

URGENCY ORDINANCE NO. 832U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, RELATING TO URBAN LOT SPLITS AND TWO-UNIT RESIDENTIAL DEVELOPMENTS IN SINGLE-FAMILY RESIDENTIAL ZONES AS ALLOWED BY THE STATE OF CALIFORNIA SENATE BILL 9

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

Section 1. In 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 ("SB 9"), which among other things, adds Government Code section 65852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit projects.

Section 2. SB 9 allows the City to adopt objective design, development, and subdivision standards for urban lot splits and two-unit projects.

Section 3. SB 9 became effective on January 1, 2022, and preempts any conflicting City ordinance.

Section 4. The City desires to amend its local regulatory scheme to comply with Government Code sections 66411.7 and 65852.21 and to appropriately regulate projects under SB 9.

Section 5. There is a current and immediate threat to the public health, safety, or welfare based on the passage of SB 9 because if the City does not adopt appropriate objective standards for urban lot splits and two-unit projects, the City would thereafter be limited to applying the few objective standards that are already in its code, which did not anticipate and were not enacted with urban lot splits and ministerial two-unit projects in mind.

Section 6. Approval of urban lot splits and two-unit projects based solely on the City's default standards, without appropriate regulations governing lot configuration, unit size, height, setbacks, parking, utilities, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and public safety. These threats to public safety, health, and welfare justify adoption of this Ordinance as an urgency ordinance to be effective immediately upon adoption by a four-fifths vote of the City Council.

Section 7. To protect the public safety, health, and welfare, the City Council may adopt this Ordinance as an urgency measure in accordance with Government Code section 36937(b).

Section 8. the City Council has considered the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with this Ordinance and

all legal prerequisites to the adoption of the Ordinance have occurred.

Section 9. The City Council approves of the following amendments to the Lomita Municipal Code:

1. The alphabetical list of uses in Section 11-1.15.04(D) of Title XI of the Lomita Municipal Code is amended to add the following new definition to read as follows:

Dwelling, Two-Unit Housing Development means a housing development containing no more than two residential dwelling units within a single-family residential zone, other than an accessory dwelling unit or junior accessory dwelling unit, that qualifies for ministerial review pursuant to California Government Code Section 65852.21. A housing development contains two residential dwelling units if the development proposes no more than two new residential dwelling units, or proposes to add one new residential dwelling unit to one existing residential unit, or retention of two existing legal non-conforming residential dwellings units where one or both units are subject to a proposed addition or alteration.

2. The alphabetical list of uses in Section 11-1.15.19(S) of Title XI of the Lomita Municipal Code is amended to add the following new definition to read as follows:

Single-family residential zone shall have the same meaning as in California Government Code Section 65852.21. A single-family residential zone includes the A-1 and R-1 zones.

3. The alphabetical list of uses in Section 11-1.15.21(U) of Title XI of the Lomita Municipal Code is amended to add the following new definition to read as follows:

Urban Lot Split means a ministerial application for a parcel to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code.

4. Section 11-1.30.01. (Uses) of Title XI of the Lomita Municipal Code is hereby amended to read as follows:

Use	Zone			Supplemental Requirements
	A-1	R-1	RVD	
Accessory dwelling unit	P	P	P	Sec. 11-1.30.06
Accessory structures	P	P	P	Sec. 11-1.30.05
Accessory structures that do not meet Code requirements	S	S	S	

Childcare facilities not in a residence			C	Childcare facilities not in a residence
Civic and public buildings	C	C	P	
Condominium conversions	C	C	C	Sec. 11-2.370
Farm pets	P			Sec. 11-1.30.08
Home occupations	P	P	P	Sec. 11-1.30.11
Hospitals			C	Hospitals
Manufactured homes	P	P	P	Sec. 11-1.30.09
Multifamily housing (1)			P	
Nursery stock	C			
Organizational house (convent, etc.)			C	
Parking lots adjoining or located directly across the street from a commercial use	C	C	C	
Parking pads in front yard	S	S	S	See "Off-street Parking, Storage and Loading"
Private tennis clubs	C			
Public parks	P	P	P	
Public utilities	C	C	C	
Religious facilities	C	C	C	See "Special Development Standards"
Rooming house			P	
Schools (2)	C	C	C	Unless otherwise exempted by the school district, schools with a total capacity of more than fifty students (as determined by the Department of Building and Safety) shall be subject to the

