies with all of the development standards in Title 11.

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

The site is suitable for a wrought-iron fence with a height greater than 42 inches. A one-lane driveway intersects with Lomita Boulevard, and the easterly portion of property contains parking spaces angled towards Lomita Boulevard. The existing gate spanning the driveway will be relocated, allowing vehicles to turn safely into the property from Lomita Boulevard without delay (COA 22). Additionally, the driveway's directional designation will remain as a one way/ entrance only (COA 23). This designation eliminates any visibility concerns and mitigates traffic congestion as no vehicles will exit onto Lomita Blvd.

The project will not have adverse effects the neighboring properties. Due to the angle of Lomita Boulevard and the location of the neighboring properties' driveway, the proposed fence will not have any impact on visibility.

The proposed fence is consistent with the General Plan. Specifically, Land Use Policy 10 seeks to improve the aesthetic and visual qualities of the community. This project is consistent with this policy by replacing an older fence with a new fence, relocating the driveway gate, and adding landscaping to the front of the property. Also, Safety Policy 16 states the City will strive to ensure that pedestrian walkways are unobscured. The proposed wrought-iron picketed fence is consistent with this policy as it will not create any visual obstructions for pedestrians walking on Lomita Boulevard. The proposed fence will also be 4" shorter than the existing 6'-4" fence.

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

The fence's panels consist of spindles as opposed to solid panels. This design makes a fence taller than 42 inches suitable as it will not obstruct a driver's or a pedestrian's sightline. As the front yard area will be improved with new landscaping, hardscape and ancillary improvements, a taller fence is functional to protect the upgraded space and the business in general.

4. *Topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements or setback line.*

This commercially-zoned property was initially built as a dwelling and converted years later to commercial use. The building has a traditional residential layout with a front yard. As this property contains a construction-related business, a 6' fence securing the site is reasonable to deter trespassing and theft. A 42-inch high fence in the front yard would not be a practical barrier and therefore an unreasonable regulation to a business owner utilizing a site originally developed as a residence.

Public Notice

Notices of this hearing dated July 29, 2020 were mailed to property owners within 300 feet of the subject property and posted at City Hall, the Lomita Library, and at Lomita Park.

Recommended by:



Alicia Velasco
Community and Economic Development Director

Prepared by:



James Dotson
Planning Intern

Exhibits:

- a. Resolution
- b. Vicinity Map
- c. Zoning Map
- d. General Plan Map
- e. Aerial Photograph
- f. Notice of Exemption
- g. Site Plan and Elevation

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING SITE PLAN NO. 1207 A REQUEST FOR A MODIFICATION FROM SECTION 11-1.68.02 OF THE LOMITA MUNICIPAL CODE (LMC) TO PERMIT A SIX-FOOT HIGH WROUGHT-IRON FENCE WITHIN THE FRONT YARD INSTEAD OF THE 42 INCH HEIGHT MAXIMUM LOCATED AT 1962 LOMITA BLVD IN THE M-C, LIGHT MANUFACTURING AND COMMERCIAL ZONE. FILED BY ANDREW APARICIO, 1962 LOMITA BLVD, LOMITA, CA 90717 (APPLICANT).

Section 1. Recitals

- A. The Planning Commission of the City of Lomita has considered an application to permit a six-foot high wrought-iron fence within the front yard instead of the 42 inch height maximum located at 1962 Lomita Blvd in the M-C, Light Manufacturing and Commercial Zone.
- B. Under Section 11-1.68.02 of the LMC, Modifications to commercial fence heights are subject to review and approval by the Planning Commission, pursuant to the provisions of Section 11-1.70.07, "Site Plan Review" and Section 11-1.70.08, "Modifications".
- C. Section 15301 of the California Environmental Quality Act guidelines exempts the project from the requirements for the preparation of environmental review documents because the project pertains to mechanical equipment.
- D. On August 10, 2020, the Planning Commission held a duly noticed public hearing and accepted public testimony.

Section 2. Pursuant to Sections 11-1.70.07 (Site Plan Review) and 11-1.70.08 (Modifications) of the Lomita Municipal Code, the Planning Commission of the City of Lomita finds, after due study and deliberation that the following circumstances exist:

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

As set forth in the staff report and with Planning Commission review of the height of the fence as required under Section 11-1.70.07 of the LMC, the project complies with all of the development standards in Title 11.

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

The site is suitable for a wrought-iron fence with a height greater than 42 inches. A one-lane driveway intersects with Lomita Boulevard, and the easterly portion of property contains parking spaces angled towards Lomita Boulevard. The existing gate spanning the driveway will be relocated, allowing vehicles to turn safely into the property from Lomita Boulevard without delay (COA 22). Additionally, the driveway's directional designation will remain as a one way/ entrance only (COA 23). This designation eliminates any visibility concerns and mitigates traffic congestion as no vehicles will exit onto Lomita Blvd.

The project will not have adverse effects the neighboring properties. Due to the angle of Lomita Boulevard and the location of the neighboring properties' driveway, the proposed fence will not have any impact on visibility.

The proposed fence is consistent with the General Plan. Specifically, Land Use Policy 10 seeks to improve the aesthetic and visual qualities of the community. This project is consistent with this policy by replacing an older fence with a new fence, relocating the driveway gate, and adding landscaping to the front of the property. Also, Safety Policy 16 states the City will strive to ensure that pedestrian walkways are unobscured. The proposed wrought-iron picketed fence is consistent with this policy as it will not create any visual obstructions for pedestrians walking on Lomita Boulevard. The proposed fence will also be 4" shorter than the existing 6'-4" fence.

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

The fence's panels consist of spindles as opposed to solid panels. This design makes a fence taller than 42 inches suitable as it will not obstruct a driver's or a pedestrian's sightline. As the front yard area will be improved with new landscaping, hardscape and ancillary improvements, a taller fence is functional to protect the upgraded space and the business in general.

4. *Topographic features, subdivision plans, or other conditions create an unnecessary hardship or unreasonable regulation or make it obviously impractical to require compliance with the yard requirements or setback line.*

This commercially-zoned property was initially built as a dwelling and converted years later to commercial use. The building has a traditional residential layout with a front yard. As this property contains a construction-related business, a 6' fence securing the site is reasonable to deter trespassing and theft. A 42-inch high fence in the front yard would not be a practical barrier and therefore an unreasonable regulation to a business owner utilizing a site originally developed as a residence.

Section 3. The Planning Commission of the City of Lomita hereby approves Site Plan Review No. 1207 subject to the attached conditions.

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another.
2. This permit is granted for the plans received on July 9, 2020, ("the plans") on file with the Planning Division. 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 Development Director or a modification to the plans is approved by the Planning Commission. A minor modification may be granted for minimal changes or increases in the extent of use or size of structure.
3. Approval of this permit shall expire 24 months from the date of approval by the Planning Commission, unless significant construction or improvements or the use authorized hereby have commenced. One or more extensions of time for use inauguration may be requested. No

extension shall be considered unless requested at least 30 days prior to the expiration date.

4. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein.
5. Developer agrees, as a condition of adoption of this resolution, at Developer'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. Developer's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof.
6. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit.
7. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code.
8. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property.
9. Prior to issuance of building permits, Developer shall sign a letter agreeing to the conditions of approval within this resolution.

PLANNING STANDARD CONDITIONS

10. The final building plans submitted by the Developer with the building permit application shall depict all building materials and colors to be used in construction.
11. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project.
12. Developer shall provide for dust control at all times during project property preparation and construction activities.
13. Developer shall not store construction materials or vehicles outdoors on the project property.
14. 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.
15. It is further declared and made a condition of this permit that if any condition of this permit is violated, or if any law, statute or ordinance is violated, the permit shall be suspended and the privileges granted hereunder shall lapse. The applicant shall have been provided written notice to cease such violations and have failed to comply for a period of thirty days.
16. That the Planning Commission may review this approval upon notice of violation by the Code Enforcement Officer.

