

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



Lomita City Hall
Council Chambers
24300 Narbonne Avenue
Lomita, CA 90717
Phone: (310) 325-7110
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Next Resolution No. PC 2023-17

**AGENDA
REGULAR MEETING
LOMITA PLANNING COMMISSION
MONDAY, AUGUST 14, 2023
6:00 P.M.**

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

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

<https://us06web.zoom.us/j/83345188686>

Telephone Option: (669) 900-6833 Meeting ID: 833 4518 8686

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

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

1. OPENING CEREMONIES

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

2. ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on subjects other than those scheduled are requested to do so at this time. Please provide your name and address for the record. In order to conduct a timely meeting, a 3-minute time limit per person has been established. Government Code Section 54954.2 prohibits the Planning Commission from discussing or taking action on a specific item unless it appears on a posted agenda.

3. CONSENT AGENDA

- a. **APPROVAL OF MINUTES:** July 10, 2023

RECOMMENDED ACTION: Approve minutes.

4. PUBLIC HEARINGS

- a. **ZONING TEXT AMENDMENT NO. 2023-07, AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO UPDATE THE MIXED-USE OVERLAY DISTRICT REGULATIONS AND ALLOW MIXED-USE DEVELOPMENTS CONTAINING FOUR OR FEWER UNITS WITHIN THE DOWNTOWN, COMMERCIAL (D-C) ZONE AND RECOMMEND THE ACTION BE FOUND EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** *(continued from the July 10, 2023, meeting)*

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

PRESENTED BY: Associate Planner MacMorran

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

- b. **CONDITIONAL USE PERMIT NO. 326 AT 2155 PACIFIC COAST HIGHWAY WITHIN THE COMMERCIAL RETAIL (C-R) ZONE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

APPLICANT: Vee Vargas, on behalf of Grocery Outlet, 2155 Pacific Coast Highway, Lomita, CA 90717

PRESENTED BY: Community & Economic Development Director Rindge

RECOMMENDED ACTION: Adopt a resolution approving Conditional Use Permit No. 326 to allow a new grocery store at 2155 Pacific Coast Highway to offer beer, wine, and spirits for offsite consumption and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

5. SCHEDULED MATTERS

- a. **DISCUSSION AND CONSIDERATION OF THE PLANNING COMMISSION BYLAWS** *(Continued from the July 10, 2023, meeting)*

Presented by Community & Economic Development Director Rindge

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

b. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

c. UPCOMING DEVELOPMENTS AND BUSINESSES

6. OTHER MATTERS

a. STAFF ANNOUNCEMENTS

b. PLANNING COMMISSIONER ITEMS

c. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

Tuesday, September 5, 2023, City Council meeting, and September 19, 2023, City Council meeting

7. ADJOURNMENT

The next regular meeting of the Planning Commission is scheduled for Monday, September 11, 2023, at 6:00 p.m.

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

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

Any person may appeal all matters approved or denied by the Planning Commission to City Council within 30 days of receipt of notice of action by the applicant. Payment of an appeal fee is required. For further information, contact City Hall at (310) 325-7110.

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

Dated Posted: August 8, 2023



Linda E. Abbott, CMC
Deputy City Clerk

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

1. OPENING CEREMONIES

a. Call Meeting to Order

The regular meeting of the Lomita Planning Commission was called to order by Chair Cammarata at 6:01 p.m. on Monday, July 10, 2023, in the Council Chambers at Lomita City Hall, 24300 Narbonne Avenue, Lomita, California.

b. Flag Salute

Vice-Chair Graf led the salute to the flag.

c. Roll Call

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

ABSENT: Commissioners Santos and Steinbach

STAFF PRESENT: Community and Economic Director Rindge, Associate Planner MacMorran, Planning Intern Whitney Weisberg, Assistant City Attorney King, and Deputy City Clerk Abbott

2. ORAL COMMUNICATIONS

Chair Cammarata opened Oral Communications.

George Kivett, Lomita resident, stated that the sidewalk on Walnut Avenue near the County yard is not ADA-compliant and poses a challenge for certain residents. He also stated that at its last meeting, the Planning Commission held extensive discussion prior to opening the public hearing, which he felt was inappropriate and could possibly expose the City to legal action.

Rashel Mereness, representing The Slip, expressed support for the murals item to be discussed this evening, and stated that her business would love to have a mural on their building, perhaps one depicting the history of Lomita.

There being no further requests to speak, Chair Cammarata closed Oral Communications.

3. CONSENT AGENDA

a. APPROVAL OF MINUTES: June 12, 2023

RECOMMENDED ACTION: Approve minutes.

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

MOTION CARRIED by the following vote:

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

NOES: None

ABSENT: Commissioners Santos and Steinbach

4. PUBLIC HEARINGS

- a. **CONDITIONAL USE PERMIT NO. 325 AT 1943 PACIFIC COAST HIGHWAY WITHIN THE COMMERCIAL RETAIL (C-R) ZONE AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: Fernanda Lopez, on behalf of Q'Bole Tacos & Beer, 1943 Pacific Coast Highway, Lomita, CA 90717)

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

Planning Intern Weisberg presented the staff report per the agenda material.

Brief discussion was held relative to food service while alcohol is being served.

Chair Cammarata invited the applicant forward to speak.

Fernanda Lopez, the applicant, shared information about the restaurant's history and food, and stated that allowing for beer and wine service would please their customers and provide the restaurant with additional revenue.

Chair Cammarata opened the public hearing at 6:21 p.m.

George Kivett, Lomita resident, expressed support for the project.

As there were no further requests from the public to speak on this item, Chair Cammarata closed the public hearing at 6:23 p.m. and brought the item back to the Commission for additional discussion or a motion.

Assistant City Attorney King clarified that ABC requires that an assortment of food must be available for purchase while alcohol is being served.

Vice-Chair Graf made a motion, seconded by Commissioner Dever, to adopt a resolution approving Conditional Use Permit No. 325 to allow the existing restaurant at 1943 Pacific Coast Highway to offer beer and wine for on-site consumption and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

NOES: None

ABSENT: Commissioners Santos and Steinbach

- b. DISCUSSION AND CONSIDERATION OF ZONING TEXT AMENDMENT NO. 2023-07, AN ORDINANCE AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING) TO UPDATE THE MIXED-USE OVERLAY DISTRICT REGULATIONS AND ALLOW MIXED-USE DEVELOPMENTS CONTAINING FOUR OR FEWER UNITS WITHIN THE DOWNTOWN, COMMERCIAL (D-C) ZONE AND RECOMMEND THE ACTION BE FOUND EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT** (Applicant: Luis De Moraes, on behalf of Machida Academy, 116 South Catalina Avenue, Suite 102, Redondo Beach, CA 90277)

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

Associate Planner MacMorran presented the staff report per the agenda material. She clarified that this amendment would only apply to any property in the D-C Zone and within the Mixed-Use Overlay. Many mixed-use properties in the D-C Zone would be considered nonconforming by today's standards (post-2006). She shared a comparison of existing development standards and those proposed in the zone text amendment.

Brief discussion was held relative to onsite parking requirements for residential units (this building has no onsite parking).

Chair Cammarata invited the applicant forward to speak to the project. Luis De Moraes, project architect, stated that this project would add to the revitalization of Narbonne Avenue, and that it could be a pioneer project, especially for developers with limited resources. He added that bike racks could be put in the back of the building to offset the demand for parking.

