



**AGENDA**  
**CITY OF EL SEGUNDO**  
**PLANNING COMMISSION**  
**5:30 PM**  
**COUNCIL CHAMBER**  
**350 MAIN STREET**  
**EL SEGUNDO, CA 90245**  
**MARCH 27, 2025**

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**MEMBERS OF PLANNING COMMISSION**

Kevin Maggay, Chairperson  
Mario Inga, Vice Chairperson  
Mark Christian  
Vacant  
Vacant

The Planning Commission, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the Planning Commission, regarding any matter on this agenda, that the City received after issuing the agenda packet are available for public inspection in the Community Development Department, during normal business hours. Such documents may be posted on the City's website at [www.elsegundo.org](http://www.elsegundo.org) and additional copies will be available at the meeting.

Unless otherwise noted in the agenda, the public can only comment on city-related business that is within the jurisdiction of the Planning Commission and/or items listed on the agenda during the Public Communications portion of the Meeting. ***Additionally, members of the public can comment on any Public Hearing item on the agenda during the Public Hearing portion of such item.*** The time limit for comments is five (5) minutes per person. Before speaking to the Planning Commission, please fill out a speaker card located in the Chamber Lobby. It is not required to provide personal information in order to speak, except to the extent necessary to be called upon, properly record your name in meeting minutes and to provide contact information for later staff follow-up, if appropriate. Please respect the time limits.

***REASONABLE ACCOMMODATIONS: In compliance with the Americans with Disabilities Act and Government Code Section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can also be found on the City's website at <https://www.elsegundo.org/government/departments/city-clerk>. Please contact the City Clerk's Office at (310) 524-2308 to make an accommodation request or to obtain a copy of the policy.***

**CALL TO ORDER/ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMUNICATION – (Related to City Business Only – 5-minute limit per person, 30-minute limit total)** *Individuals who have received value of \$50 or more to communicate to the **Planning Commission** on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the **Planning Commission**. Failure to do so shall be a misdemeanor and punishable by a fine of \$250. While all comments are welcome, the Brown Act does not allow action on any item not on the agenda.*

**A. CONSENT**

1. **Approve March 13, 2025 Planning Commission Meeting Minutes**

Recommendation -

1. Approve March 13, 2025 Planning Commission Meeting Minutes.

**B. PUBLIC HEARINGS**

2. **An Ordinance Amending El Segundo Municipal Code Title 15, Chapter 35 (Development Impact Fees) Regarding the Timing of When Development Impact Fees are Paid. (EA-1384 and ZTA 25-03)**

Recommendation -

1. Adopt Resolution No. 2962, recommending City Council adopt an Ordinance amending ESMC Chapter 15-32 (Impact Fees).
2. Alternatively, discuss and take other action related to this item.

3. **An Ordinance Amending the El Segundo Municipal Code ("ESMC"), Specifically the Development Standards for the Single-Family Residential (R-1) Zone, Including the Standards Applicable to Two-Unit Residential Developments and Urban Lot Splits Pursuant to Senate Bill No. 450.**

Recommendation -

1. Adopt Resolution No. 2963, recommending City Council adopt an Ordinance amending El Segundo Municipal Code ("ESMC") regarding development standards for the Single-Family Residential (R-1) Zone, including standards applicable to Two-Unit Residential Developments and Urban Lot Splits pursuant to Senate Bill No. 450.

**C. NEW BUSINESS**

**D. UNFINISHED BUSINESS**

**E. REPORTS – COMMUNITY DEVELOPMENT DIRECTOR**

**F. REPORTS - COMMISSIONERS**

**G. REPORTS – CITY ATTORNEY**

**ADJOURNMENT**

POSTED:

DATE: March 20, 2025

TIME: 11:11 A.M.

BY: Jazmin Farias, Assistant Planner



**MINUTES OF THE  
EL SEGUNDO PLANNING COMMISSION  
Regularly Scheduled Meeting**

**March 13, 2025**

**CALL TO ORDER**

Chair Maggay called the meeting to order at 5:32 p.m.