17. That, in the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit.
18. That final inspection shall not be granted until all conditions of approval have been met and verified by staff.
19. This approval is for the installation of a six foot high wrought iron fence in the front yard setback.
20. Should the subject property be redeveloped, the approved fence shall be reconstructed/removed to comply with governing Lomita zoning regulations at that time.
21. Parkway tree(s) shall be planted to the satisfaction of the Community Development Director.
22. The existing gate spanning the width of the driveway shall be removed and relocated as indicated on the project plans.
23. The driveway's directional designation shall remain as a one way/ entrance only.

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 10th day of August, 2020 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

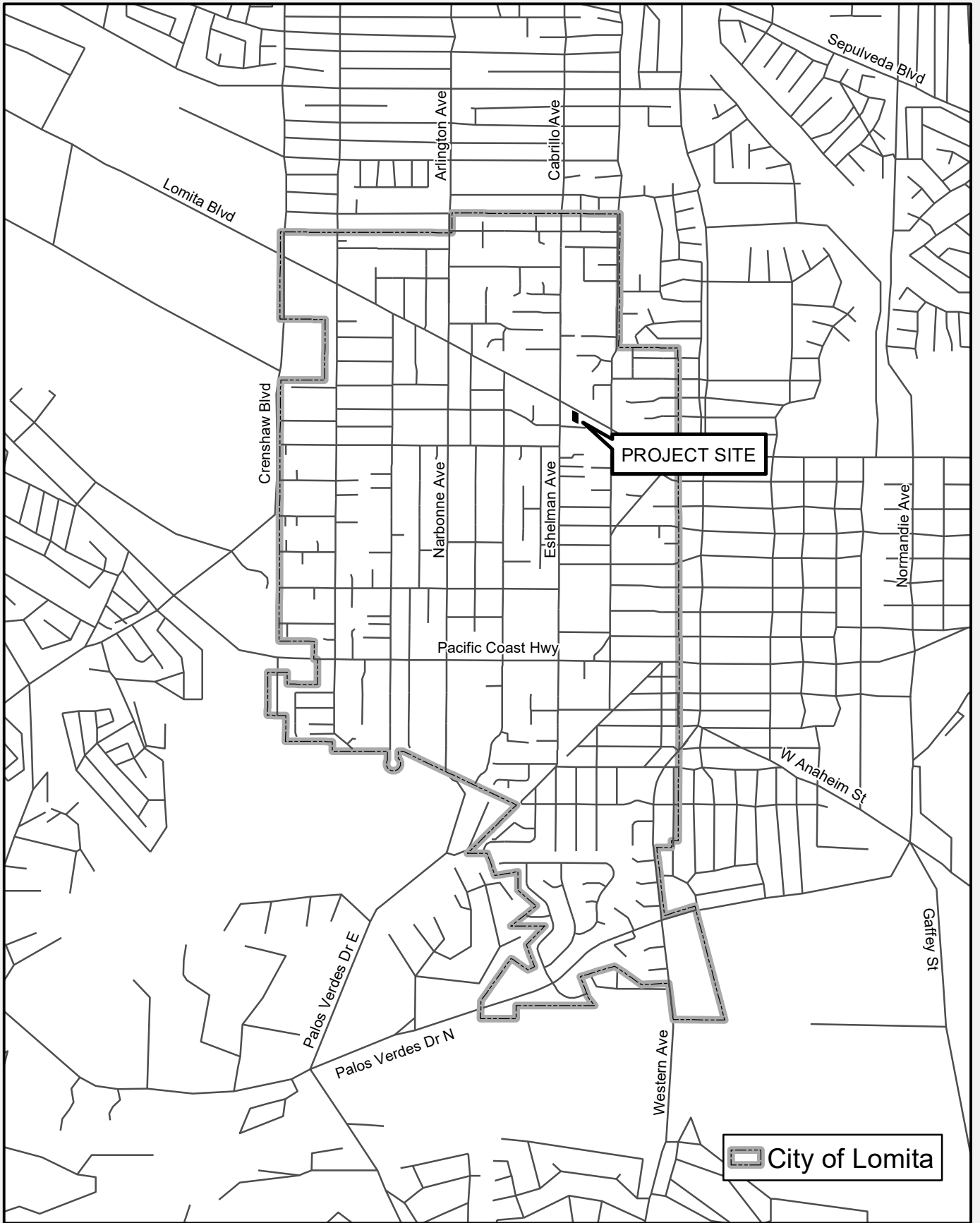
ABSENT: Commissioners:

Steven Cammarata, Chairperson

ATTEST: _____
Alicia Velasco
Community and Economic Development Director

Within thirty days of the date of this decision for an exception, permit, change of zone, or other approval, or by the person the revocation of whose permit, exception, change of zone, or other approval is under consideration, of notice of the action of, or failure to act by, the Commission, any person dissatisfied with the action of, or the failure to act by, the Commission may file with the City Clerk an appeal from such action upon depositing with said Clerk an amount specified by resolution of the City Council.

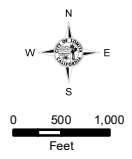
Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.