Chinzo Machida, the property owner, stated his desire to continue his father's martial arts legacy in Lomita. He also spoke of the difficulties he has endured trying to lease the remaining office space.

Chair Cammarata opened the public hearing at 6:59 p.m.

George Kivett, Lomita resident, expressed support for the amendment but suggested looking into allowing all properties under 10,000 square feet, within the mixed-use overlay (not just in the D-C Zone) to be mixed-use.

As there were no further requests from the public to speak on this item, Chair Cammarata closed the public hearing at 7:02 p.m. and brought the item back for further discussion or a motion.

The Commission expressed concerns with increasing mixed-use development on properties without onsite parking.

Chair Cammarata made a motion, seconded by Commissioner Stephens, to continue this item to the August 14, 2023, meeting so that all seven commissioners can participate in the discussion.

MOTION CARRIED by the following vote:

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

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

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

Director Rindge presented the staff report per the agenda material.

Chair Cammarata opened the public hearing at 7:20 p.m.

George Kivett expressed concerns that murals will not be maintained and will attract graffiti. He suggested that all murals be family-friendly in order to receive approval.

As there were no further requests from the public to speak on this item, Chair Cammarata closed the public hearing at 7:22 p.m. and brought the item back to the Commission for a motion.

Commissioner Stephens made a motion, seconded by Vice-Chair Graf, to adopt a resolution recommending the City Council adopt Zoning Text Amendment 2023-08 and find the request exempt from the California Environmental Quality Act (CEQA).

MOTION CARRIED by the following vote:

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

5. SCHEDULED MATTERS

a. DISCUSSION AND CONSIDERATION OF THE PLANNING COMMISSION BYLAWS

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

Director Rindge presented the staff report per the agenda material.

Chair Cammarata made a motion, seconded by Commissioner Stephens, to continue this item to the August 14, 2023, meeting so that all seven commissioners can participate in discussion.

MOTION CARRIED by the following vote:

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

NOES: None

ABSENT: Commissioners Santos and Steinbach

b. COMMUNICATIONS REGARDING CITY COUNCIL ACTIONS

Director Rindge had nothing to report.

6. OTHER MATTERS

a. STAFF ANNOUNCEMENTS

Director Rindge congratulated Planning Intern Weisberg on a job well done on her first staff report this evening. She announced the next General Plan Advisory Committee Workshop is to take place Thursday, July 13, at 5:30 p.m. She also provided brief updates on Grocery Outlet, The Slip, and Cream Pan.

b. PLANNING COMMISSIONER ITEMS

Vice-Chair Graf commented on a business grand opening he recently saw advertised on social media. It is located in a suite of a building whose owners were to correct certain non-permitted work in order to obtain Planning Commission approval at the June 12, 2023, meeting. He stated that the photos on the post showed that non-permitted work had clearly not been corrected, and as result, the business should not be allowed to open and operate.

Director Rindge stated that staff will investigate this matter tomorrow morning.

There was brief discussion relative to comments during Oral Communications. Assistant City Attorney King stated that Mr. Kivett felt that the public hearing had not been opened soon enough and spoke of the importance of the Commission keeping an open mind during discussion of items. He added that the Commission must always avoid even the appearance of forming an opinion before all testimony has been heard.

Mr. Kivett wished to comment on this item, but Chair Cammarata denied his request as public comment is not heard under Planning Commissioner Items.

7. COMMISSIONERS TO ATTEND CITY COUNCIL MEETINGS

The Tuesday, August 1, 2023, City Council meeting will likely be cancelled due to National Night Out; Planning Commission representation at the Tuesday, August 15, 2023, City Council meeting is to be determined.

8. ADJOURNMENT

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

Linda E. Abbott, CMC
Deputy City Clerk

DRAFT



CITY OF LOMITA PLANNING COMMISSION REPORT

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

FROM: Laura MacMorran, Associate Planner

MEETING DATE: August 14, 2023

SUBJECT: Zoning Text Amendment No. 2023-07, an Ordinance Amending Lomita Municipal Code Title XI (Planning and Zoning) to Update the Mixed-Use Overlay District Regulations and Allow Mixed-Use Developments Containing Four or Fewer Units Within the Downtown, Commercial (D-C) Zone and Recommend the Action be Found Exempt from the California Environmental Quality Act (*continued from the July 10, 2023, meeting*)

RECOMMENDATION

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

BACKGROUND

On July 10, 2023, the Planning Commission considered the proposed zone text amendment to provide incentives and concessions in exchange for deed-restricted affordable housing for mixed-use developments converting 4 or fewer commercial units to residential use on parcels within the Downtown, Commercial (D-C) Zone, within the Mixed-Use Overlay (MUO), in accordance with Housing Element Program 7 (See Attachment 4). The potential impact that parking concessions might have raised concerns. Planning Commission voted to continue the hearing to the next meeting with no further direction.

After the July 10th Planning Commission meeting, the applicant submitted a written request (Attachment 2) to revise the proposed text amendment so that it would apply only to commercial space converted to residential use. The Applicant reasons that a commercial use occupying the existing space would generate parking demands, and therefore, it would not make a significant difference to allow residential units to be converted from already-built commercial space.

ANALYSIS

Staff does not object to the Applicant's zone text amendment. The following table uses the applicant's existing second-floor at 1,500 ft² to illustrate the differences in parking requirements generated by commercial versus residential use.

Commercial v. Residential Parking Requirements Example

Use	Parking Ratio	Quantity	Parking Spaces Required
Commercial: Office/Personal Service/Retail	1 space/300 ft ² (Sec. 11-1.66.03(C))	1,500 ft ²	5 spaces
Residential: Studio + Guest	1 space/unit +.25 spaces/unit (Sec. 11-1.58.06(f))	3 units, each at 500 ft ²	3 spaces <u>+ 1 space</u> 4 spaces

Per the Lomita Municipal Code parking requirements, commercial use require more parking spaces than three studio apartments.

Staff continues to recommend the proposed July 10th zone text amendment because it:

- 1) provides a new development tool for small housing projects that is similar to the State's Density Bonus law for five-for-more-unit housing projects;
- 2) applies to all properties in the MUO-DC-Zone;
- 3) encourages existing properties to reinvest;
- 4) preserves the scale and character of the Downtown; and
- 5) achieves Housing Element Program 7's objective to "improve development regulations intended to incentivize affordable and mixed-income housing through regulatory induces, such as incentive zoning" as recently adopted by City Council.

At the July 25, 2023 public workshop for the City's General Plan Update, attended by approximately 50 Lomita residents and/or workers, the topic was "Land Use & Design". At this workshop, the public was invited to place stickers on their own map denoting where in the city they'd like to see certain land uses change or continue. Unprompted, a large handful attendees located across the room indicated that they'd like to see more residential-over-commercial vertical mixed-use in the Downtown Lomita area.

Changing, reducing, or even bartering development standards for a public good, such as affordable housing, is a paradigm shift. Perceptions of commercial development standards, particularly parking requirements, have gradually adjusted. It has been seen how inflexible requirements can stifle economic development, and conversely how loosening these requirements supports economic development. For example, Lomita allows D-C Zone commercial uses within 500 feet of a municipal parking lot to reduce onsite parking supply (LMC Sec. 11-1.49.06(D)). Over the last few years, several

businesses in the D-C Zone have benefited from this provision, and thereby the City and its existing residents have, too.

Like commercial uses, sometimes residential requirements can prevent new development. The July 10th proposed text amendment balances a multitude of competing demands and draws from Lomita's existing standards and State law to craft provisions that would facilitate affordable housing and mixed-income housing development.