**ROLL CALL**

Present: Chair Maggay  
Present: Vice Chair Inga  
Present: Commissioner Christian

Also present: Michael Allen, AICP, Community Development Director  
Also present: Eduardo Schonborn, AICP, Planning Manager  
Also present: Joaquin Vazquez, City Attorney  
Also present: Paul Samaras, AICP, Principal Planner  
Also present: Maria Baldenegro, Assistant Planner  
Also present: Jazmin Farias, Assistant Planner

**PLEDGE OF ALLEGIANCE**

Chair Maggay led the pledge.

**PUBLIC/WRITTEN COMMUNICATIONS**

None.

**A. CONSENT**

**1. Approval of Planning Commission Meeting Minutes:**

- February 13, 2025

**MOTION:** Approve the minutes.

**Moved by Commissioner Inga, second by Commissioner Christian.**

**Motion carried, 3-0, by the following vote:**

**Ayes:** Maggay, Inga, and Christian

*Consent Item 2 and 3 pulled by the Planning Commission.*

**2. A Request to Expand the Areas of On-site Sale and Consumption of Beer,**

**Wine, and Distilled Spirits at an Existing Restaurant (Brewport Tap House). (Environmental Assessment No. EA-1166 and Administrative Use Permit No. AUP 16-11 Revision B). (JF)**

Assistant Planner Jazmin Farias presented the staff report regarding the proposed request to expand onsite sale and consumption of beer, wine, and distilled spirits into one new outdoor accessory area comprised of a 120 square-foot outdoor axe throwing cage located at the rear northeast corner of the lot.

- Chair Maggay inquired where the noise readings were done and if they were doing while the axe throwing activity was occurring. Jazmin stated that they were done at the project site while axe throwing activity was occurring and not occurring.
- Commissioner Inga inquired if the accessory activity is a new amenity or existing. Jazmin stated that the activity would be a new area for alcohol consumption. Planning Manager Eduardo Schonborn stated that the amenity had been installed within the last couple of years as part as temporary outdoor dining during COVID and now that the outdoor dining area was removed, they are proposing a permanent accessory amenity.
- Commissioner Christian inquired if during the COVID temporary outdoor dining noise readings were done and if noise readings were done within the property boundaries of the nearby residents. Staff advised that no noise readings were conducted during the COVID temporary outdoor dining. Community Development Director Michael Allen added that Code Enforcement inquired if a noise reading could be done from a resident's home and access was not granted (via a code enforcement case/complaint).

**Chair Maggay opened public communications.**

- Applicant Kristian Krieger (restaurant owner) and Hatchet Hound (axe throwing owner) Matt McCullough explained that the axe throwing only occurs when the amenity is booked, and no walk-up service is available. They added that the amenity has been around for 4 years and is located in dead space area adjacent to the parking lot. Kristian stated that residents behind the restaurant have his direct phone number where they can report any issues. They also volunteered to reduce the hours of operation to 8pm for the axe throwing amenity to reduce noise. Other improvements have been made to the axe cage to mitigate noise to the surrounding uses.
- Commissioner Christina inquired the frequency of events as its driven by reservations and popular times for these reservations. Matt shared that it picks up during holiday season as they cater to corporate events; approximately 30 reservations a month and on slow months approximately 12 to 15 reservations. Popular times are earlier in the day from 12pm – 6pm.

- Chair Maggay inquired if the location of the amenity could be changed as the back of the cage faces the alley. Matt stated that another orientation will not work as the space is limited due to mechanicals that go to the building and the restaurant storage space.
- Chair Maggay inquired if there is signage up that says residents nearby, please keep it down. Matt stated that at the moment they do not have any but a coach is present at all times to take charge of the participants and concurred with adding signage as a form of mitigation.
- Resident Tony Martini who resides directly behind the Brewport parking lot expressed his concerns with the noise emitting from the project site; specifically the participants noise and not necessarily the axe throwing itself. He expressed his frustration with the situation as he is not able to relax in his home nor open the windows. He added that this amenity could be located inside the restaurant and played a video as an example of how loud the participants are.
- Resident John Vasak spoke on behalf of the residence adjacent to the restaurant and inquired if alcohol is allowed in the parking lot and believes that alcohol should not be permitted back there if indeed this is a parking lot. He also believes the amenity can be relocated inside or positioned elsewhere to reduce noise coming from the participants.
- Kristian advised that there is no room for the amenity inside the restaurant and added that alcohol would not be served only consumed in the axe throwing cage area.
- Matt stated that there would be no more than 20 people at a time within the axe throwing cage area as the area is not large enough to accommodate more.