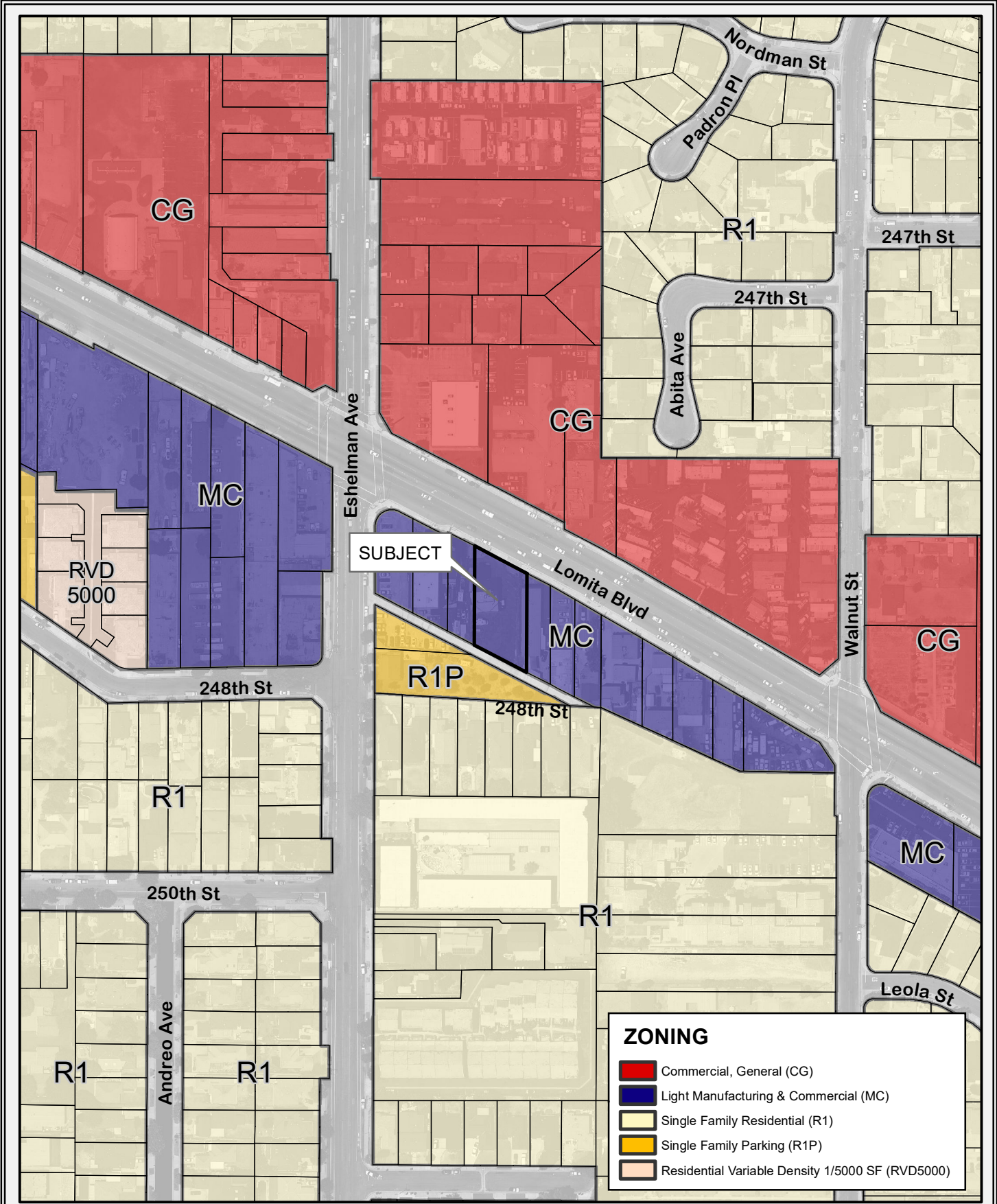


Site Plan Review No. 1207
1962 Lomita Boulevard
Exhibit B

Community Development
 July 2020

Source: Lomita GIS Data Layers, TIGER Files
 GIS/Apps/1962Lomita_vty.mxd





ZONING

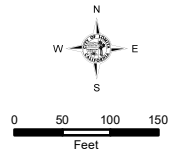
- Commercial, General (CG)
- Light Manufacturing & Commercial (MC)
- Single Family Residential (R1)
- Single Family Parking (R1P)
- Residential Variable Density 1/5000 SF (RVD5000)

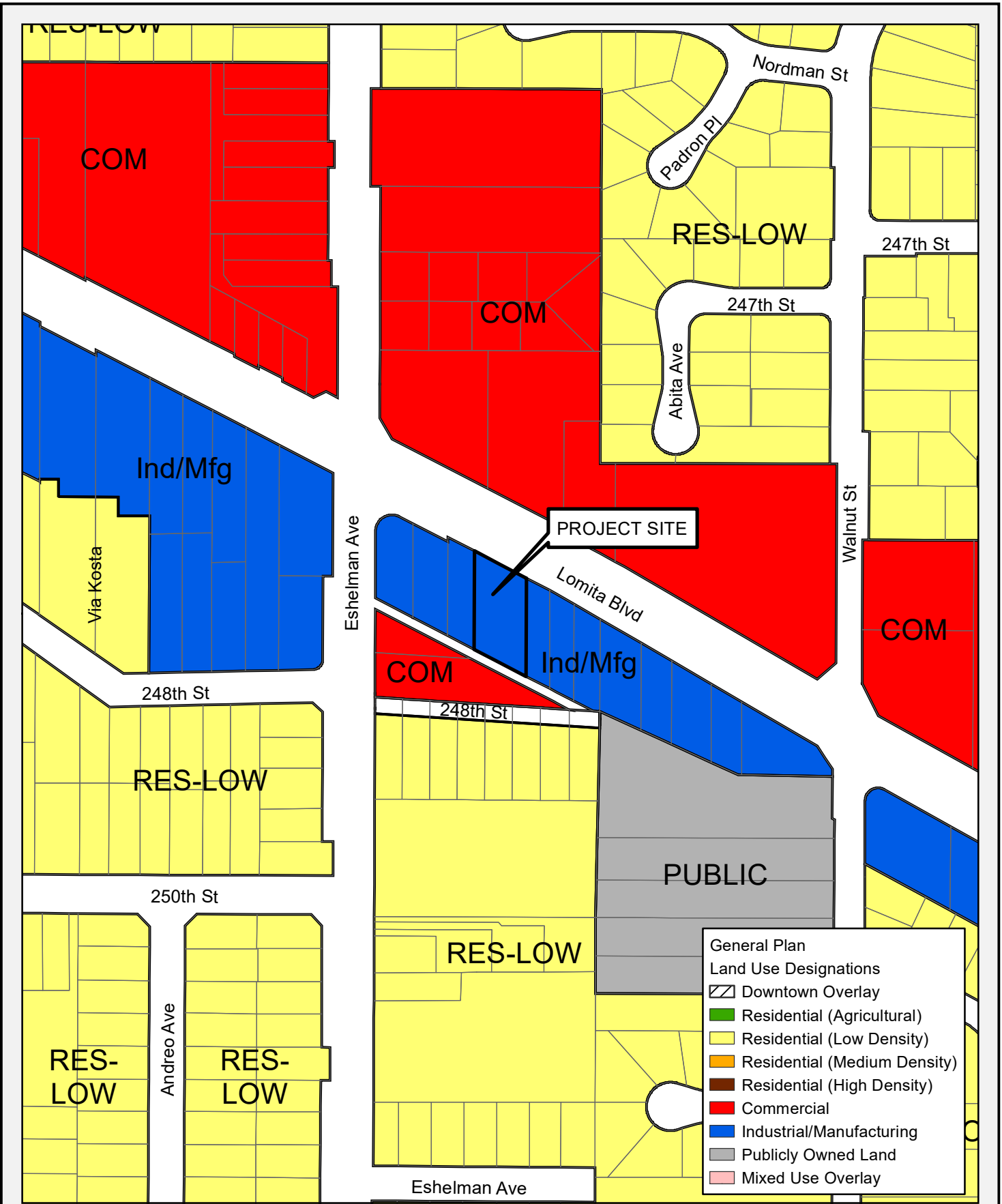


**Site Plan Review No. 1207
1962 Lomita Boulevard
Exhibit C**

Community Development
July 2020

Source: Lomita GIS Data Layers
/Apps/1962Lomita_zon.mxd





General Plan
Land Use Designations

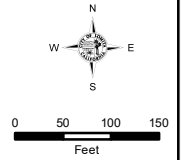
- Downtown Overlay
- Residential (Agricultural)
- Residential (Low Density)
- Residential (Medium Density)
- Residential (High Density)
- Commercial
- Industrial/Manufacturing
- Publicly Owned Land
- Mixed Use Overlay



Site Plan Review No. 1207
1962 Lomita Boulevard
Exhibit D

Community Development
 July 2020

Source: Lomita GIS Data Layers
 GIS/Apps/1962Lomita_gp.mxd





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

NOTICE OF EXEMPTION

Project Description:

Modification to Site Plan Review No.1207 – A request for a modification from Section 11-1.68.02 of the Lomita Municipal Code (LMC) to permit a six-foot high wrought-iron fence within the front yard instead of the 42 inch height maximum located at 1962 Lomita Blvd in the M-C, Light Manufacturing and Commercial Zone. Filed by Andrew Aparicio, 1962 Lomita Blvd, Lomita, CA 90717 (Applicant).

Finding:

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

- Ministerial Project
- Categorical Exemption (CEQA Guidelines, §15301(f) Existing Facilities)
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

Supporting Reasons Pursuant to Section 15301(f) (Existing Facilities) of Title 14 the California Environmental Quality Act (CEQA) guidelines. The Class 1 exemption consists of those projects pertaining to mechanical equipment and involving negligible expansion of use. Specifically, additions of safety protection devices are exempt in conjunction with existing structures, as are mechanical equipment. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment.

Date

Alicia Velasco
Community and Economic Development Director



**CITY OF LOMITA
PLANNING COMMISSION REPORT**

TO: Planning Commission August 10, 2020
FROM: Laura MacMorran, Assistant Planner
SUBJECT: Zone Variance No. 244
2321 Robin Lane in the R-1 (Single Family Residential) Zone

APPLICANT'S REQUEST

A request for a variance from Section 11-1.30.04 of the Lomita Municipal Code (LMC) to permit a 14-foot-by-20-foot patio cover to be attached to the single-family dwelling with a six-foot rear yard setback instead of the Code required 10 feet located at 2321 Robin Lane in the Single-Family Residential (R-1) Zone. Filed by Daniel Burns, 2321 Robin Lane, Lomita, CA 90717 (Applicant).