CEQA

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

OPTIONS

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

ATTACHMENTS

1. Resolution and Exhibit A Draft Ordinance (continued from July 10th meeting)
2. Applicant's Written Request to Revise the Zone Text Amendment
3. July 10th Planning Commission Staff Report
4. Housing Element Excerpt: Program 7 Incentives and Regulations

Prepared by:

Laura MacMorran

Laura MacMorran
Associate Planner

Reviewed by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA RECOMMENDING CITY COUNCIL APPROVAL OF ZONING TEXT AMENDMENT 2023-07 AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), ARTICLE 58 SECTION 11-1.58.06 (MIXED-USE OVERLAY DISTRICT), AND FINDING THE ACTION TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Section 1. Recitals

A. This proposed code amendment has been assessed in accordance with Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendment will not have a significant effect on the environment because the proposed amendments would provide for new standards consistent with State Law and do not propose any physical construction.

B. On July 10, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-07 (initiated by Messrs. Luis De Moraes and Chinzo Machida), where public testimony was accepted on the item and after deliberations the Planning Commission recommended that the City Council approve the Zoning Text Amendment., in accordance with Lomita Municipal Code sections 11-1.70.04 and 11-1.70.05(C).

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

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

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

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 10th day of July, 2023, by the following vote:

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

Steven Cammarata, Chair

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

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA AMENDING LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), REVISING THE CITY'S REGULATIONS FOR MIXED-USE OVERLAY DISTRICT TO UPDATE STANDARDS; TO ALLOW MIXED-USE DEVELOPMENTS CONTAINING FOUR OR FEWER UNITS WITHIN THE DOWNTOWN COMMERCIAL (D-C) ZONE; TO DEFINE A TERM AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

Section 1. Recitals.

- A. An existing ordinance addressing mixed-use developments is codified in Title XI of the Lomita Municipal Code.
- B. The City desires to amend Title XI of the Lomita Municipal Code to amend its mixed-use standards of development regulations as necessary to allow for four or fewer units on properties with less than 10,000 square feet, and to establish affordable housing incentives in the Downtown-Commercial Zone.
- C. On July 10, 2023, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2023-06 where public testimony was accepted on the item and recommended City Council _____.
- F. On _____ 2023 and _____ 2023, City Council held a duly noticed public hearing to consider the proposed text amendment regarding Accessory Dwelling Units.

Section 2. General Plan

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

- A. Housing Element Policy 2.4 which is to promote and encourage innovation and creativity in housing development through regulations that increase transparency and flexibility in the development approval process.
- B. Housing Element Program 7 which requires the City to evaluate a range of incentive-based and regulatory approaches to facilitate the development of housing for lower-income households. One specific objective is to "Improve development regulations intended to incentivize affordable and mixed-income

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

Section 3. Environmental Review

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

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

Section 4. Zoning Amendments

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

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

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

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

“Sec. 11-1.58.06. Standards of development

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

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

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

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

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

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

Studio — Five hundred fifty (550) square feet;
One (1) bedroom— Eight hundred (800) square feet;
Two (2) bedrooms— One thousand (1,000) square feet;
Additional bedrooms — Two hundred (200) additional square feet per bedroom.
 - (b) *Building height.* No lot or parcel of land in the mixed-use overlay zone shall have a building or structure in excess of thirty-five (35)

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

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

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

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

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

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

and planting containers may be counted toward this requirement.

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

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

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

Section 5. Severability

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

Section 6 . Effective Date.

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

PASSED, APPROVED AND ADOPTED, this _____ day of _____, 2023.

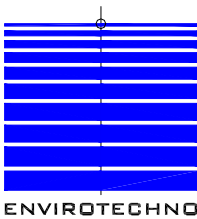
Barry Waite, Mayor

ATTEST:

Kathleen Horn Gregory, MMC, City Clerk

APPROVED AS TO FORM:

Trevor Rusin, City Attorney



Date: 07-17-2023

**To: Brianna Rindge, AICP - Director of Community & Economic Development
Laura McMoran – Associate Planner
Members of the Planning Commission
City of Lomita, 24300 Narbonne Ave, Lomita, CA 90717**

**Regarding: 24333 Lomita Boulevard – Upper Level Space Conversion
July 10 Public Hearing Comments**

Dear Ms. McMoran, Ms. Rindge and Members of the Planning Commission,

Thank you for considering our application related to the conversion of the existing upstairs commercial space to residential use.

While we appreciate the opportunity to be included in the proposed changes for the Zone Text Amendment changes related to the Mixed-Use parameters in your Municipal Code, we would like to identify some specific considerations which should be reviewed for unique cases such as the few remaining existing commercial buildings on Narbonne.

The biggest resistance was the concern about the parking demand increase once converting the partial commercial spaces to residential use.

Per your current Municipal Code parking requirements, commercial uses as “professional offices” require (1) space for each three hundred sq.ft. of area.

In our case, we are proposing to convert approximately 1,500 sq.ft. of upstairs space to three individual, affordable residential studio units.

We believe that our parking needs would be at best (3) compared to the (5) required, as it exists now in the current code, for commercial use.

Additionally, we are located within half a mile of public transportation; and as discussed during our hearing, we can provide bicycle racks to not only reduce the demand for automobile parking, but also to encourage “green transportation.

Per our experience with other affordable housing projects, state law has eliminated the need to provide parking all together when providing affordable units if within half of mile of public transportation.

Another important consideration regarding the general Zone Text Amendment changes, would be to validate the difference for parking demands between existing buildings versus new development.

A brand-new development affords the opportunity to include creative incorporation and accommodation of the standard required parking; or other alternative parking measures such as *in-lieu fees*, remote parking within five hundred sq.ft., shared parking with other commercial uses at off peak hours.

There are many options for new developers to consider which are commonly used in other new developments throughout other cities and I believe yours as well.

Existing buildings converted to Mixed Use subject to small additions for architectural and code compliant corrections; and remodels - do not afford the flexibility of extensive re-build and should be classified differently.

In our case, the “commercial rental area upstairs,” has had offers for lease for a period of 1.5 years but have been considered undesirable offers by the owner.

The karate studio is a family business from generation to generation and the requirement for quality tenants is of utmost importance to preserve the integrity of the business. It offers a number of classes for children and other institutions, which expects safety, classy and respectable environments.

Our suggestion includes a General Zone Text Amendment to allow Mixed-Use for properties under 10,000 sq.ft.; preserve the standard parking requirements for new developments and provide exceptions for existing buildings (which there are only a few left). By doing so, the impact to Narbonne and the neighbors would be minimum or none.

In general, we believe this is also a positive move to help the city of Lomita to increase affordable housing and assist in compliance with the required number of affordable housings per the latest requirements of the state.

We thank you in advance for your consideration and will be ready to discuss our thoughts further at the next public hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Moraes', with a stylized flourish at the end.

Luis de Moraes AIA-ASID-LEED AP BD+C

License No. C32440 - Principal

(On Behalf of Chinzo Machida – Machida Karate property Owner)



CITY OF LOMITA PLANNING COMMISSION REPORT

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

FROM: Laura MacMorran, Associate Planner

MEETING DATE: July 10, 2023

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

RECOMMENDATION

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

BACKGROUND

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

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

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

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

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

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

ANALYSIS

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

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

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

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

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

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

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

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

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

2) AFFORDABLE UNIT AND INCENTIVES AND CONCESSIONS

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

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

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

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

3) OTHER AMENDMENTS FOR CONSISTENCY

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

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

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

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

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

GENERAL PLAN CONSISTENCY

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

CEQA

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

PUBLIC NOTICE

Notices of this hearing dated June 29, 2023, were published in *The Daily Breeze* newspaper, and posted at City Hall and Lomita Park.

