

ORDINANCE NO. 862

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA, CALIFORNIA, AMENDING VARIOUS SECTIONS OF LOMITA MUNICIPAL CODE TITLE XI (PLANNING AND ZONING), CHAPTER 1 (ZONING), TO ADD INDOOR RECREATIONAL USES PERMITTED BY A CONDITIONAL USE PERMIT OR BY RIGHT WITHIN THE C-R (COMMERCIAL-RETAIL), C-G (COMMERCIAL-GENERAL), AND D-C (DOWNTOWN, COMMERCIAL) ZONING DISTRICTS AND A DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 1. Recitals.

- A. Per Section 11-1.45.01 of Lomita Municipal Code, the intent and purpose of the C-G (Commercial, General) Zoning District is to provide for regional commercial needs including intensive commercial activities and specialized service establishments that require a central location within a large urban population.
- B. Per Section 11-1.48.01 of Lomita Municipal Code (adopted by Ordinance No. 444), the intent and purpose of the C-R (Commercial-Retail) Zoning District is to provide for regional retail sale needs and limited service establishments.
- C. Per Section 11-1.49.01 of Lomita Municipal Code (adopted by Ordinance No. 595), the intent and purpose of the D-C (Downtown, Commercial) Zoning District is to promote the revitalization and development of the downtown area including a wide range of commercial retail, service, and entertainment uses.
- D. The City desires to amend Title XI of the Lomita Municipal Code to provide for the ability of indoor recreation uses to locate within the city either by-right or through a conditional use permit.
- E. On May 13, 2024, the Planning Commission held a duly noticed public hearing on Zone Text Amendment No. 2024-04, where public testimony was accepted on the item and recommended City Council approve the zoning text amendment and find the project exempt from the California Environmental Quality Act (CEQA).
- F. On June 4, 2024, the City Council held a duly noticed public hearing to consider the proposed text amendment.

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. Economic Development Policy 1: The City will promote and support revitalization within the City's commercial districts.
- B. Economic Development Policy 2: The City will continue to encourage the development of prosperous tourist, commercial, and entertainment uses along Pacific Coast Highway.
- C. Economic Development Policy 3: The City will promote the improvement and revitalization of existing commercial areas and neighborhood shopping centers.
- D. Economic Development Policy 4: The City will encourage a balance of land uses within Lomita to meet the needs of residents and visitors.
- E. Economic Development Policy 5: The City will encourage a diversity of land uses and businesses within the City's commercial districts.
- F. Economic Development Policy 8: The City will strive to attract destination-oriented businesses that will stimulate commercial activity and investments in the community.
- G. Resource Management Policy 1: Lomita will work to expand recreational open space areas and facilities to meet current and projected needs of Lomita residents.
- H. Land Use Policy 2: The City will strive to promote the provision of schools, parks, and recreation areas to serve the residential neighborhoods.
- I. Land Use Policy 7: Commercial development and employment opportunities will be promoted to maintain a sound economic base and to stimulate investment in the City.
- J. Land Use Policy 9: The City will work to protect and promote property values by promoting the more efficient use of underutilized properties and structures consistent with the City's economic development.
- K. Land Use Policy 15: The City may allow the opportunity for new mixed use development within key commercial districts.
- L. Land Use Policy 17: The City will promote the maintenance and preservation of activities that contribute to the City's economic and employment base.
- M. Land Use Policy 19: The City will strive to develop a pedestrian downtown that is economically viable and promotes a wide range of activities.
- N. Circulation Element Policy 4: The City will be proactive in assessing the impact of future land uses and development on the local system.

Section 3. Environmental Review

The proposal is not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(3) because it is not a "project" as defined by CEQA Guidelines Section 15378. The Zoning Text Amendment will specify commercial uses within a zoning district. In addition, adoption of the Zoning Text Amendment does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Further projects subject to the proposed Zoning Text Amendment will require a discretionary permit and CEQA review and will be analyzed at the appropriate time in accordance with CEQA and the City's Municipal Code. The Zoning Text Amendment is further exempt from CEQA pursuant to Section 15301 (Existing Facilities) because the actions identified in the ordinance are limited to the specification of commercial uses not previously contemplated by the municipal code yet similar to permitted uses established by the municipal code. The Zone Text Amendment would not result in any expansion of existing commercial uses or of the public's use of City right-of-way. Additionally, the Zone Text Amendment is exempt from CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (State CEQA Guidelines, § 15061(b)(3).)