RECOMMENDATION

Staff recommends that the Planning Commission adopts a resolution approving Zone Variance No. 244 subject to findings and conditions, and to confirm the Categorical Exemption.

BACKGROUND

Property Background

2321 Robin Lane is 5,250-square-foot lot in the Single-Family Residential (R-1) Zone. It is part of a 12-lot subdivision (Tract Map No. 45766).

Existing Conditions

The subject property contains a two-story, 2,522-square-foot, single-family dwelling with an attached two-car garage. The home was built in 1988. The lot has a perpendicular orientation to the street. It situated at the front of the cul-de-sac's bulb and has varying widths and depths. The single-family home possesses a 20-foot rear yard setback.

Project Description

The project consists of 14-foot x 20-foot patio cover with a maximum height of 9.75 feet on the northeasterly side of the existing single-family dwelling. Section 11-1.30.04 allows an attached covered structure to extend up to 10 feet into the rear yard setback. The proposed patio cover extends four additional feet into the rear yard setback.

Environmental Determination

The proposed project is categorically exempt pursuant to Section 15301(Existing Facilities) of Title 14 the California Environmental Quality Act (CEQA) guidelines. Projects involving minor alterations to an existing private structure and involve negligible or no expansion of use are exempt. A patio cover to an existing dwelling is a minor alteration and the property will not experience any expansion of use. The Notice of Exemption is attached to this report.

General Plan Designation

The General Plan designation for the subject property is Low Density Residential, which allows residential uses with 5.8 to 8.7 units per net acre. The Low Density land use designation “*applies to areas of the City which are developed with single-family residential uses.*”

Adjacent Zoning and Land Uses

North	R-1 (Single Family Residential) Zone Land Use: Single-family residences
South	R-1 (Single Family Residential) Zone Land Use: Single-family residences
West	R-1 (Single Family Residential) Zone Land Use: Single-family residences
East	R-1 (Single Family Residential) Zone Land Use: Single-family residences

Development Standards

The project has been reviewed with the applicable City code requirements as follows:

Development Standards (L.M.C. § 11-1.30.04)	Proposed Project	Allowed/Required	Compliance
Setbacks	Side (East): 5 feet Rear: 6 feet	Side: Minimum 5 feet Rear: Minimum 10 feet	Yes No*
Height	9.75 feet	One-story structure < 16'	Yes

*Variance

Zone Variance

A variance to the rear yard setback for a patio cover that is attached to the single family dwelling is subject to review and approval by the Planning Commission under LMC Section 11-1.30.04, pursuant to the provisions of Section 11-1.70.10 (Zone Variance). After reviewing the proposed development in accordance with Article 70, staff has determined that the proposed project is consistent with the following required findings:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved, including size, shape, topography, location, or surroundings, which do not generally apply to the surrounding properties in the same zone; and which deny the owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;*

Generally, lots in the R-1 zone have a lot width of 50 feet and a lot depth of 100 feet or more. This property has width ranging from 69 feet to 71 feet and depth ranging from 66.29 feet to 82.65 feet, making it at least 17 feet shallower than a common single-family lot. In addition, this property's northerly rear yard receives full afternoon sun which restricts its use. As a result, the owner does not have the privileges of using the rear yard in a manner that other properties enjoy.

2. *Because of the circumstances or conditions, the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties similarly situated but which is denied to the property in question;*

Although, the home takes advantage of a second story to maximize the ground floor area, this property is adversely affected by both a shallow depth and the rear yard's full exposure to afternoon sun. Therefore, to preserve the right to use and enjoy the backyard, particularly outdoor dining, socializing, and like activities, that would otherwise be denied to the property in question, the variance is necessary.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the adjacent property; and*

The proposed variance will not be detrimental to the public welfare or injurious to adjacent properties. Building permits will be required for this patio cover, which is located on private property in a fenced yard, and therefore cannot be considered detrimental to the public welfare. The subject site contains a single-family home and it is suitable for the proposed attached 14-foot by 20-foot patio cover with a height of 9.75 feet.

The attached patio cover serves a similar purpose as a detached gazebo, which is allowed to have 3-foot rear and side yard setbacks and have a maximum height of 16 feet. In comparison, this project has a rear yard setback of 6 feet and a maximum height of 9.75 feet. Also, an accessory structure may occupy up to 50% of the rear yard setback area. This patio cover will occupy less than 21% of the rear yard.

Therefore, the mass, height and distance to the neighboring properties should not have any greater impact than a detached structure.

4. *The granting of the variance is consistent with the General Plan.*

Granting the variance is consistent with the General Plan. This variance does not create a new unit and therefore, will not affect the General Plan's Low-Density designation. The use of the patio cover is for residential purposes which is consistent with the General Plan's land use designation.

Public Notice

Notices of this hearing dated July 29, 2020 were mailed to property owners within 300 feet of the subject property and posted at City Hall, the Lomita Library, and at Lomita Park.

Recommended by:

Prepared by:



Alicia Velasco
Community & Economic Development
Director



Laura MacMorran
Assistant Planner

Exhibits:

- a. Resolution
- b. Vicinity Map
- c. Zoning Map
- d. General Plan Map
- e. Aerial Photograph
- f. Site Plan and Elevations
- g. Notice of Exemption

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING ZONE VARIANCE NO. 244 TO PERMIT A 14-FOOT-BY-20-FOOT PATIO COVER TO BE ATTACHED TO THE SINGLE-FAMILY DWELLING WITH A SIX-FOOT REAR YARD SETBACK INSTEAD OF THE CODE REQUIRED 10 FEET LOCATED AT 2321 ROBIN LANE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONE. FILED BY DANIEL BURNS, 2321 ROBIN LANE, LOMITA, CA 90717

Section 1. Recitals

- A. The Planning Commission of the City of Lomita has considered an application for a variance from Lomita Municipal Code (“LMC”) Section 11-1.30.04 of the zoning code a 14-foot-by-20-foot patio cover to be attached to the single-family dwelling with a six-foot rear yard setback instead of the Code required 10 feet located at 2321 Robin Lane in the Single-Family Residential (R-1) Zone. Filed by Daniel Burns, 2321 Robin Lane, Lomita, CA 90717 (Applicant).
- B. This project has been evaluated in accordance with California Environmental Quality Act (CEQA), and it has been determined that the proposed project is categorically exempt from the requirements of CEQA. Section 15301(Existing Facilities) exempts projects involving minor alterations to an existing private structure that involve negligible or no expansion of use. A patio cover to an existing dwelling is a minor alteration and the property will not experience any expansion of use.
- C. A variance relating to the rear yard setback requirement in Section 11-1.30.04 is subject to review and approval by the Planning Commission under Section 11-1.70.10 (Zone Variance).
- D. On August 10, 2020, the Planning Commission held a duly noticed public hearing and accepted public testimony.

Section 2. Pursuant to Section 11-1.70.10 (Zone Variance), after reviewing the proposed development, it is determined that the proposed project is consistent with the following required findings:

1. *There are exceptional or extraordinary circumstances or conditions applicable to the property involved, including size, shape, topography, location, or surroundings, which do not generally apply to the surrounding properties in the same zone; and which deny the owner privileges enjoyed by other property owners in the vicinity and within the same zoning district;*

Generally, lots in the R-1 zone have a lot width of 50 feet and a lot depth of 100 feet or more. This property has width ranging from 69 feet to 71 feet and depth ranging from 66.29 feet to 82.65 feet, making it at least 17 feet shallower than a common single-family lot. In addition, this property’s northerly rear yard receives full afternoon sun which restricts its use. As a result, the owner does not have the privileges of using the rear yard in a manner that other properties enjoy.