OPTIONS

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

ATTACHMENTS

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

Prepared by:

Laura MacMorran

Laura MacMorran
Associate Planner

Reviewed by:

Brianna Rindge

Brianna Rindge, AICP
Community and Economic
Development Director

PROGRAM 7: INCENTIVES AND REGULATIONS

The City will evaluate a range of incentive-based and regulatory approaches to facilitate the development of housing for lower-income households. This will include updates to local implementation on the State’s Density Bonus program, as well as evaluation of floor-area-ratio-based bonuses, bonuses in exchange for infrastructure, increased opportunities for expedited permit processing, and increased use of ministerial processing for a variety of housing types.

<p>Objective/Timeframe(s)</p>	<ul style="list-style-type: none"> - To assist in the development of housing for lower income households, including extremely low-income households, the city will annually and proactively reach out to developers of affordable housing to identify development opportunities and assist with development, including funding, supporting funding applications, ministerial reviews of naturally affordable housing types, easing development standards including parking and front setback requirements, fee waivers, reduction or deferrals, and incentives and concessions beyond those in State Density Bonus law. The City will target 200 units in the planning period throughout the City and 30 percent in higher resource or higher income areas and 30 percent in lower-income areas. - Amend the Density Bonus ordinance to ensure consistency with State law, including the provision of a bonus for student affordable housing, senior housing, and 100 percent affordable developments by spring 2023. - Improve development regulations intended to incentivize affordable and mixed-income housing development through regulatory inducements such as incentive zoning paired with objective development standards, or process incentives such as technical assistance in exchange for affordable housing no later than fall 2023. - Annually review regulations to identify opportunities to incentivize and reduce barriers to housing production and ensure ongoing consistency with State laws. - Continue to work with developers through one-on-one consultations, especially affordable housing developers, to identify process improvements to City procedures.
<p>Responsible Agency</p>	<p>Community Development Department</p>
<p>Funding Sources</p>	<p>General</p>
<p>Relevant Policies</p>	<p>2.1, 2.2, 2.3, 2.4, 2.5, 2.6</p>



CITY OF LOMITA PLANNING COMMISSION REPORT

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

FROM: Whitney Weisberg, Planning Intern

MEETING DATE: August 14, 2023

SUBJECT: Conditional Use Permit No. 326 at 2155 Pacific Coast Highway within the Commercial Retail (C-R) Zone and Finding the Action to be Exempt from the California Environmental Quality Act

RECOMMENDATION

Adopt a resolution approving Conditional Use Permit No. 326 to allow a new grocery store at 2155 Pacific Coast Highway to offer beer, wine, and spirits for offsite consumption and to confirm the categorical exemption from the California Environmental Quality Act (CEQA).

BACKGROUND

Vee Vargas, on behalf of Grocery Outlet, requests approval of Conditional Use Permit No. 326 to allow a new grocery store at 2155 Pacific Coast Highway to offer beer, wine, and spirits for offsite consumption within the Commercial Retail (C-R) Zone. The grocery store applied for a Type 21 ABC license to offer beer, wine, and spirits alongside the sale of food and retail items. The City requires a Conditional Use Permit to allow for the sale of beer, wine, and spirits.

Existing Conditions

The subject site is located along Pacific Coast Highway to the east of Narbonne Avenue. The total usable area of the property is 76,526 ft² and consists of one large box store building with the loading dock in the rear. The unit is currently vacant, but was formerly occupied by Big Lots. Two trash enclosures will be located next to the loading dock in the rear of the property and an additional loading zone will be located in the northeast portion of the property. The grocery store will be open from open from 6:00 a.m. to 11:00 p.m. daily. The total floor area of the unit is currently 23,040 ft², but they intend to only occupy 17,494 ft², carving out 5,546 ft² for another tenant.

ANALYSIS

General Plan

The land use designation for the property is Commercial. A grocery store that sells beer, wine, and spirits for offsite consumption is consistent with this designation. The Land Use Element contains a floor area ratio of 1.0 to 1.0. The combined 23,040 ft² building area is on a 77,183 ft² lot and has a F.A.R. of less than 1.0 which is consistent with the specification. The applicant does not propose any new square footage.

Zoning Review

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

Adjacent Zoning and Land Uses

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

Distance Requirements

Any business selling alcoholic beverages for offsite or onsite consumption shall be located a minimum of 300' from schools, parks, and public recreation areas per Lomita Municipal Code Section 11-1.56.03(C). There are no sensitive uses in the specified vicinity of the site.

Any establishment over 2,500 ft² selling alcohol for offsite consumption must be located at least 300 feet from any other establishment authorized to sell alcoholic beverages for offsite consumption. The proposed use is located within 300 feet of one business authorized to sell alcohol for offsite consumption: Target , on the other side of the highway, at 2130 Pacific Coast Highway.

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

Existing License within Census Tract

With regard to offsite license concentration, the ABC investigator reports that there exist 4 active retail licenses for offsite consumption with the Department of Alcohol Beverage Control (ABC), while ABC authorizes three in this tract. However, ABC will permit additional liquor licenses subject to an approved conditional use permit and letter of

convenience or necessity from the City Council. Staff proposes a condition of approval that the applicant obtains a letter of public convenience or necessity, with the approval of the conditional use permit.

Name	City	Address
<i>Type 20 (beer & wine only):</i>		
7 Eleven	Lomita	2301 PCH
KB Food Marts Plus	Lomita	2380 Lomita Blvd
<i>Type 21 (beer, wine, & liquor – same type as applicant):</i>		
Rolling Hills Market	Lomita	2413 PCH, Ste 105
Ace Hi Liquor	Lomita	25511 Narbonne Ave

The city of Torrance benefits from alcohol sales at several chain grocery stores, such as Vons, Whole Foods, and Sam’s Club. The sales of alcohol at the proposed Grocery Outlet will shift benefit into Lomita.

Conditional Use Permit Findings Summary

Staff reviewed the project in accordance with Section 11-1.70.09 of the Lomita Municipal Code and advises that the project is consistent with the required findings (see Exhibit A). The City has not received any complaints about this establishment. Planning staff recommends approval for Conditional Use Permit No. 326.

CEQA

The Planning Commission finds, determines and declares that adoption of this resolution and approval of the CUP is statutorily exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 (Existing Facilities) because the actions identified in the ordinance are limited to the permitting and minor alteration of existing facilities. The project consists of permitting a license to sell beer, wine, and spirits for offsite consumption, which is a negligible expansion of the proposed onsite activities. Alternatively, the adoption of this resolution and approval of the CUP is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

PUBLIC NOTICE

On August 1, 2023, staff mailed notices of this hearing to property owners within 300’ of the subject property and posted on the Lomita City web page, at Lomita City Hall, and at Lomita Park.

OPTIONS

1. Approve the attached resolution as recommended.
2. Approve the attached resolution with amended conditions.
3. Deny the application.
4. Provide staff with further direction.