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

Section 4. Zoning Amendments

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

- A. Section 11-1.45.02 ("Principal uses permitted") of Title XI of the Lomita Municipal Code is amended to read as follows:

"Sec. 11-1.45.02. Principal uses permitted.

Premises in Zone C-G may be used for the following principal uses:

- (1) Any use similar to the following uses which the commission finds to fall within the intent and purpose of this zone, that will not be more obnoxious or materially detrimental to the public welfare and which the commission finds to be of a comparable nature and of the same class as the uses enumerated in this section.
- (2) Automobile sales and rentals.
- (3) Bakery shops, including baking only when incidental to retail sales from the premises.
- (4) Bicycle, scooter and similar vehicle rentals.
- (5) Billiard and pool halls.

- (6) Blueprint shops.
- (7) Commercial printers.
- (8) Electric distribution substations including microwave facilities incorporated as a part of a public utility installation.
- (9) Employment agencies.
- (10) Glass edging, beveling and silvering in connection with the sale of mirrors and glass decorating furniture.
- (11) Horticultural nurseries, including the growing of nursery stock, but not including medical marijuana dispensaries, cannabis cultivation, or any other commercial cannabis activity.
- (12) Laboratories, medical or dental, not including medical marijuana dispensaries, cannabis cultivation, or any other commercial cannabis activity.
- (13) Locksmith shops.
- (14) Mail-order houses, not to include warehousing.
- (15) Manufacturer's agent, carrying no inventory other than samples.
- (16) Mimeographing and addressograph services.
- (17) Pet shops, household pets only.
- (18) Photography studios.
- (19) Post offices.
- (20) Restaurants and cafes not serving alcoholic beverages.
- (21) Sale of new and used merchandise at retail only.
- (22) Servicing of consumer electronic equipment and components repair.
- (23) Transient miniature kiddy rides of less than ten (10) pieces of equipment, not to exceed twenty-five (25) feet in height.
- (24) Truck sales and rental agencies.
- (25) Typewriter sales and incidental repairs.
- (26) Upholstery shops.

- (27) Veterinary outpatient clinics, household pets only, no animal to be kept overnight.
- (28) Watch repair shops.
- (29) Barber and beauty shops.
- (30) Civic center uses, banks, savings and loan and credit unions.
- (31) Cleaning and dyeing agencies, including incidental spotting, sponging, pressing and repairs.
- (32) Dental clinics, including laboratories in conjunction therewith.
- (33) Dry cleaning, self-service.
- (34) Laundries, self-service.
- (35) Markets and grocery stores not selling alcoholic beverages.
- (36) Shoe repair shops.
- (37) Medical clinics, including laboratories and prescription pharmacies in conjunction therewith, not including medical marijuana dispensaries, cannabis cultivation, or any other commercial cannabis activity.
- (38) Offices, business and professional.
- (39) Parks, public.
- (40) Gymnasiums and workout studios with a capacity of more than forty (40) people.
- (41) Workout studios with a capacity of ten (10) to forty (40) total class members and staff members per class.
- (42) Course-based indoor recreation including escape rooms, mini-golf, laser tag, skating, trampoline parks, and obstacle courses.
- (43) Computer-based indoor recreation including virtual reality, esports, and arcade games."

B. Section 11-1.45.05 ("Uses by conditional use permit") of Title XI of the Lomita Municipal Code is amended to read as follows:

"Sec. 11-1.45.05. Uses by conditional use permit.

Premises in Zone C-G may be used for the following purposes, provided a conditional use permit has first been obtained, pursuant to the provisions of Article 70, "Zoning Ordinance Administration":