### **Chair Maggay closed public communications.**

Further communication from Planning Commission.

- Chair Maggay inquired if the axe throwing amenity itself needs a permit. Staff advised that it does not. Staff also shared that the area where the cage is located is dead space, it is not taking up parking spaces and clarified that the area itself is not part of the parking lot.
- Chair Maggay suggested to add a condition so that staff can monitor the activity at the site as he understands that a handful of approaches have been taken by the restaurant to mitigate sound and wants to ensure the Conditions of Approval are being adhered to. Staff advised that they could report back with findings.
- Commissioner Christian inquired if the permit could be revoked. City Attorney Joaquin Vazquez advise that any permit can be revoke upon due process and notice of a hearing.
- Staff inquired if the Planning Commission has operational standards that they consider important in terms of performance to give staff a threshold to determine if the site is in violation otherwise, we are limited to what the Conditions of Approval call out. Chair Maggay stated that he is

comfortable with the regular process and make it complaint driven; commissioner Inga concurred. Commissioner Christian stated he likes the concept of something more measurable as noise complaint calls can be manipulated. Staff suggested that a simple report back to Planning Commission can be done if consensus is not reached on operational standards.

- Planning Commissioners provided consensus to add the below additional conditions of approval:
  - Install signage at the axe throwing cage location advising customers to “be good neighbors” to the surrounding area by keeping their voice/screams/yells down.
  - Staff shall report back to the PC in 3 months to provide an update on the operation of the facility and their adherence to the Conditions of Approval. Chair Maggay is interested in knowing if any PD calls are received after the 8pm moving forward.
  - Staff shall conduct unannounced noise readings during times when the axe throwing activity is being conducted to obtain noise levels produced during the use of the area by customers while conducting axe throwing activity.
  - Staff shall attempt to conduct on-site noise readings from the surrounding residential properties (if permitted entry by the tenants/property owners) during times when the axe throwing activity is being conducted to obtain noise levels produced during the use of the area by customers while conducting axe throwing activity.

**MOTION:** Receive and file Community Development Director approval of Environmental Assessment No. EA-1166 Revision B and Administrative Use Permit No. AUP 16-11 Revision B with the modified conditions as stated above.

**Moved by Commissioner Christian, second by Commissioner Inga.**

**Motion carried, 3-0, by the following vote:**

**Ayes:** Maggay, Inga, and Christian

**3. Revision “A” to an Administrative Use Permit to Expand the Indoor and Outdoor Dining Areas and Allow the Sale of Beer, Wine, and Distilled Spirits for On-site Consumption at an Existing Restaurant (Environmental Assessment No. EA-1295, Revision A, Downtown Design Review No. DDR 24-01, and Administrative Use Permit No. AUP 20-03). (MB)**

Assistant Planner Maria Baldenegro presented the staff report regarding the proposed reconfiguration and expansion of the existing restaurant which triggers a modification to the existing AUP on file to capture the expansion of alcohol service for on-site consumption for both indoor and outdoor dining area expansions.

**Chair Maggay opened public communications.**

- Applicant representative Matthew Melo concurs with the findings and recommendations made by staff. He stated that the applicant is very excited to continue operating in El Segundo.

**Chair Maggay closed public communications.**

- Commissioner Inga inquired if the restaurant area that is increasing is a common area with the other tenants. Maria advised that the increased area is only for this restaurant and not the other tenants.