ATTACHMENTS

1. Draft Resolution of CUP No. 326
2. Vicinity Map
3. Zoning Map
4. General Plan Map
5. Aerial Photograph
6. Notice of Exemption
7. Floor Plan

Recommended by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

Prepared by:

Whitney Weisberg

Whitney Weisberg
Planning Intern

PLANNING COMMISSION
 RESOLUTION NO. PC 2023-XX
 CONDITIONAL USE PERMIT NO. 326
 2155 PACIFIC COAST HIGHWAY
 APN: 7375-025-041

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMITA APPROVING A REQUEST FOR CONDITIONAL USE PERMIT NO. 326 TO ALLOW A NEW GROCERY STORE AT 2155 PACIFIC COAST HIGHWAY TO SELL BEER, WINE, AND SPIRITS FOR OFFSITE CONSUMPTION WITHIN THE COMMERCIAL RETAIL (C-R) ZONE. FILED BY VEE VARGAS ON BEHALF OF GROCERY OUTLET AT 5650 HOLLIS STREET, EMERYVILLE, CALIFORNIA, 94608 (APPLICANT).

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

Section 1. Recitals

- A. The City of Lomita received an application to allow a new grocery store at 2155 Pacific Coast Highway to sell beer, wine, and spirits for offsite consumption pursuant to a proposed Type 21 Department of Alcoholic Beverage and Control (ABC) license. Filed by Vee Vargas, Grocery Outlet at 5650 Hollis Street, Emeryville, California 94608 (Applicant).
- B. On August 14, 2023, the Planning Commission of the City of Lomita held a duly noticed public hearing and accepted public testimony for an application.
- C. The Planning Commission finds that the Applicants agree with the necessity of and accept all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering, the health, safety, and welfare of citizens in general including those who access the site.

Section 2. Conditional Use Permit Findings

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

- (1) *The proposed use is allowed within the district with the approval of a Conditional Use Permit and complies with all other applicable requirements of Article 70 (Zoning Ordinance) of the Lomita Municipal Code.*

Subject to the requirements of Article 56 (Sale of Alcoholic Beverages), grocery stores selling alcoholic beverages are permitted in the C-R zone with the approval of a Conditional Use Permit (Section 11-1.48.04(A)(12)).

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

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

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

The proposed sale of beer, wine, and spirits for offsite consumption as part of the retail business will not adversely affect the public welfare nor the property of other persons. The subject’s shopping center and unit at 2155 Pacific Coast Highway are orientated towards Pacific Coast Highway. The use will not expand beyond the existing structure. Adding beer, wine, and spirit sales to a food market for offsite consumption will not adversely affect the public welfare or be detrimental to businesses and properties in the vicinity. The adjacent neighbors are commercial and alcohol sales are in keeping with the surrounding uses. The grocery store proposes to sell beer, wine, and spirits during its operating hours, from 6:00 a.m. to 11:00 p.m. every day. This aligns with other neighboring establishments. The properties in the vicinity sell alcohol for offsite consumption during the following hours:

Address	Business	Approved Hours of Operation
2130 Pacific Coast Highway	Target in progress of acquiring ABC License	7 A.M. to 12 A.M. (Per CUP 307)
25808 Narbonne Avenue	Hanukah Inc. associated with Pacific Shell Gas Station	6 A.M. to 11 P.M.

The proposed beer, wine, and spirits sales hours coincide with typical grocery shopping hours and other established businesses in the vicinity.

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

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

use with the uses in the neighborhood.

The site was developed in 1969 and the project does not require physical changes to the site layout related to buildings and parking. The subject shopping center meets the minimum requirement under Lomita Municipal Code. The grocery store is similar to the former established use and will not intensify the demand for parking.

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

The site is served by Pacific Coast Highway, a six-lane state highway, and Narbonne Avenue, a four-lane roadway, both major corridors within Lomita. Selling beer and wine for offsite consumption at a new food market will intensify use, but these streets can adequately carry the kind and quantity of traffic the proposed use may generate.

Section 3. Distance Requirement Findings

Pursuant to Section 11-1-56.03(D) of the Lomita Municipal Code, because the applicant's business is within 300 feet of another retailer selling alcohol for offsite consumption, the Planning Commission may modify the distance requirements when granting a conditional use permit if the following additional findings can be made:

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

There are no sensitive uses within the area that could potentially be disrupted. There is one business located within 300 feet of the subject unit that is authorized to sell alcohol for offsite consumption, but they are across Pacific Coast Highway, limiting the potential disturbance. Correspondence with the Los Angeles County Sheriff's Department revealed that there was one call for service to 2155 Pacific Coast Highway during the 2022 calendar year.

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

The business will provide beneficial commercial vitality to the area because the ancillary sale of beer, wine, and spirits at a grocery store will enhance business while creating minimal impacts on the community. The ancillary sale of alcohol will provide an additional commercial sales opportunity to the area. This request is consistent with the purpose and intent of the Lomita Municipal Code to control the proliferation of businesses engaging in the sale of alcoholic beverages and to

preserve community appearance, safeguard and enhance property values, and protect the health, safety, and welfare of the citizens of Lomita.

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

Similar retailers such as Big Lots have operated at this location for over 50 years and the proposed grocery store will not cause any objectionable effects on the surrounding properties. Currently, there is a six-foot block wall that separates the building from the residential units behind the site across the entirety of the boundary. The entrance to the grocery store will be on the opposite side of the residential uses, and along Pacific Coast Highway, a major corridor.

Section 4. CEQA Findings.

The Planning Commission finds, determines and declares that adoption of this resolution and approval of the CUP is statutorily exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) because the actions identified in the ordinance are limited to the permitting and minor alteration of existing facilities. The project consists of permitting a license to sell beer, wine, and spirits for offsite consumption, which is a negligible expansion of the proposed onsite activities. Alternatively, the adoption of this resolution and approval of the CUP is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

Section 5. Based on the above findings, the Planning Commission of the City of Lomita hereby approves Conditional Use Permit No. 326 subject to the following conditions:

GENERAL PROJECT CONDITIONS

1. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Community and Economic Development Director or a major modification to the plans is approved by the Planning Commission.
2. This permit is granted for the Applicant's application received on June 26, 2023 on file with the Planning Division, and may not be transferred from one property to another.
3. By commencing any activity related to the project or using any structure authorized by this permit, Applicant accepts all the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein.
4. This permit shall not be effective for any purpose until a duly authorized representative of the owner of the property has filed with the Department of

Community Development, a notarized affidavit accepting all the conditions of this permit. This affidavit, or a copy of this resolution, shall be recorded with the County Recorder and is binding on successors. If the Applicant is a corporation, then an officer of the corporation shall sign the acceptance affidavit.

5. This permit shall automatically be null and void two years from the date of issuance unless a business license has been issued by the City of Lomita. A request for a one-year extension may be considered by the Planning Commission. No extension shall be considered unless requested prior to the expiration date.
6. In the event of a disagreement in the interpretation and/or application of these conditions, the issue shall be referred back to the Planning Commission.
7. It is hereby declared to be the intent that if any provision of this permit is held or declared invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. All outstanding fees owed to the City, including staff time spent processing this application, shall be paid in full.

PLANNING CONDITIONS

9. All crimes occurring inside or outside the project property shall be reported to the Lomita Station of the Los Angeles County Sheriff's Department at the time of the occurrence.
10. The business may operate from 6:00 a.m. to 11:00 p.m. every day of the week.
11. This approval is contingent upon the approval of a letter of public convenience or necessity from the City Council.
12. This approval is for the sale of beer, wine, and spirits as an ancillary use to a food market for the property located at 2155 Pacific Coast Highway.
13. Applicant must ensure that no loitering takes place within the parking lot area.
14. There shall be no advertising of alcoholic beverages visible from the outside of the establishment including advertising directed to the exterior from within, promoting or indicating availability of alcoholic beverages.
15. Any graffiti painted or marked upon the premises or any adjacent area under control of the licensee shall be removed or painted over within forty-eight hours of notification.
16. The licensee shall be responsible for maintaining the area adjacent to the premises over which they have control free of litter.

17. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make discernable the appearance and conduct of all persons on or about the parking lot. Lights may not be installed in a manner that will disrupt nearby residences.
18. Licensee shall regularly monitor the area to under Licensee's control in an effort to prevent loitering of persons about the premises.
19. No alcoholic beverages shall be consumed on any portion of the premises or any portion which is adjacent thereto and under the control of the licensee.
20. The sale of beer, wine, and spirits is only authorized as an ancillary service to food sales and other retail items sold for the food market. In the event that food sales and the sale of retail items ceases on the property, the conditional use permit for the sale of beer, wine, and spirits for offsite consumption shall be void and the privileges granted hereunder shall lapse.

INDEMNIFICATION

Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. Applicant's commencement of construction or operations pursuant to the resolution shall be deemed to be an acceptance of all conditions thereof.

COMPLIANCE

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

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

PASSED and ADOPTED by the Planning Commission of the City of Lomita on this 14th day of August 2023 by the following vote:

AYES: Commissioners:
NOES: Commissioners:

ABSENT: Commissioners:

RECUSE: Commissioners:

Steven Cammarata, Chairperson

ATTEST:

Brianna Rindge, AICP
Community and Economic Development Director

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

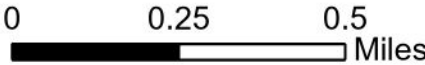
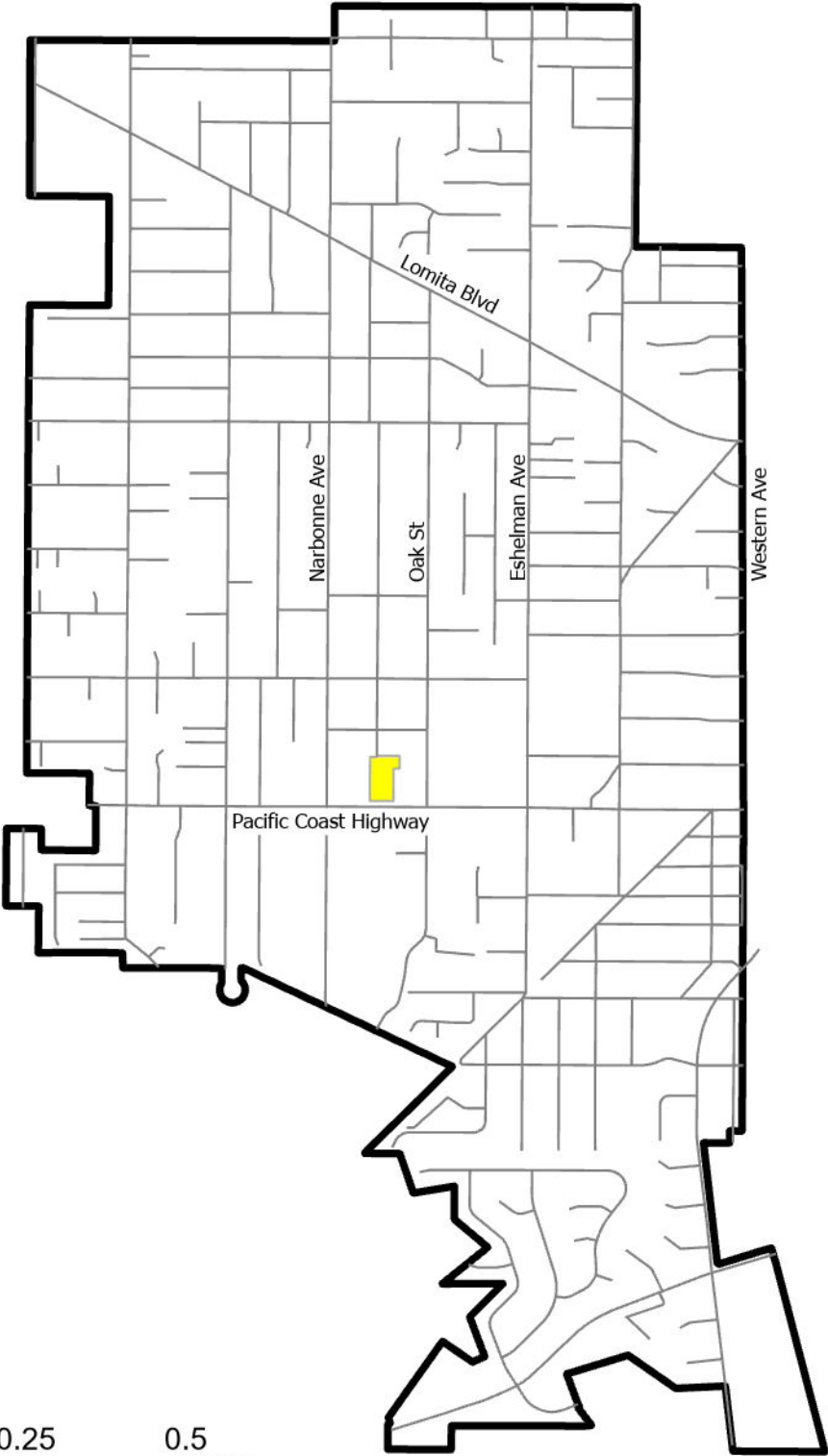
Any action to challenge the final decision of the City made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section 1094.6.