2. *Because of the circumstances or conditions, the variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties similarly situated but which is denied to the property in question;*

Although, the home takes advantage of a second story to maximize the ground floor area, this property is adversely affected by both a shallow depth and the rear yard's full exposure to afternoon sun. Therefore, to preserve the right to use and enjoy the backyard, particularly outdoor dining, socializing, and like activities, that would otherwise be denied to the property in question, the variance is necessary.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the adjacent property; and*

The proposed variance will not be detrimental to the public welfare or injurious to adjacent properties. Building permits will be required for this patio cover, which is located on private property in a fenced yard, and therefore cannot be considered detrimental to the public welfare. The subject site contains a single-family home and it is suitable for the proposed attached 14-foot by 20-foot patio cover with a height of 9.75 feet.

The attached patio cover serves a similar purpose as a detached gazebo, which is allowed to have 3-foot rear and side yard setbacks and have a maximum height of 16 feet. Also, in comparison, an accessory structure may occupy up to 50% of the rear yard setback area. This patio cover will occupy less than 21% of the rear yard.

Therefore, the mass, height and distance to the neighboring properties should not have any greater impact than a detached structure.

4. *The granting of the variance is consistent with the General Plan.*

Granting the variance is consistent with the General Plan. This variance does not create a new unit and therefore, will not affect the General Plan's Low-Density designation. The use of the patio cover is for residential purposes which is consistent with the General Plan's land use designation.

Section 3. Based on the above findings, the Planning Commission of the City of Lomita hereby approves Zone Variance No. 244 subject to the following conditions:

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another.
2. This permit is granted for the plans dated July 21, 2020 ("the plans") on file with the Planning Division and the project shall conform to the Plans. The Community and Economic Development Director may approve minor changes to the approved Modified Plans. For numerical standards, the Community and Economic Development Director may approve deviations up to 10% provided that city code requirements are met. Modifications exceeding a 10% deviation shall be referred back to the Planning Commission. A minor modification may be granted for minimal changes of structures or of the design, materials or colors of structures or masonry walls.
3. This permit shall automatically become null and void 24 months from the date of its issuance, unless Applicant has diligently developed the proposed project, as shown by the issuance of

a grading, foundation, or building permit and the construction of substantial improvements, or the beginning of the proposed use.

4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Community and Economic Development Director allows the Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements.
5. That the Planning Commission may review this approval upon notice of violation by the Code Enforcement Officer.
6. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein.
7. Any covenants, conditions, and restrictions (CC&R's) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&R's and the City Code or this permit, the City Code or this permit shall prevail. .
8. If Applicant, Owner, or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code.
9. Prior to issuance of Certificate of Compliance, Applicant and Owner shall sign a letter agreeing to the conditions of approval within this resolution.
10. It is further declared and made a condition of this permit that if any condition of this permit is violated, or if any law, statute or ordinance is violated, the permit may be revoked, suspended or modified by the Planning Commission or the City Council at any time, after a noticed hearing in accordance with the Lomita Zoning Ordinance.
11. That, in the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission for a decision prior to the issuance of a building permit.
12. 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.

PLANNING STANDARD CONDITIONS

13. Before the City issues building permits, Applicant and Owner shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the project.
14. That final inspection shall not be granted until all conditions of approval have been met and verified by staff.
15. This approval is to permit a 14-foot by 20-foot patio cover with a height of 9.75 feet that is attached to a single-family dwelling and has a setback of six feet from the rear property line.

Section 4. Severability.

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

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 10th day of August, 2020 by the following vote:

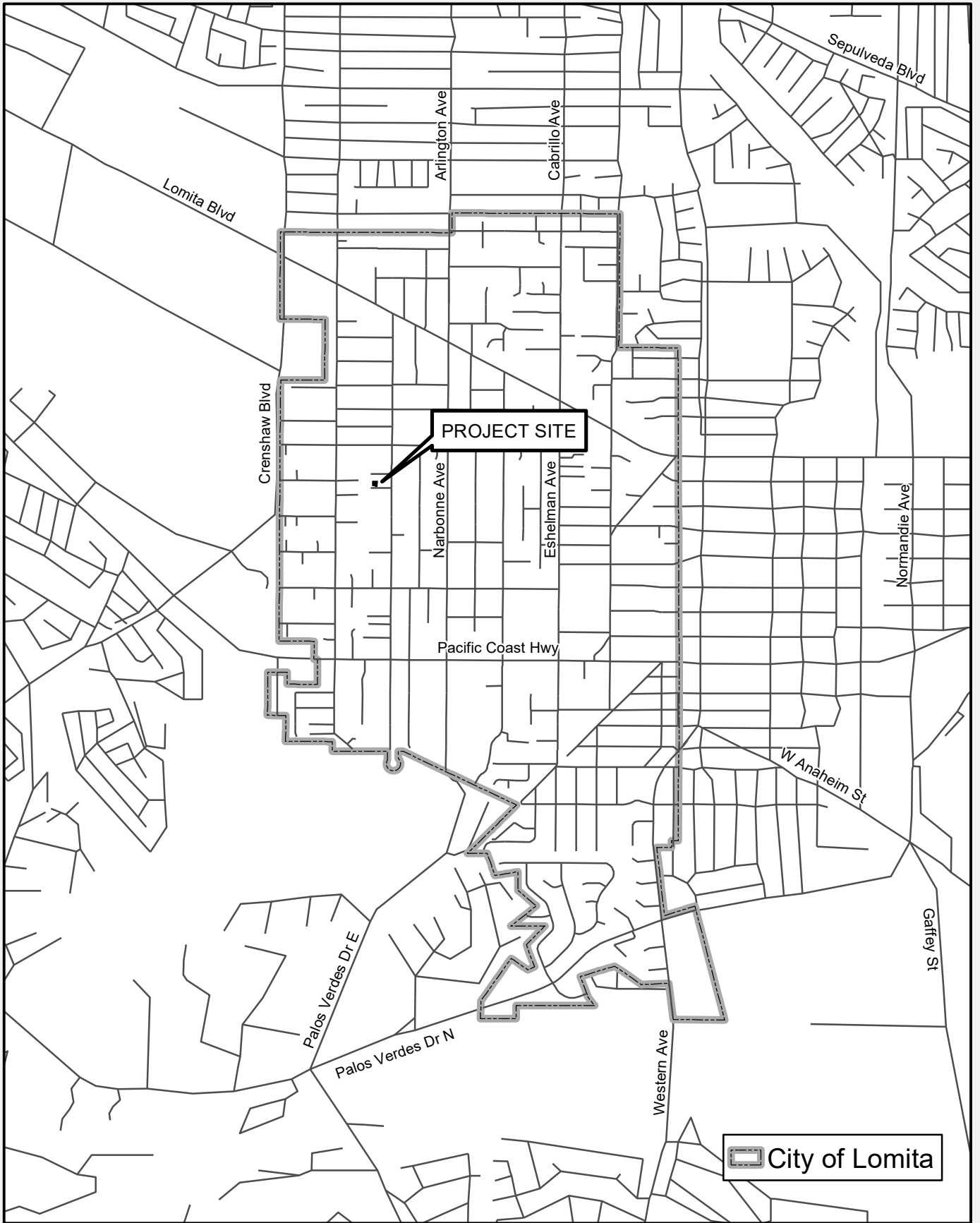
AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
RECUSE: Commissioners:


Steven Cammarata, Chair

ATTEST: _____
Alicia Velasco
Community and Economic Development Director

Within 30 days of the date of this decision for an exception, permit, change of zone, or other approval, or by the person the revocation of whose permit, exception, change of zone, or other approval is under consideration, of notice of the action of, or failure to act by, the Commission, any person dissatisfied with the action of, or the failure to act by, the Commission may file with the City Clerk an appeal from such action upon depositing with said Clerk an amount specified by resolution of the City Council.