- (1) Automobile body and fender shops, repair, painting and upholstering, provided that such activity is conducted within an enclosed building and automobile repair garages, provided all operations are conducted within a building enclosed on three (3) sides.
- (2) Bakery goods distributor.
- (3) Bars and cocktail lounges, pursuant to Article 56 of the Lomita Zoning Code.
- (4) Brewpub as defined in Section 11-1.15.02(B) and pursuant to Article 56 (Alcoholic Beverages) of the Lomita Zoning Code.
- (5) Business and professional schools.
- (6) Car washes.
- (7) Drive-in restaurants.
- (8) Electrical, plumbing and contractors' shops.
- (9) Equipment rentals.
- (10) Extended day care centers.
- (11) Feed and grain sales.
- (12) Mortuaries.
- (13) Novelty retail or service specialty establishments purveying primarily novelties, curios, curiosa and related items.
- (14) Nursery schools.
- (15) Restaurants and cafes serving alcoholic beverages, pursuant to Article 56 of the Lomita Zoning Code.
- (16) Single-family residence: provided, however, that such is a legal nonconforming use or is being used under a conditional use permit at the time the application is filed, and provided further, that a conditional use permit granted under this provision shall be automatically revoked and terminated in the event of any change, substitution, addition or modification of the use of said premises, whether permitted in the zone or not.
- (17) Theaters (with a capacity of more than fifty (50) people).

- (18) Thrift stores subject to standards contained in Section 11-1.68.08.
- (19) Wholesale businesses.
- (20) Assembly halls, subject to the provisions of section 11-1.68.04.
- (21) Buildings exceeding thirty-five (35) feet in height.
- (22) Fueling service stations.
- (23) Hospitals.
- (24) Schools, and unless otherwise exempted by the school district, schools with a total school capacity of more than fifty (50) students (as determined by the department of building and safety) shall be subject to the development standards in section 11-1.68.04.
- (25) Bay-based indoor recreation including, but not limited to, bowling alleys, axe throwing alleys, darts alleys, and golf simulation."

C. Section 11-1.48.02 ("Principal uses permitted") of Title XI of the Lomita Municipal Code is amended to read as follows:

"Sec. 11-1.48.02. Principal uses permitted.

Premises in Zone C-R may be used for the following principal uses:

- (A) Any use similar to the following uses which the commission finds to fall within the intent and purpose of this zone that will not be more obnoxious or materially detrimental to the public welfare and which the commission finds to be of a comparable nature and of the same class as the uses enumerated in this section.
 - (1) Appliance stores.
 - (2) Antique shops.
 - (3) Auto parts (new and reconditioned).
 - (4) Bakeries (retail only).
 - (5) Banks and savings and loan institutions.
 - (6) Bicycle sales and rentals.
 - (7) Blueprinting shops.
 - (8) Camera sales and repair.

- (9) Clothing stores.
- (10) Computer equipment, sales and repair.
- (11) Confectionery stores.
- (12) Drug stores, not including medical marijuana dispensaries, cannabis cultivation, or any other commercial cannabis activity.
- (13) Fine art galleries (commercial).
- (14) Florist shops.
- (15) Food markets (excluding the sale of alcoholic beverages).
- (16) Furniture stores.
- (17) Hardware and home improvement stores, provided that all building materials, nursery stock, etc., are stored in an enclosed building.
- (18) Home furnishing stores.
- (19) Jewelry stores and incidental repair.
- (20) Meat stores.
- (21) Notions and dry goods stores.
- (22) Paint stores.
- (23) Pet shops (not including grooming and boarding).
- (24) Photo processing and print shops.
- (25) Printing and copying.
- (26) Restaurants and cafes (not serving alcoholic beverages).
- (27) Shoe stores.
- (28) Sporting goods stores.
- (29) Stationery and book stores.
- (30) Video and audio recording sales and rental.
- (31) Watch sales and repair.
- (32) Gymnasiums and workout studios with a capacity of more than forty (40) people.

- (33) Workout studios with a capacity of ten (10) to forty (40) total class members and staff members per class.
 - (34) Course-based indoor recreation including escape rooms, mini-golf, laser tag, skating, trampoline parks, and obstacle courses.
 - (B) The following additional uses provided, however, that the ground floor area occupied by said use or uses may not exceed thirty (30) percent of the ground floor area on any lot or parcel of land where the total ground floor area exceeds five thousand (5,000) square feet.
 - (1) Barber shops.
 - (2) Beauty shops, including nail care.
 - (3) Laundry and dry cleaning agencies (not including laundromats or wholesale dry cleaning or laundry plants).
 - (4) Locksmiths.
 - (5) Offices, business and professional.
 - (6) Photography studios.
 - (7) Shoe repair.
 - (8) Tailors and dressmakers.
 - (9) Television and radio repair (not including automobile stereo installation).
 - (10) Theaters, movie.
 - (11) Upholstery shops (the front of the shop must be retail in appearance).
 - (12) Workout studios with a capacity of less than ten (10) total customers and staff members.
 - (13) Computer-based indoor recreation including virtual reality, esports, and arcade games.”
- D. Section 11-1.48.04(A) (“Uses by conditional use permit”) of Title XI of the Lomita Municipal Code is amended to read as follows:

“Subsection (A) of Sec. 11-1.48.04. Uses by conditional use permit.