2155 Pacific Coast Hwy Project Location Map

Community and Economic
Development
Brianna Rindge, Director

Source: Los Angeles County
GIS Data 2023

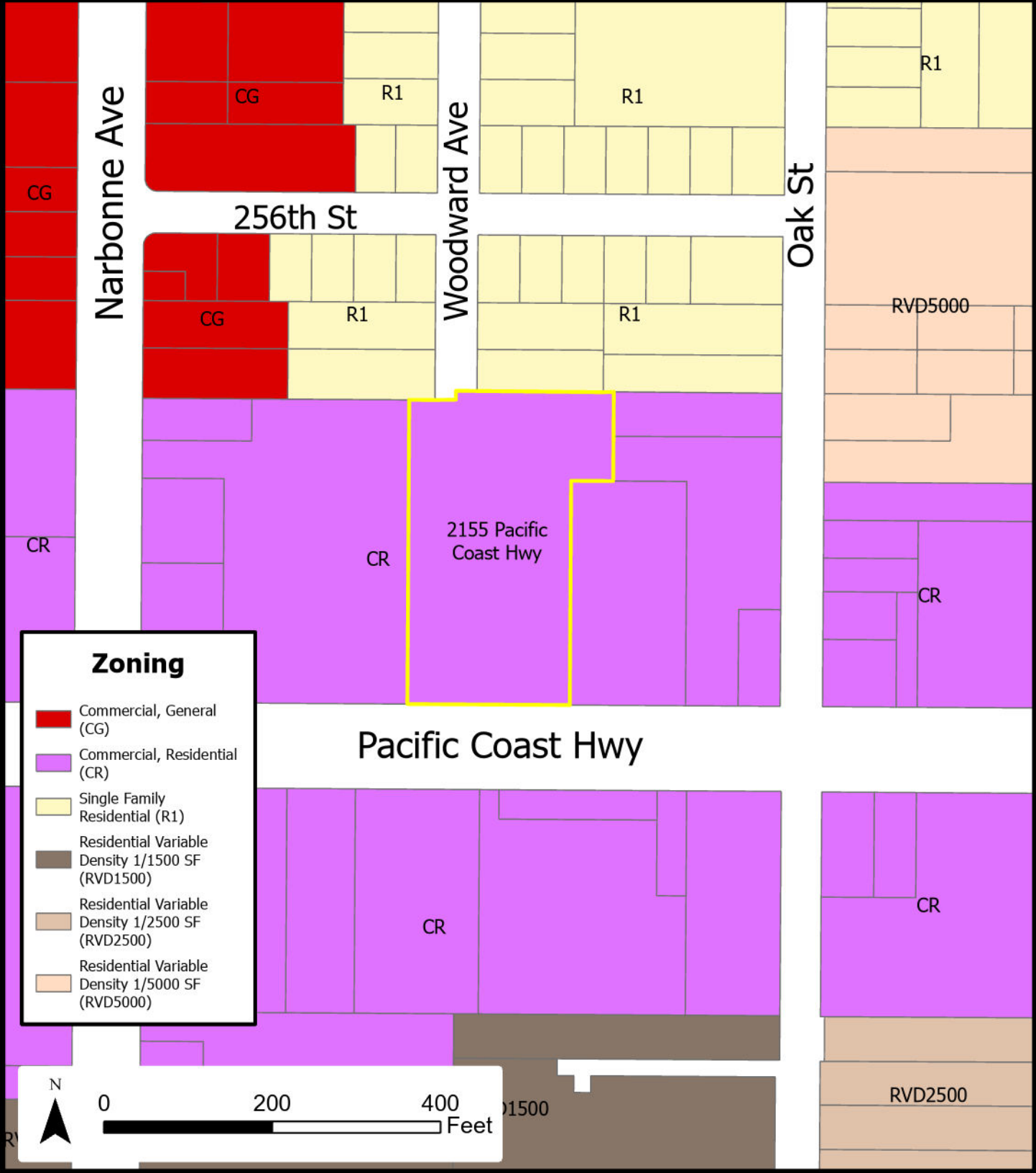




2155 Pacific Coast Hwy Zoning Map

Community and Economic
Development
Brianna Rindge, Director

Source: Los Angeles County
GIS Data 2023



Zoning

- Commercial, General (CG)
- Commercial, Residential (CR)
- Single Family Residential (R1)
- Residential Variable Density 1/1500 SF (RVD1500)
- Residential Variable Density 1/2500 SF (RVD2500)
- Residential Variable Density 1/5000 SF (RVD5000)