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



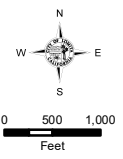
 City of Lomita

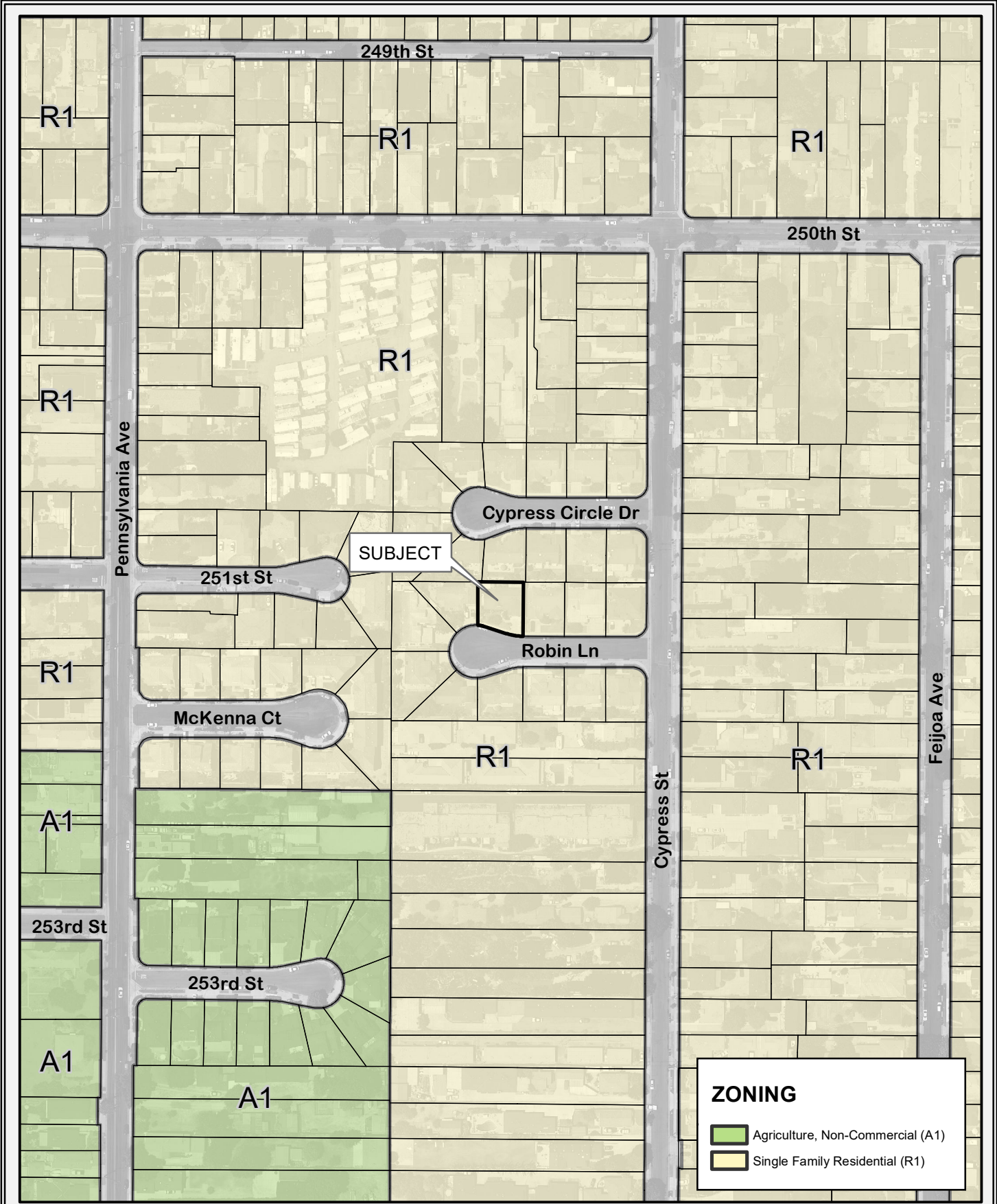


Zone Variance No. 244
2321 Robin Lane
Exhibit B

Community Development
 July 2020

Source: Lomita GIS Data Layers, TIGER Files
 GIS/Apps/2321Robin_vty.mxd

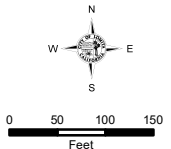


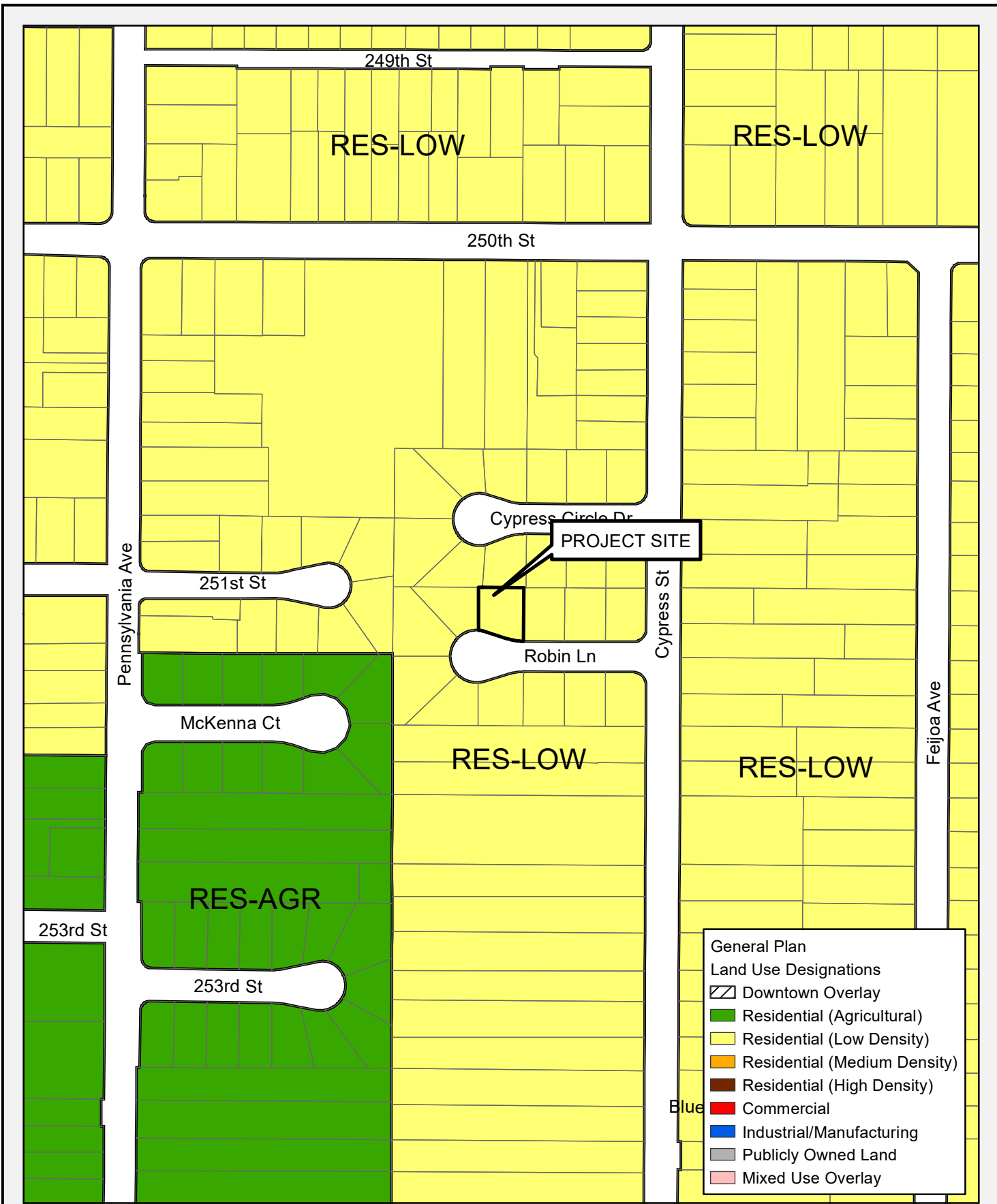


Zone Variance No. 244
2321 Robin Lane
Exhibit C

Community Development