				development standards in Section 11-1.68.04
Senior PUD			C	Sec. 11-1.30.14
Similar uses not listed	DOS	DOS	DOS	
Single-family residence	P	P	P	
State-licensed community care and childcare facilities with six (6) or fewer persons	P	P	P	As defined in the California Health and Safety Code Sec. 1502, and 1596.750 et seq.
State-licensed community care and childcare facilities with seven (7) to fifteen (15) persons	C	C	C	As defined in the California Health and Safety Code sections 1502 and 1596.750 Sec. 11-1.30.10
<u>Two-Unit Residential Development (8)</u>	<u>P</u>	<u>P</u>		<u>Sec. 11-1.30.16</u>
Supportive housing	P	P	P (1)	As defined in 11-1.15.019 (S)
Transitional housing	P	P	P (1)	As defined in 11-1.15.20 (T)
Wireless communication facilities	WCFP	WCFP	WCFP	See "Wireless Communications Facilities"

P — Permitted Use
S — Site Plan Required
C — Conditional Use Permit Required
WCFP — Wireless Communication Facility Permit
DOS — Determination of Similarity

Notes:

(1) Additions and new buildings requiring additional parking must receive "site plan" approval pursuant to this title.

(2) Nonprofit organizations which existed prior to 1979 may apply for a conditional use permit provided that the school is located on the same site as the organization.

Development Standard	Zone			
	A-1 (8)	R-1 (8)	RVD	Senior PUD (7)
Minimum lot area (square feet) (8)	5,000	5,000	(1)	2,000
Minimum lot width (2) (8)	50'	50'	50'	
Maximum floor area ratio	.60	.60	NA	NA
Dwelling units per acre	8.7	8.7	(1)	(3)
Front yard setback*	20'	20'	20'	15'
Corner lot—Secondary front*	10'	10'	10'	10'
Side yard setbacks* (4) (8)	5'	5'	5'	5'
Rear yard setback for main unit*	20'	20'	20'	15'
Maximum height of principal structure (5) (8)	27'	27'	27'	27'
Maximum height of accessory structures, <u>and</u> detached accessory dwelling units <u>and two-unit residential development</u> (6)	16'	16'	16'	NA
Minimum rear and side yard setbacks for newly constructed accessory dwelling units	5'	5'	5'	NA

Minimum rear and side yard for setback accessory structures <u>and second units</u>	3'	3'	3'	3'
Solar panels				Sec. 11-1.30.03(I)
Parking requirements				Off-Street Parking Standards
Notes:				
*	Modifications to yard setbacks subject to the provisions for "Modifications" and "Site Plan Review" found in this title.			
(1)	The RVD zone has multiple density levels, and the allowable densities are dictated by the number following the zoning symbol as indicated on the City of Lomita Zoning Map (e.g., RVD-1,500: 1 unit per 1,500 square feet and 29.04 du/acre).			
(2)	50' of frontage must be on a dedicated public street. A lot fronting a turnaround portion of a cul-de-sac may be 40' wide. <u>Modification subject to development standards and requirements applicable to Sec. 11-1.30.15 for Urban Lot Split and Sec. 11-1.30.16 for Two-Unit Residential Development.</u>			
(3)	Density subject to the general plan designation of the subject property.			
(4)	Setback equals ten percent of the lot width, but not less than three feet and need not exceed five feet.			
(5)	Residential properties located south of Pacific Coast Highway shall be limited to 16', and no more than one story, in height unless a height variation permit is granted. Section 11-1.30.12.			
(6)	Accessory structures, accessory dwelling and <u>second new dwelling</u> units <u>subject to Sec. 11-1.30.16</u> are limited to one story. Accessory structures, <u>accessory dwelling</u> and <u>second new dwelling</u> units <u>subject to Sec. 11-1.30.16</u> are limited to one story.			
(7)	Refer to Section 11-1.30.14 for additional requirements.			
<u>(8)</u>	<u>Refer to Section 11-1.30.16 for development standards applicable to Two-Unit Residential Development</u>			

5. Section 11-1.30.03. (General standards of development) of Title XI of the Lomita Municipal Code is hereby amended, in part, to read as follows:

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

6. Sec. 11-1.30.04. (Location of other structures and projections into yards) of Title XI of the Lomita Municipal Code is hereby amended, in part, to read as follows:

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

(A) Surface-mounted architectural features such as, but not limited to, cornices, eaves, and chimneys may project up to 50 percent or two and one-half (2½) feet into the required side yard setback, whichever is less, and up to five (5) feet in the required front, rear, and corner side yard setback.