**MOTION:** Receive and file Community Development Director Approval of Revision A to Environmental Assessment No. EA-1295, Revision A, Downtown Design Review No. DDR 24-01, and Administrative Use Permit No. AUP 20-03.

**Moved by Commissioner Inga, second by Commissioner Christian.**

**Motion carried, 3-0, by the following vote:**

**Ayes:** Maggay, Inga, and Christian

**B. NEW PUBLIC HEARINGS**

None.

**C. NEW BUSINESS**

**4. 2024 General Plan Implementation and Annual Housing Element Progress Reports. (PS)**

Principal Planner Paul Samaras presented the staff report regarding updates related to the Community Development Department and a review of progress made in 2024 on each General Plan Element.

- Commissioner Christian inquired if the Code Violation cases had an increase or decrease compared to the last couple years. Paul advised that there was a slight decrease compared to the last couple years.
- Commissioners thanked staff for the update.

**Chair Maggay opened public communications.**

- None

**Chair Maggay closed public communications.**

**MOTION:** Not required.

**D. UNFINISHED BUSINESS**

None.

**E. REPORTS – COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE**

Community Development Director Michael Allen shared that two planning commissioners have been selected by City Council and are expected to join the commissioners no later than the first meeting in April. He added that the contract with MIG was approved to proceed with the land use element update and the first meeting in April will be the appointment of a member of the Planning Commission to sit on the technical advisory committee.

Planning Manager Eduardo Schonborn shared that City Council continued the Zone Text Amendment regarding parking in the R-3 zone as they asked staff to do a couple modifications to that amendment.

**F. REPORTS – PLANNING COMMISSIONERS**

None.

**G. REPORTS – CITY ATTORNEY**

None.

**ADJOURNMENT** — the meeting adjourned at 7:01pm.  
The next meeting is scheduled for March 27, 2025, at 5:30 pm.

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Michael Allen, Community Development Director

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Kevin Maggay, Planning Commission Chair



## Planning Commission Agenda Statement

Meeting Date: March 27, 2025

Agenda Heading: PUBLIC HEARINGS

Item Number: B.2

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### TITLE:

An Ordinance Amending El Segundo Municipal Code Title 15, Chapter 35 (Development Impact Fees) Regarding the Timing of When Development Impact Fees are Paid. (EA-1384 and ZTA 25-03)

### RECOMMENDATION:

1. Adopt Resolution No. 2962, recommending City Council adopt an Ordinance amending ESMC Chapter 15-32 (Impact Fees).
2. Alternatively, discuss and take other action related to this item.

### FISCAL IMPACT:

None

### BACKGROUND:

Building permit issuance fees and Development Impact Fees (DIFs) are one-time charges imposed on developers during the construction of new development or physical improvements to existing buildings (commonly referred to as 'tenant improvements'). Building permit fees are designed to recover costs directly associated with staff time and resources necessary to review and process a building permit. This includes fees to cover administrative staff time to maintain and process active permits, inspections during a project build-out, and various surcharge fees to cover existing infrastructure costs to maintain the City's development services (e.g. online permit system, land use regulations, and equipment), as well as state-mandated fees related to seismic safety and compliance with the American Disability Act. DIFs are intended to mitigate future impacts of development by providing a funding source supporting future infrastructure and service improvements and enhancements required to address increased demand (e.g. street, sewer, park, city facility, public safety services, etc.).

Following a public hearing on June 21, 2022, the City Council approved the updated and newly established fee schedule including the DIF. The DIF was phased in over three years: 50% of the total fee was implemented in 2022, 75% in 2023, and the full

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100% will take effect on July 1, 2024. Additionally, the fees are subject to automatic annual adjustments based on the most recent Consumer Price Index for All Urban Consumers (CPI-U).

Impact fees are generally collected at one of three key stages of the development process:

Entitlement Application Stage: At this initial stage, developers submit their project applications to the City for review, typically one to two years before construction is completed. While most impact fees are not collected at this stage, other fees, such as those related to staff review time, are commonly paid upon application submission.