- (1) Automobile rental, with the following restrictions and requirements:
 - (a) All vehicles must be less than two (2) years old and maintained in good condition.

- (b) No automobile sales are permitted on the same premises without the planning commission's approval.
 - (c) No advertising is allowed on the rental vehicles except identification tags or decals permitted by the planning commission.
 - (d) No repairs or truck rentals are permitted.
 - (e) All rental vehicles must be stored on-site.
- (2) Automobile, boat, trailer and recreational vehicle sales, new and used, including servicing, mechanical repairs, painting, body and fender repair and rental when such uses are in conjunction with the primary use.
 - (3) Brewery with tasting room as defined in Section 11-1.15.02(B) and pursuant to Article 56 (Alcoholic Beverages) of the Lomita Zoning Code.
 - (4) Brewpub as defined in section 11-1.15.02(B) and pursuant to article 56 (Alcoholic Beverages) of the Lomita Zoning Code.
 - (5) Fueling service stations that do not include servicing and repair facilities.
 - (6) Fueling service stations with ancillary automated car-wash facilities that do not include servicing and repair facilities.
 - (7) Hotels and motor inns, subject to architectural review by the planning commission. The establishment of these uses must, as a minimum, have in excess of thirty-five (35) units.
 - (8) Hotels and motor inns, subject to architectural review by the planning commission and subject to the special development standards contained in section 11-1.68.07.
 - (9) Outdoor storage or display provided that the planning commission shall require information on the specific materials to be stored or displayed and the following possible conditions:
 - (a) Screening fences or walls.
 - (b) Special setbacks relative to the materials stored or displayed.
 - (c) Time limits.
 - (d) Special regulations relative to access by trucks.
 - (e) Other conditions deemed necessary to protect the public health, safety, and welfare.

- (10) Packaged liquor stores exceeding three thousand (3,000) square feet in floor area provided that such use is not located closer than fifteen hundred (1,500) feet from another packaged liquor store, including food markets selling packaged liquor.
 - (11) Packaged liquor when ancillary to food sales, pursuant to Article 56 of the Lomita Zoning Code.
 - (12) Restaurants and cafes serving alcoholic beverages, pursuant to Article 56 of the Lomita Zoning Code.
 - (13) Theaters, movie (not covered under 11-1.48.02(B)).
 - (14) Thrift stores subject to standards contained in section 11-1.68.08.
 - (15) Bay-based indoor recreation including, but not limited to, bowling alleys, axe throwing alleys, darts alleys, and golf simulation.
 - (16) Workout studios with a capacity of less than ten (10) total customers and staff members games (not covered under 11-1.48.02(B)).
 - (17) Computer-based indoor recreation including virtual reality, esports, and arcade games (not covered under 11-1.48.02(B)).
- E. Section 11-1. 49.02 ("Principal uses permitted") of Title XI of the Lomita Municipal Code is amended to read as follows:

"Sec. 11-1.49.02. - Principal uses permitted.

Premises in zone D-C may be used for the following principal uses:

- (A) Any use similar to the following uses which the commission finds to fall within the intent and purpose of this zone that will not be more obnoxious or materially detrimental to the public welfare and which the commission finds to be of a comparable nature and of the same class as the uses enumerated in this section.
 - (1) Antique shops.
 - (2) Bakeries (retail only).
 - (3) Basic personal services including: barber/beauty shop, dry cleaner, nail/manicure shop, tailoring, and shoe repair. Permanent makeup is permitted as an ancillary use to a beauty or nail shop.
 - (4) Confectionery stores/ice cream parlors.
 - (5) Florist shops.