7. Section 11-1.30.05 (Accessory buildings and structures) of Title XI of the Lomita Municipal Code is hereby amended, in part, to read as follows:

(B) This section does not apply to accessory dwelling units as described in [Section 11-1.30.06](#) and two-unit housing developments described in Section 11-1.30.16.

8. Section 11-1.30.15 is hereby added to Title XI of the Lomita Municipal Code to read as follows:

Section 11.1.30.15 Urban Lot Splits

(A) Purpose. The purpose of this section is to allow and appropriately regulate urban lot splits in accordance with Government Code section 66411.7.

(B) Definition. An “urban lot split” means a ministerial application to subdivide an existing parcel located within a single-family residential zone into two parcels, as authorized by Section 66411.7 of the Government Code and complying with the provision of Sec. 11-2.76.1.

(C) Application.

1. Only individual property owners may apply for an urban lot split. “Individual property owner” means a natural person holding fee title individually or jointly in the person’s own name or a beneficiary of a trust that holds fee title. “Individual property owner” does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
2. An application for an urban lot split must be submitted on the city’s approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
3. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

(D) Approval.

1. An application for a parcel map for an urban lot split is approved or denied ministerially, by the Community Development Director, without discretionary review.
2. A tentative parcel map for an urban lot split is approved ministerially if it complies with all the requirements of this section. The tentative parcel map may not be recorded. A final parcel map is approved ministerially as well, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements. The tentative parcel map expires three months after approval.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

(E) An urban lot split must satisfy each of the following requirements:

1. Map Act Compliance.

- A. The urban lot split must conform to all applicable objective requirements of the Subdivision Map Act (Gov. Code § 66410 et. seq., "SMA"), including implementing requirements in this code, except as otherwise expressly provided in this section.
- B. If an urban lot split violates any part of the SMA, the city's subdivision regulations, including this section, or any other legal requirement:
 - a. The buyer or grantee of a lot that is created by the urban lot split has all the remedies available under the SMA, including but not limited to an action for damages or to void the deed, sale, or contract.
 - b. The city has all the remedies available to it under the SMA, including but not limited to the following:
 - i. An action to enjoin any attempt to sell, lease, or finance the property.
 - ii. An action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

- iii. Criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.
- iv. Record a notice of violation.
- v. Withhold any or all future permits and approvals.
- c. Notwithstanding section 66411.1 of the SMA, no dedication of rights-of-way or construction of offsite improvements is required for an urban lotsplit.
- C. Zone. The lot to be split is in the A-1 or R-1 Single-Family Residential Zone.
- D. Lot Location.
 - a. The lot is not located on a site that is any of the following:
 - i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or preservation by the voters.
 - ii. A wetland.
 - iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.
 - iv. A hazardous waste site that has not been cleared for residential use.
 - v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.
 - vi. Within a 100-year flood hazard area, unless the site has either:
 - (I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or
 - (II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.
 - vii. Within a regulatory floodway, unless all

development on the site has received a no-rise certification.

viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

ix. Habitat for protected species.

x. Land under conservation easement.

b. The purpose of subpart A.4.a above is merely to summarize the requirements of Government Code section 65913.4(a)(6)(B)–(K). (See Gov. Code § 66411.7(a)(3)(C).)

E. Not Historic. The lot to be split must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

F. No Prior Urban Lot Split.

a. The lot to be split was not established through a prior urban lot split.

b. The lot to be split is not adjacent to any lot that was established through a prior urban lot split by the owner of the lot to be split or by any person acting in concert with the owner.