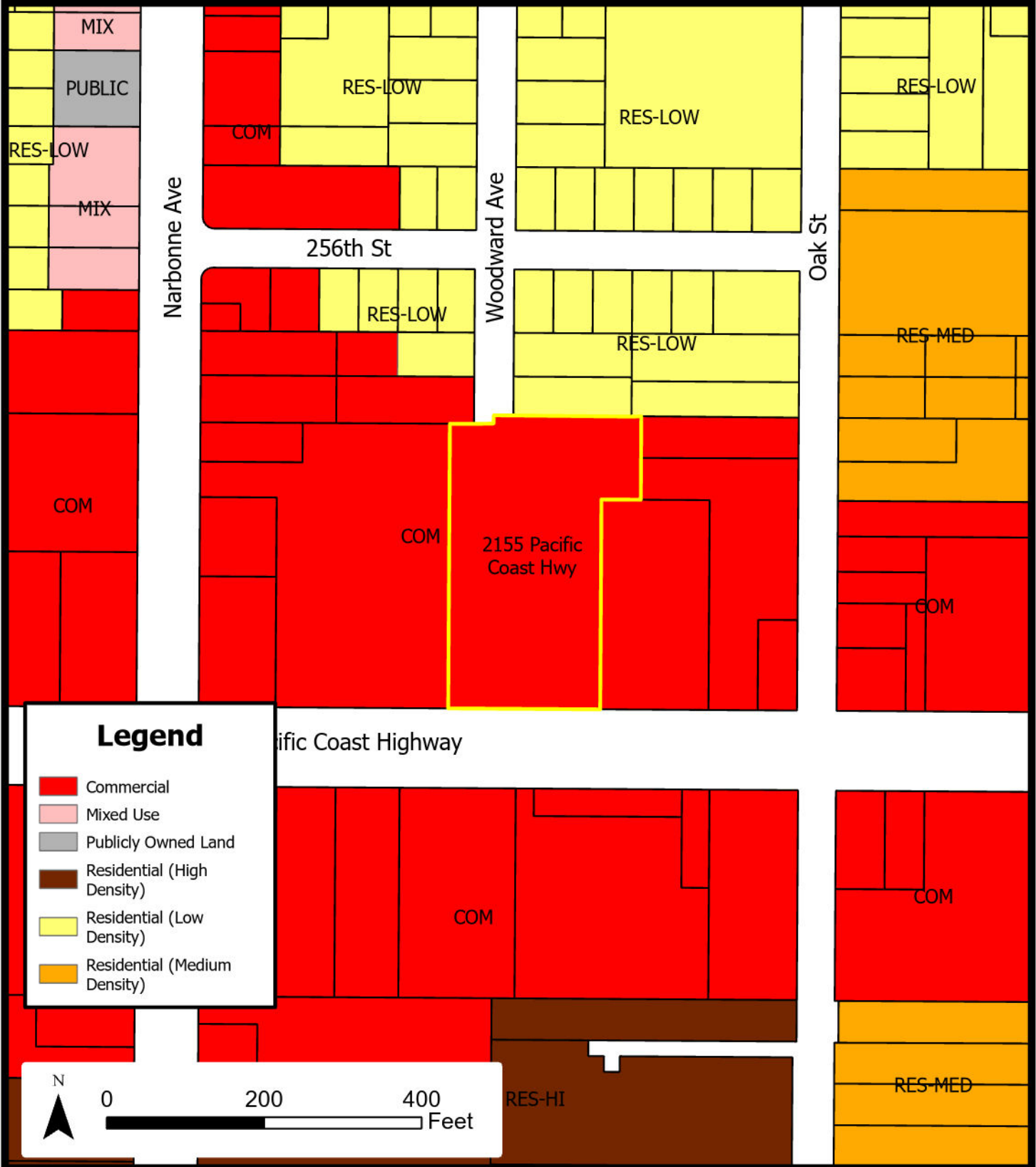




2155 Pacific Coast Hwy Future Land Use Designations

Community and Economic
Development
Brianna Rindge, Director

Source: Los Angeles County
GIS Data 2023

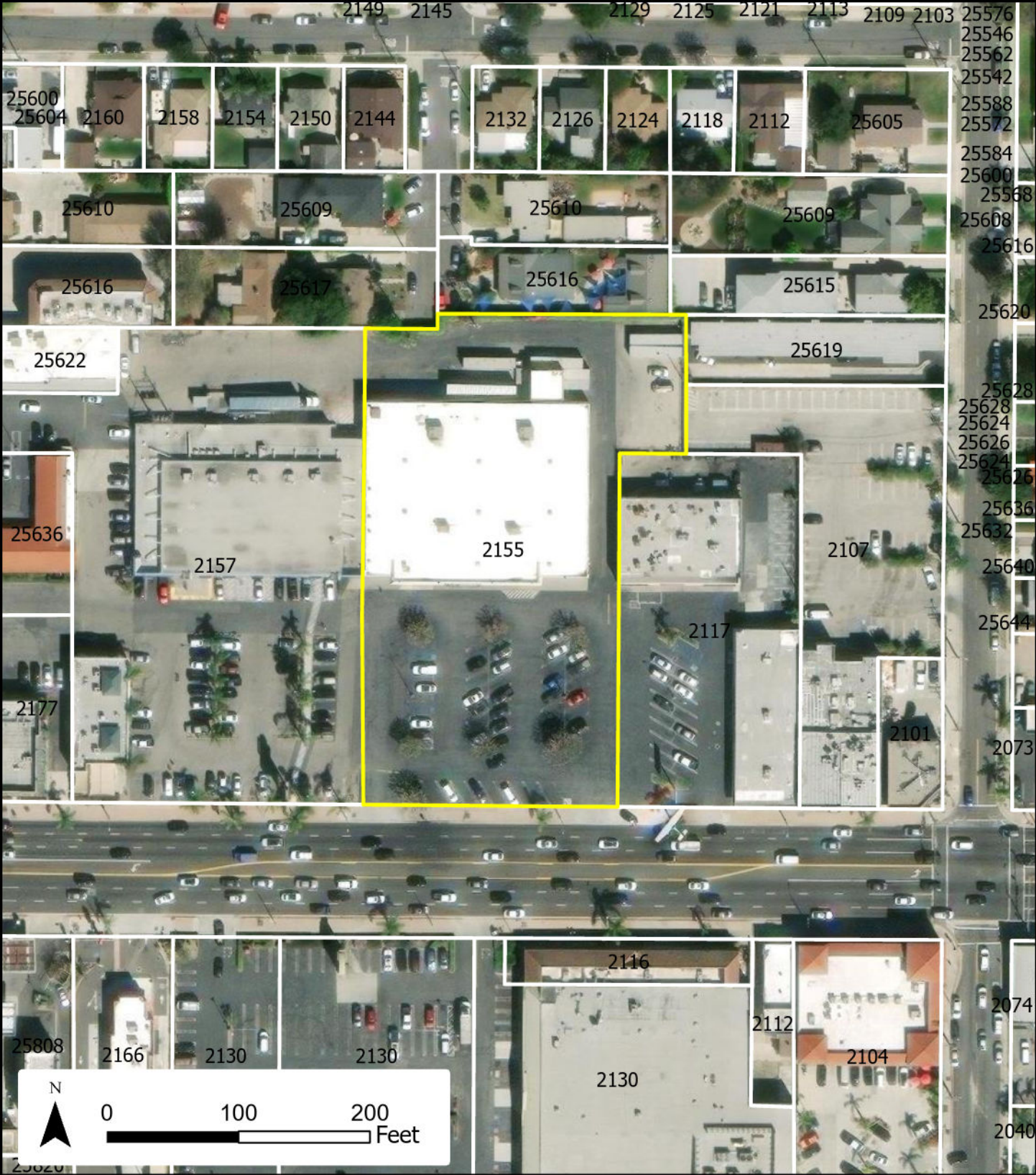




2155 Pacific Coast Hwy Aerial Imagery

Community and Economic
Development
Brianna Rindge, Director

Source: Los Angeles County
GIS Data 2023





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

NOTICE OF EXEMPTION

Project Title: Conditional Use Permit No. 326

Project Description: A request for Conditional Use Permit No. 326 for sales of wine, beer, and spirits for offsite consumption at 2155 Pacific Coast Highway in the Commercial Retail (C-R) Zone

Finding:

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

- Ministerial Project
- Categorical Exemption (CEQA Guidelines, Section 15301(a) (Existing Facilities) & Section 15332 (In-Fill Development))
- Statutory Exemption
- Emergency Project
- Quick Disapproval [CEQA Guidelines, Section 15270]
- No Possibility of Significant Effect [CEQA Guidelines, Section 15061(b)(3)]

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

Date

Brianna Rindge
Community & Economic Development
Director



CITY OF LOMITA PLANNING COMMISSION REPORT

TO: Planning Commission **Item No. SCH 5a**
FROM: Brianna Rindge, Community & Economic Development Director
MEETING DATE: August 14, 2023
SUBJECT: Discussion and Consideration of the Planning Commission Bylaws

RECOMMENDATION

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

BACKGROUND

On February 9, 2004, the Planning Commission adopted Resolution No. 2004-02 to establish rules and procedures for the Lomita Planning Commission. At the June 12, 2023 Planning Commission meeting, the board requested staff to agendize a review of these existing bylaws. The item was duly noticed and Planning Commission discussed the item at the July 10, 2023 meeting, ultimately voting to continue the item to the August 14, 2023 Planning Commission meeting with the intention of including the full Planning Commission in the discussion. Staff is prepared to return with a resolution amending the bylaws in the manner agreed upon by the Planning Commission.

OPTIONS

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

ATTACHMENTS

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

Prepared by:

Brianna Rindge

Brianna Rindge, AICP
Community & Economic Development Director

City of Lomita
Planning Commission
Rules and Procedures

RESOLUTION NO. 2004-02

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

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

I. RECEIPT OF RULES AND PROCEDURES

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

II. MEETINGS

A. Regular Meetings

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

B. Adjourned and Special Meetings

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

C. Brown Act

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

III. QUORUM/VOTING REQUIREMENTS

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

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

Approval or denial of a:

1. Conditional Use Permit

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

C. Recommendation for approval or denial of:

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

D. No Proxy

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

E. Failure of Item

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

IV. ORGANIZATION OF COMMISSION AGENDAS

A. Public Comments

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

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

B. Approval of Minutes

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

C. Consent Agenda

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

D. Disruptive Public Speakers

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

E. No Action

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

V. CONDUCT OF PUBLIC HEARINGS

A. Order of Presentation

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

1. Chair opens the public hearing.

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

B. Oral Testimony

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

C. Debate and Questions

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

D. Rules of Evidence

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

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

VI. COMMUNICATIONS AND REPORTS TO THE COMMISSION

A. Information Provided by Staff

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

B. Written Communications from the Public

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

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

VII. ELECTION AND DUTIES OF OFFICERS

A. Election of Officers

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

B. Duties and Responsibilities of Officers

The chair shall:

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

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

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

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

VIII. RESTRICTION ON REPRESENTATION

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

IX. RECORD OF MEETINGS

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

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

X. SUBCOMMITTEES

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

XI. PARLIAMENTARY PROCEDURE

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

XII. SEATING ARRANGEMENT

The seating arrangement for the Commission shall be as follows:

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

XIII. RESIGNATION

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

XIV. AMENDMENT OF RULES AND PROCEDURES

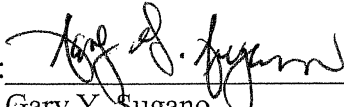
These rules and procedures may be amended at any regular meeting of the Commission by a majority of the members, provided that the amendment has been submitted in writing to the members at a preceding meeting.

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

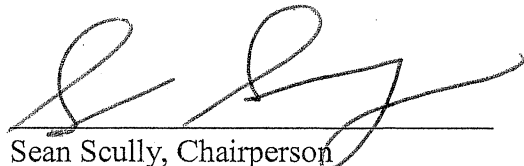
AYES: Commissioners: Colbary, Campbell, Savidan, Kaneen, Servino, Waite, and
Chair Scully

NOES: Commissioners: None

ABSENT: Commissioners: None

ATTEST: 

Gary Y. Sugano
Community Development Director



Sean Scully, Chairperson