 July 2020

Source: Lomita GIS Data Layers
 /Apps/2321Robin_zon.mxd

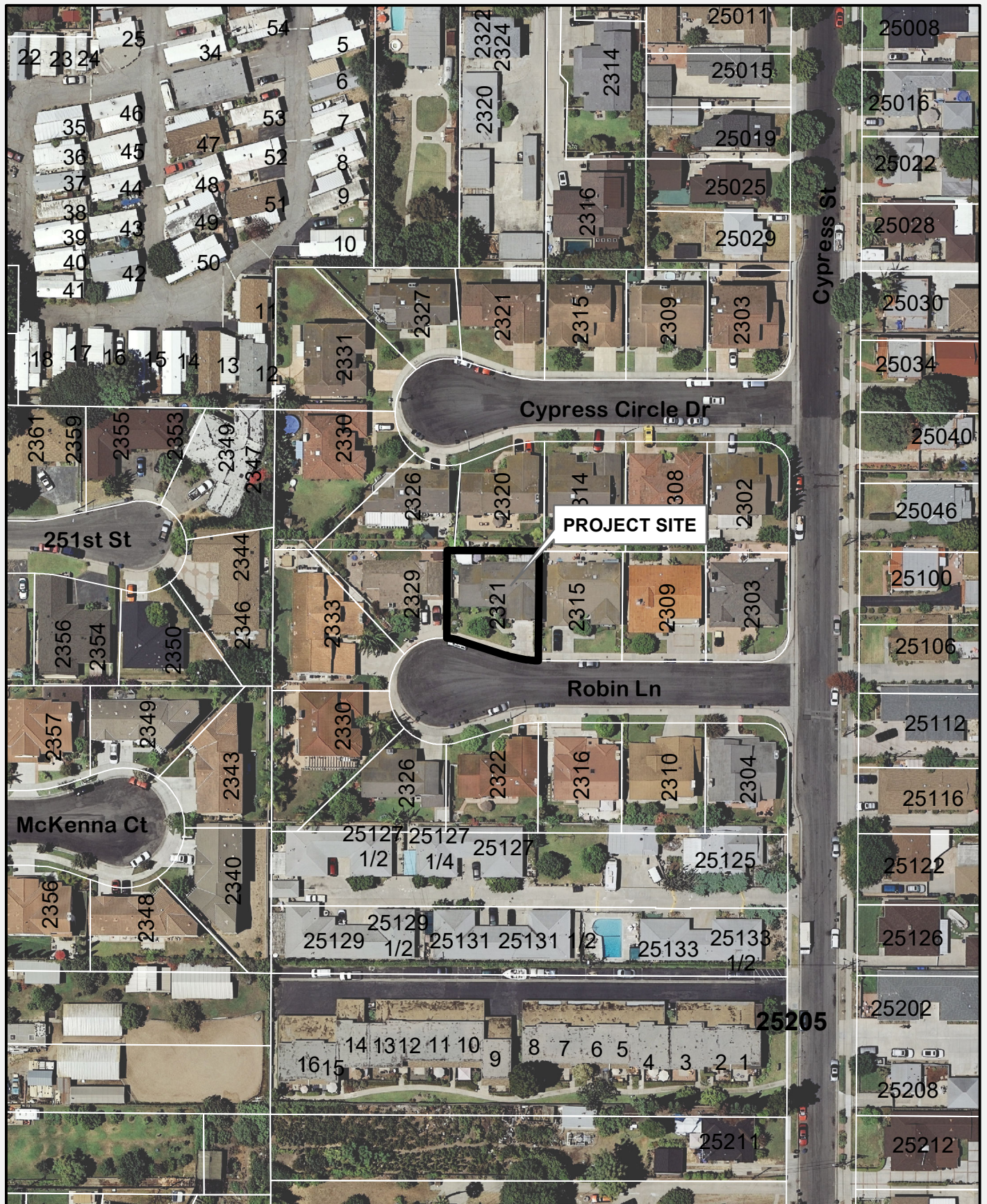




**Zone Variance No. 244
2321 Robin Lane
Exhibit D**

Community Development
July 2020

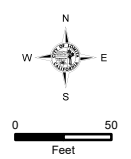
Source: Lomita GIS Data Layers
GIS/Apps/2321Robin_gp.mxd



Zone Variance No. 244
2321 Robin Lane
Exhibit E

Community Development
 July 2020

Source: Lomita GIS Data Layers
 /Apps/2321Robin_aer.mxd



PROJECT INFO.