G. No Impact on Protected Housing. The urban lot split must not require or include the demolition or alteration of any of the following types of housing:

a. Housing that is income-restricted for households of moderate, low, or very low income.

b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.

c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.

d. Housing that has been occupied by a tenant in the last three years. [The applicant and the owner of a property for which

an urban lot split is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.

H. Lot Size and Configuration.

- a. The lot to be split must be at least 2,400 square feet.
- b. The resulting lots must each be at least 1,200 square feet.
- c. Each of the resulting lots must be between 60 percent and 40percent of the original lot area.
- d. Side lines shall be at right angles to the streets on which the lots front and substantially parallel to each other; or project radially from the approximate center locus on cul-de-sac streets and other curves or knuckles having a radial curve of less than one hundred (100') and project in essentially straight lines.

I. Easements.

- a. The owner must enter into an easement agreement with each public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
- b. Each easement must be shown on the tentative parcel map.
- c. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final map may be approved, in accordance with subpart B above.

J. Lot Frontage.

- a. Where 50 feet of frontage on a public right-of-way is not proposed for both lots created by an Urban Lot Split, each lot shall have a minimum of 30 feet of frontage on a public right-of-way and an average width of 30 feet, or
- b. Where 30 feet of frontage on a public right-of-way is not

proposed for both lots created by an Urban Lot Split, one of the lots shall be provided with access by a corridor of at least 12 feet but not more than 15 feet of frontage on a public street.

- c. Where one of the lots created by an Urban Lot Split does not propose frontage on a public right-of-way, direct access to the
- d. The access corridor shall be kept free and clear of building or structures of any kind except for lawful fences and underground or overhead utilities. public right-of-way must be provided through an access corridor easement for ingress and emergency access of at least 12 feet but not more than 15 feet of frontage on a public street.

K. Unit Standards.

- a. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 11-1.30.16 of this code, an ADU, or a JADU.

L. Separate Conveyance.

- a. Within a resulting lot.

- i. Primary dwelling units on a lot that is created by an urban lot split may not be owned or conveyed separately from each other.

- ii. Condominium airspace divisions and common interest developments are not permitted on a lot that is created by an urban lot split.

- iii. All fee interest in a lot and all dwellings on the lot must be held equally and undivided by all individual property owners.

- b. Between resulting lots. Separate conveyance of the resulting lots is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, the owner must record appropriate CC&Rs, easements, or other

documentation that is necessary to allocate rights and responsibility between the owners of the two lots.

M. Regulation of Uses.

- a. Residential-only. No non-residential use is permitted on any lot created by urban lot split.
- b. No Short-Term Rentals. No dwelling unit on a lot that is created by an urban lot split or containing a two-unit residential development may be rented for a period of less than 30 days.
- c. Owner Occupancy. The applicant for an urban lot split must sign an affidavit stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the urban lot split is approved.
- d. Housing Crisis Act Replacement Housing Obligations. If the proposed development will result in the demolition of protected housing, as defined in California Government Code Section 66300, the applicant shall replace each demolished protected unit and comply with all applicable requirements imposed pursuant to subsection (d) of Government Code Section 66300.

N. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:

- a. Expressly prohibits the use of any lot created by an urban lot split for any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lots created by the urban lot split.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. States that the property is formed by an urban lot split and is therefore, subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development and the only development permitted on the lot are two-unit projects subject to Section 11-2.76.1.

(F) Specific Adverse Impacts.

1. Notwithstanding anything else in this section, the city may deny an application for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence that the project would have a "specific, adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
2. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).
3. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific, adverse impact.

9. Section 11-1.30.16 is hereby added to Title XI of the Lomita Municipal Code to read as follows:

Section 11-1.30.16 Two-Unit Housing Development

- (A) Purpose. The purpose of this section is to allow and appropriately regulate two-unit projects in accordance with Government Code section 65852.21.
- (B) Definition. A "two-unit housing development" means a housing development containing no more than two residential dwelling units within a single-family residential zone, other than an accessory dwelling unit or junior accessory dwelling unit, that qualifies for ministerial review pursuant to California Government Code Section 65852.21. A housing development contains two residential dwelling units if the development proposes no more than two new residential dwelling units, or proposes to add one new residential dwelling unit to one existing residential unit, or retention of two existing legal non-conforming residential dwellings units where one or both units are subject to a proposed addition or alteration.
- (C) Application.
 1. Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a

qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

2. An application for a two-unit project must be submitted on the city's approved form.
3. The applicant must obtain a certificate of compliance with the Subdivision Map Act for the lot and provide the certificate with the application.
4. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
5. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

(D) Approval.