- (6) Permanent flower stand or news stand within the right-of-way subject to an encroachment permit or license agreement.
 - (7) Food markets (excluding the sale of alcoholic beverages).
 - (8) Restaurants and cafes (not serving alcoholic beverages).
 - (9) Retail sale and the ancillary service of merchandise. Not including home furnishing, or specialty home improvement stores.
- (B) The following additional uses located above the ground floor of the building in which they are located:
- (1) Office, business and professional, including medical.
 - (2) Personal improvement uses such as: music studio, tutoring, children's group classes, and dance/karate studio, with less than fifty (50) persons based upon occupant load as determined by building and safety.
 - (3) Computer-based indoor recreation including virtual reality, esports, and arcade games.
 - (4) Workout studios with a capacity of ten (10) to forty (40) total class members and staff members per class.
 - (5) Workout studios with a capacity of less than ten (10) total customers and staff members."

F. Section 11-1. 49.04(A) ("Permitted uses by conditional use permit") of Title XI of the Lomita Municipal Code is amended to read as follows:

"Subsection (A) of Sec. 11-1.49.04. Permitted uses by conditional use permit

- (1) Brewpub as defined in section 11-1.15.02(B) and pursuant to article 56 (alcoholic beverages) of the Lomita Zoning Code.
- (2) Outdoor vending from a retail store: Flower, plant, or clothing sales in conjunction with sale of related products from a retail store.
- (3) Off-site sale of alcohol at service and retail establishments as an accessory use, and pursuant to article 56 of the Lomita Zoning Code.
- (4) Packaged liquor when ancillary to food sales, pursuant to article 56 of the Lomita Zoning Code.
- (5) Restaurants, bars, cocktail lounges, nightclubs and cafes serving alcoholic beverages, pursuant to article 56 of the Lomita Zoning Code.

- (6) Residential uses permitted under the mixed use overlay designation pursuant to section 11-1.58 of the Lomita Municipal Code.
- (7) Theaters, live stage and movie.
- (8) Wine stores and ancillary wine tasting, and pursuant to article 56 of the Lomita Zoning Code.
- (9) Bay-based indoor recreation including, but not limited to, bowling alleys, axe throwing alleys, darts alleys, and golf simulation.
- (10) Course-based indoor recreation including escape rooms, mini-golf, laser tag, skating, trampoline parks, and obstacle courses.
- (11) The following additional uses located on the ground floor of the building in which they are located:
 - (a) Workout studios with a capacity of ten (10) to forty (40) total class members and staff members per class.
 - (b) Workout studios with a capacity of less than ten (10) total customers and staff members.
 - (c) Computer-based indoor recreation including virtual reality, esports, and arcade games.”

Section 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council of the City of Lomita hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 6. Effective Date

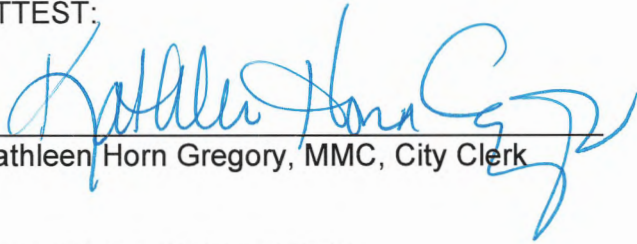
This ordinance shall take effect thirty (30) days after the date of its passage, and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this ordinance.

PASSED, APPROVED, AND ADOPTED, this 18th day of June, 2024.



Bill Uphoff, Mayor


ATTEST:



Kathleen Horn Gregory, MMC, City Clerk



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 862 was duly passed, approved, and adopted by the City Council of the City of Lomita at a regular meeting held on June 18, 2024, by the following vote, to wit:

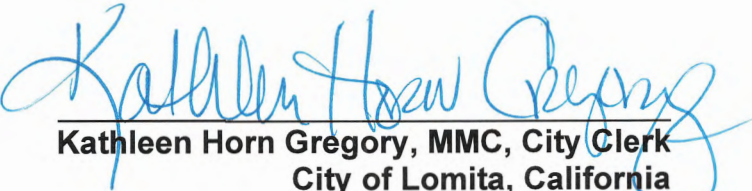
AYES: Council Members: Gazeley, Segawa, Waite, Mayor Pro Tem Waronek, and Mayor Uphoff

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, on this 18th day of June 2024.


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