PROPOSED

1 NEW 14' X 20' LATTICE COVER (280 S.F.)
TO REPLACE (E) COVER

MATERIAL: ALUMINUM
CONSTRUCTION: VB
OCCUPANCY: R3/U
CODE: 2019 LACBC

LEGAL

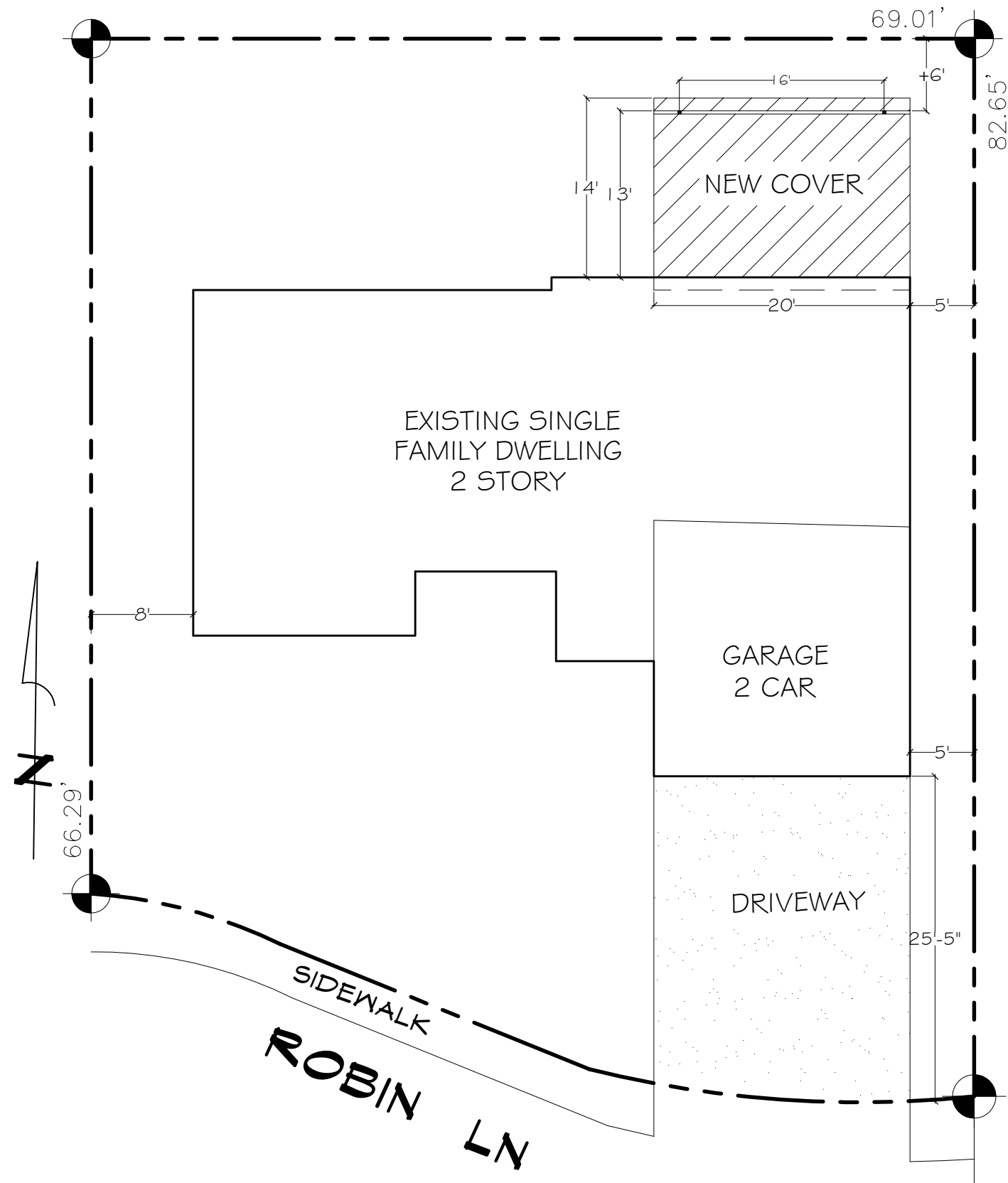
TRACT 43193 LOT 8
APN 7373-003-069

ELECTRICAL

2 CEILING FANS
1 OUTLET

LOT COVERAGE

HOUSE FLOOR AREA- 2522 SQ.FT.
GARAGE - 410 SQ.FT.
TOTAL= 2932 SQ.FT.
LOT AREA 5250 SQ.FT.



PLOT PLAN

SCALE: 3/32"=1'-0"

OWNER:

DANIEL BURRIS
2321 ROBIN LN
LOMITA, CA. 90707
(323) 542-9036

CONTRACTOR:
ALUMWORKS INC.

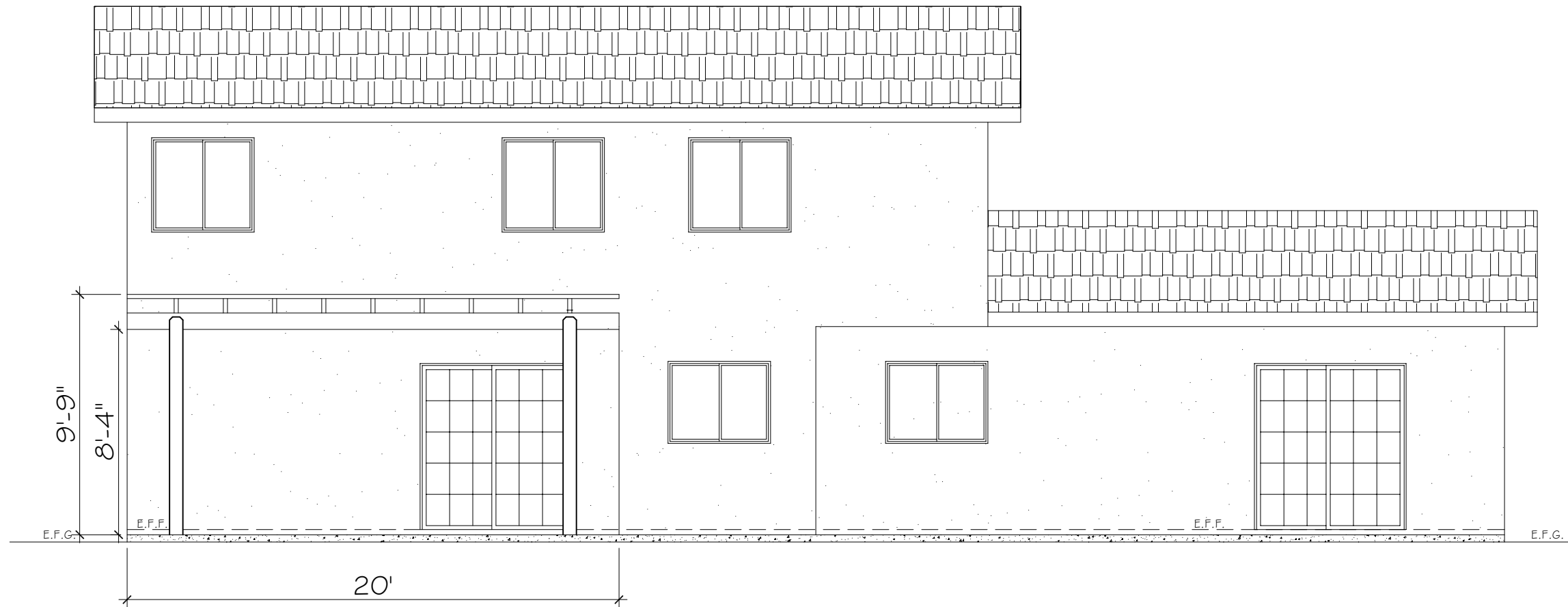
ENGINEER:

SCALE	AS NOTED
JOB NUMBER	
DRAWN BY	R. JAMES
DATE	7/20/2020
CHECK BY	
REVISION	

PROJECT INFO

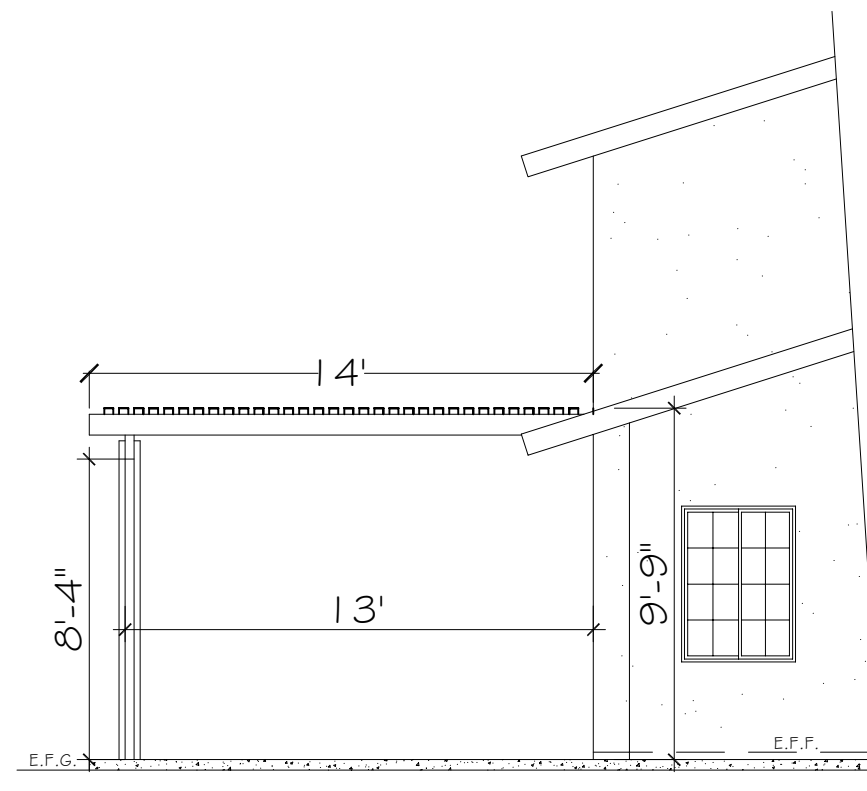
SHEET:

A1.0
PLOT PLAN



REAR ELEVATION

SCALE: 1/4"=1'-0"



RIGHT ELEVATION

SCALE: 1/4"=1'-0"

OWNER:

DANIEL BURRIS
2321 ROBIN LN
LOMITA, CA. 90707
(323) 542-9036

CONTRACTOR:
ALUMWORKS INC.

ENGINEER:

SCALE	AS NOTED
JOB NUMBER	0000
DRAWN BY	R. JAMES
DATE	JULY 2020
CHECK BY	
REVISION	

SHEET:

A2.0
ELEVATIONS