1. An application for a two-unit project is approved or denied ministerially, by the Community Development Director.
2. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements.
3. The approval must require the owner and applicant to hold the city harmless from all claims and damages related to the approval and its subject matter.
4. The approval must require the owner and applicant to reimburse the city for all costs of enforcement, including attorneys' fees and costs associated with enforcing the requirements of this code.

(E) Requirements. A two-unit project must satisfy each of the following requirements:

1. Map Act Compliance. The lot must have been legally subdivided.
2. Zone. The lot is in the A-1 or R-1 Single-Family Residential Zone.
3. Lot Location.
 - a. The lot is not located on a site that is any of the following:
 - i. Prime farmland, farmland of statewide importance, or land that is zoned or designated for agricultural protection or

preservation by the voters.

ii. A wetland.

iii. Within a very high fire hazard severity zone, unless the site complies with all fire-hazard mitigation measures required by existing building standards.

iv. A hazardous waste site that has not been cleared for residential use.

v. Within a delineated earthquake fault zone, unless all development on the site complies with applicable seismic protection building code standards.

vi. Within a 100-year flood hazard area, unless the site has either:

(I) been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction, or

(II) meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

vii. Within a regulatory floodway, unless all development on the site has received a no-rise certification.

viii. Land identified for conservation in an adopted natural community conservation plan, habitat conservation plan, or other adopted natural resource protection plan.

ix. Habitat for protected species.

x. Land under conservation easement.

4. Not Historic. The lot must not be a historic property or within a historic district that is included on the State Historic Resources Inventory. Nor may the lot be or be within a site that is designated by ordinance as a city or county landmark or as a historic property or district.

5. No Impact on Protected Housing. The two-unit project must not require or include the demolition or alteration of any of the following types of housing:

a. Housing that is income-restricted for households of moderate, low, or very low income.

- b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its policy power.
 - c. Housing, or a lot that used to have housing, that has been withdrawn from rental or lease under the Ellis Act (Gov. Code §§ 7060–7060.7) at any time in the 15 years prior to submission of the urban lot split application.
 - d. Housing that has been occupied by a tenant in the last three years. The applicant and the owner of a property for which a two-unit project is sought must provide a sworn statement as to this fact with the application for the parcel map. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statement, including but not limited to, surveying owners of nearby properties; and the city may require additional evidence of the applicant and owner as necessary to determine compliance with this requirement.
6. Unit Standards, Development Standards and Design Criteria
- a. Quantity.
 - i. No more than two dwelling units of any kind may be built on a lot that results from an urban lot split. For purposes of this paragraph, "unit" means any dwelling unit, including, but not limited to, a primary dwelling unit, a unit created under section 11-1.30.16 of this code, an ADU, or a JADU.
 - ii. A lot that is not created by an urban lot split may have a two-unit project under this section, plus any ADU or JADU that must be allowed under state law and the city's ADU ordinance.
 - b. Unit Size.
 - i. The total floor area of each primary dwelling built that is developed under this section shall not exceed 800 square feet.
 - ii. Each new primary dwelling unit shall be at least the following minimum sizes based on the number of sleeping rooms provided:
 - i. Studio / One bedroom: 500 square feet.
 - ii. More than one bedroom: 700 square feet.
 - iii. A primary dwelling that was legally established on the lot prior to the two-unit project and that is larger than 800 square feet is limited to the lawful floor area at the time of the two-unit project. The unit may not be expanded.

- iv. A primary dwelling that was legally established prior to the two-unit project and that is smaller than 800 square feet may be expanded to 800 square feet after or as part of the two-unit project.
- c. Demolition Cap. The two-unit project may not involve the demolition of more than 25 percent of the existing exterior walls of an existing dwelling unless the site has not been occupied by a tenant in the last three years.
- d. Lot Coverage. The maximum lot coverage shall not exceed 50%. The lot coverage shall include all buildings and structures (primary and accessory), covered porches and patios and covered parking areas. This lot coverage standard shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.
- e. Open Space. Each new primary dwelling unit shall provide, at a minimum, a continuous private recreation area of 225 square feet with minimum interior dimensions of 10 feet. The private recreation shall be open and unobstructed from the ground to the sky and may be located within the interior, street side or rear setback areas. This open space standard shall apply to the maximum extent feasible so that two primary dwelling units on the lot at 800 square feet are permitted.
- f. Setbacks.
 - i. New Primary Dwelling Units. The following minimum setbacks from the property lines shall be observed for each new primary dwelling unit and any garages and accessory structures that are attached to a new primary dwelling unit. Detached garages and accessory structures shall comply with the setbacks contained in subsection 2. The required setbacks shall be maintained open and unobstructed from the ground to the sky, except for the permitted intrusions.
 - I. Front Setback: 20 feet
 - II. Interior Side Setback: 4 feet
 - III. Street Side Setback: 10 feet
 - IV. Rear Setback: 4 feet.
 - ii. Detached Garages and Accessory Structures. The following minimum setbacks from the property lines shall be observed for detached garages and accessory structures on a lot
 - I. Front Setback: 20 feet
 - II. Interior Side Setback: 4 feet
 - III. Street Side Setback: 10 feet
 - IV. Rear Setback: 4 feet or minimum 10 feet from centerline of alley.

- iii. Any construction occurring on a lot that abuts a street that has not been fully improved shall observe all building setbacks from the ultimate right-of-way of the street.
- iv. Exceptions. Notwithstanding subpart E.6.f above:
 - I. Existing Structures. No setback is required for an existing legally established structure or for a new structure that is constructed in the same location and to the same dimensions as an existing legally established structure.
 - II. A required minimum setback may be reduced pursuant to this section to the degree it would (i) physically preclude the development or maintenance of two dwelling units on a lot or (ii) physically preclude any new primary dwelling unit from being 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.
 - III. Permitted Intrusions. The following permitted intrusion may project into any required setback a maximum of two feet: cornices, eaves, belt courses, sills, buttresses, planter boxes, masonry planters, guard railings, chimneys, and architectural projections with no floor area, including, but not limited to, windows and pilasters.
- g. Parking. Off-street parking for an existing primary dwelling unit shall continue to be provided in accordance with the standards of the underlying zone. Each new primary dwelling unit must have at least one off-street parking space per unit unless one of the following applies:
 - I. The lot is located within one-half mile walking distance of either (i) a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, or (ii) a major transit stop as defined by Section 21064.3 of the California Public Resources Code, including but not limited to the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - II. The site is located within one block of a car-share vehicle location. A car share vehicle is a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization allowing for hourly or daily service.

- h. Utilities. Each primary dwelling unit on a lot must have its own direct utility connection to the utility /public service provider. Submitted plans shall show the location and dimension of all above-ground and underground utility and public service facilities serving each lot and each dwelling unit and the location and dimensions of all related easements.
- i. Unit Height; Stories. Each new primary dwelling unit shall be one story, constructed at ground level, and shall not be more than 16 feet in height measured from ground level to the highest point on the roof.
- j. Building Separation. Except as otherwise allowed by state law, a minimum building separation of six (6) feet shall be maintained between all detached structures on a lot, including all residential units, garages and accessory structures.
- k. Tree Preservation: Any plans for an addition or new construction shall identify the location of any mature trees onsite and provide protective measures to ensure preservation of mature trees. A mature tree is defined as a tree is defined as any tree having a main trunk or stem measuring 24 inches in diameter, or 75 inches in circumference, measured at a height of 4 ½ feet above ground level at the root crown. A removal includes moving a tree or removing more than one-third of a tree's vegetation. Sites without an existing mature tree must provide at least two 24-inch box trees within the front yard setback or open space area.
- l. Each new primary dwelling unit shall have a main entry that is clearly defined, and to the extent possible, be oriented directly toward the street(s) in order to provide a consistency with the neighborhood character. The main entry shall be covered, with a minimum depth of three (3) feet. Each covered entry shall be in proportion to the building and shall incorporate architectural features that are used in the overall building design.
- m. Water Heaters: Each new primary dwelling unit shall have a separate hot water heater. The location of the water heater shall be incorporated into the design of each unit. No exterior water heater enclosures shall be permitted. Tankless water heaters may be utilized subject to compliance with applicable building codes.
- n. Refuse Storage Areas. All developments shall provide each unit with the appropriate number of containers for recyclables, organics and non-recyclable solid waste ("trash containers") as required by the designated waste hauler, and shall comply with the following:
 - i. Trash containers shall be stored within designated storage areas only and not within the garage parking area.
 - ii. The area required for each container shall be a minimum of 38

inches by 38 inches.

- iii. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.
- o. Building & Safety. All structures built on the lot must comply with all current local building standards. A project under this section is a change of use and subjects the whole of the lot, and all structures, to the city's current code.
- p. Affordability: Second units, and both units of a two-unit development, if rented, shall only be rented at an affordable rent for lower-income households, as defined in Health and Safety Code Section 50053, and shall only be rented to lower-income households, as defined in Health and Safety Code Section 50079.5, for a minimum of 30 years. Prior to the issuance of a certificate of occupancy for any second unit or any unit of a two-unit development, 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.
- q. Other Standards. All other applicable standards of this Code shall apply to the extent these standards do not conflict with this section of Statelaw.

7. Separate Conveyance.

- a. Primary dwelling units on the lot may not be owned or conveyed separately from each other.
- b. Condominium airspace divisions and common interest developments are not permitted within the lot.
- c. All fee interest in the lot and all the dwellings must be held equally and undivided by all individual property owners.

8. Regulation of Uses.

- a. Residential-only. No non-residential use is permitted on the lot.
- b. No Short-Term Rentals. No dwelling unit on the lot may be rented for a period of less than 30 days.
- c. Owner Occupancy. Unless the lot was formed by an urban lot split, the individual property owners of a lot with a two-unit project must occupy one of the dwellings on the lot as the owners' principal residence and legal domicile.

9. Notice of Construction.

- a. At least 30 business days before starting any construction of a two-unit project, the property owner must give written notice to all the owners of record of each of the adjacent residential parcels, which notice must include the following information:
 - i. Notice that construction has been authorized,
 - ii. The anticipated start and end dates for construction,
 - iii. The hours of construction,
 - iv. Contact information for the project manager (for construction-related complaints), and
 - v. Contact information for the Building & Safety Department.
- b. This notice requirement does not confer a right on the noticed persons or on anyone else to comment on the project before permits are issued. Approval is ministerial. Under state law, the City has no discretion in approving or denying a particular project under this section. This notice requirement is purely to promote neighborhood awareness and expectation.

10. Deed Restriction. The owner must record a deed restriction, acceptable to the city, that does each of the following:

- a. Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
- b. Expressly prohibits any non-residential use of the lot.
- c. Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
- d. If the lot is not created by an urban lot split, expressly requires the individual property owners to live in one of the dwelling units on the lot as the owners' primary residence and legal domicile.
- e. If the lot is created by an urban lot split, then it is subject to the city's urban lot split regulations, including all applicable limits on dwelling size and development and the only development permitted on the lot are two-unit projects subject to this section.

(F) Specific Adverse Impacts.

- a. Notwithstanding anything else in this section, the city may deny an application for a two-unit project if the building official makes a written finding, based on a preponderance of the evidence, that the project would

have a "specific adverse impact" on either public health and safety or on the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

b. "Specific adverse impact" has the same meaning as in Gov. Code § 65589.5(d)(2): "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" and does not include (1) inconsistency with the zoning ordinance or general plan land use designation or (2) the eligibility to claim a welfare exemption under Revenue and Taxation Code section 214(g).

c. The building official may consult with and be assisted by planning staff and others as necessary in making a finding of specific adverse impact.

(G) Remedies.

If a two-unit project violates any part of this code or any other legal requirement:

a. The buyer, grantee, or lessee of any part of the property has an action for damages or to void the deed, sale, or contract.

b. The city may:

a. Bring an action to enjoin any attempt to sell, lease, or finance the property.

b. Bring an action for other legal, equitable, or summary remedy, such as declaratory and injunctive relief.

c. Pursue criminal prosecution, punishable by imprisonment in county jail or state prison for up to one year, by a fine of up to \$10,000, or both; or a misdemeanor.

d. Record a notice of violation.

e. Withhold any or all future permits and approvals.

f. Pursue all other administrative, legal, or equitable remedies that are allowed by law or the city's code.

9. Section 11-2.76.1 is hereby added to Title XI of the Lomita Municipal Code to read as follows:

Sec. 11-2.76.1 – Urban Lot Splits

- A. The provisions of this section apply to the processing of parcel maps for urban lot splits pursuant to California Government Code Section 66411.7 and Section 11-1.30.15 of this code.
- B. Approval. Notwithstanding the Subdivision Map Act or any other provision of this chapter, an application for a parcel map for an urban lot split is approved or denied ministerially, by the city's community and economic development director, without discretionary review. A tentative parcel map for an urban lot split is approved ministerially if it complies with the requirements of Section 11-1.30.15 and applicable objective requirements of this chapter and the Subdivision Map Act. The tentative parcel map may not be recorded. A final parcel map is approved ministerially, but not until the owner demonstrates that the required documents have been recorded, such as the deed restriction and easements.
- C. Guidance and Procedures. The city engineer has the authority to interpret and establish guidance and procedures for the processing, approving, and finalizing parcel maps for urban lot splits, which are consistent with state and local law.
- D. Application.
 - 1. Only individual property owners may apply for an urban lot split. "Individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
 - 2. An application for an urban lot split must be submitted on the city's approved form. Only a complete application will be considered. The city will inform the applicant in writing of any incompleteness within 30 days after the application is submitted.
 - 3. The city may establish a fee to recover its costs for adopting, implementing, and enforcing this section of the code, in accordance with applicable law. The city council may establish and change the fee by resolution. The fee must be paid with the application.

Section 10. Severability. If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

Section 11. Effective Date. This Ordinance takes effect immediately upon its adoption and shall become operative on January 1, 2022.


Section 12. CEQA. Under California Government Code sections 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code sections 66411.7 and 65852.21 and regulating urban lot splits and two-unit projects is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA"). Therefore, adoption of this Ordinance is statutorily exempt from CEQA because it implements these new laws enacted by SB 9.

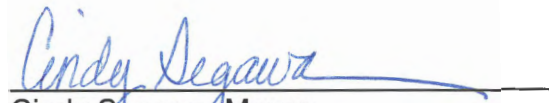
The project is further exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Section 15061(b)(3) states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The proposed text amendments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

Section 13. The City Council finds that the proposed amendment is consistent with the general objectives, principles, and standards of General Plan.

PASSED, APPROVED and ADOPTED this 28th day of February 2022

ATTEST:


Kathleen Horn Gregory, MMC, City Clerk


Cindy Segawa, Mayor

APPROVED AS TO FORM:


Trevor Rusin, City Attorney



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LOMITA)

I, **Kathleen Horn Gregory**, City Clerk of the City of Lomita, California, do hereby certify that the foregoing Ordinance No. 832 was duly passed, approved, and adopted by the City Council of the City of Lomita at its regular meeting held on February 28, 2022, by the following vote, to wit:

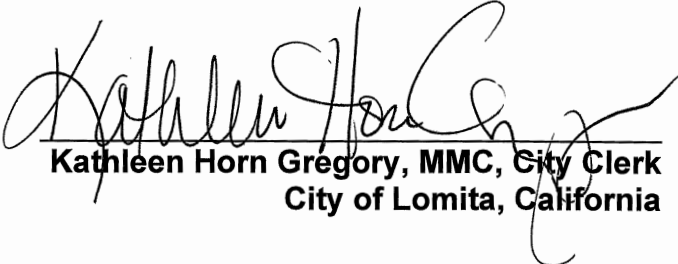
AYES: Council Members: Gazeley, Uphoff, Waronek, Mayor Pro Tem Waite and Mayor Segawa

NOES: None

ABSENT: None

RECUSE: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Lomita, California this 28th day of February 2022.



Kathleen Horn Gregory, MMC, City Clerk
City of Lomita, California