Building Permit Stage: Building permits are required before construction can commence and are typically issued 3 to 6 months after the entitlements are approved, depending on the size and complexity of the project. The majority of impact fees are collected at this stage.

Certificate of Occupancy Stage: This certificate is issued prior to occupancy, usually around the time the building is ready for use. Payment of any remaining fees is required at this final stage.

El Segundo Municipal Code Section 15-32-6 stipulates that all DIFs be collected prior to approval of a tentative or final subdivision map, parcel map, grading permit, building permit, final inspection, or certificate of occupancy. Several other one-time administrative or regulatory fees are collected at this phase, including but not limited to:

- Building Standards Administrative Fee (special revenue fund to support code cycle updates)
- General Plan Maintenance Fee (special revenue fund to support updates to land use regulations which development is a benefactor)
- Page Retention Fee (special revenue fund to support the maintenance of digitized records)
- Permit Center Surcharge Fee (special revenue fund to support ongoing implementation of online permit center)
- Strong Motion Instrumentation Program Fee (assessed/collected to be passed along to relative state agency for the implementation of California Strong Motion Instrumentation Program)

Additionally, one-time permit issuance fees include the respective residential, commercial, mechanical, electrical, and plumbing fees, which include the cost of corresponding inspections and follow-up staff time required during the life of the active permit.

Senate Bill (SB) 937, which was signed into law on September 19, 2024, became

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effective on January 1, 2025. The bill makes changes to the Mitigation Fee Act, affecting how developer fees specifically for housing developments are collected. SB 937 allows developers to pay certain housing development impact fees later in the process—at the Certificate of Occupancy or final building inspection—instead of at the start. If the required fee or charge is not fully paid before a building permit is issued for residential development, the local agency may require the property owner or recorded lessee to sign a contract agreeing to pay the amount within the specified timeframe. The contract would then be recorded with the county recorder’s office, creating a lien on the property. Once the obligation is fully paid, the local agency must record a release of the lien.

At the January 21, 2025 City Council meeting, City Council directed staff to proceed with an amendment to the Cultural Development Ordinance to adjust the timing of in-lieu payments. The proposed amendment would permit an applicant to defer the applicable in-lieu fee of 1% of the project cost to the Certificate of Occupancy or final inspection. The subject amendment was subsequently brought before the Planning Commission in February 2025 for recommendation, and approved by City Council at the March 18, 2025 City Council meeting.

At the February 18, 2025 City Council Meeting, staff proposed to City Council additional strategies to encourage or facilitate development, consistent with the above efforts to do so at the state level related to housing and at the local level related to the Cultural Development Ordinance. City Council directed staff to further explore a building permit fee deferral option for other commercial-related projects.

**DISCUSSION:**

In an environment characterized by volatile economic conditions - such as fluctuating interest rates, inflationary pressures, and variable development costs (e.g., land prices, labor, and material supplies) - budgetary assumptions become increasingly complex for development. Deferring certain development fees offers a strategic approach to alleviating the upfront financial burden on developers during the initial construction phase.

By deferring certain fees, developers can reduce carrying costs associated with upfront payments, decreasing the amount or need for early-stage borrowing. Reducing the carrying cost can mitigate the accumulation of interest over time, and enables access to more favorable financing options later in the project lifecycle, ultimately minimizing overall development financing costs, and consequently reducing costs that are otherwise passed on to end-users. Limiting upfront fees to only cover the actual costs of immediate services provided (i.e. administrative, staff review, and inspection costs) in lieu of covering all associated fees may provide a financial path forward for a potential development that may otherwise be infeasible if these costs are not deferred.

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Staff is proposing to modify any applicable resolutions or ordinances related to building permit issuance fees that are not directly related to immediate services provided or staff time to process the permit. Consequently, application review fees and inspection-related permit fees (residential, commercial, mechanical, electrical, and plumbing fees) will remain unchanged. Development impact fees, general plan maintenance fees, retention fees, and other special revenue fund fees, which are typically associated with future or ongoing costs post-construction may be deferred should an applicant choose. The building permit fee deferral may not be advantageous to most projects with permit fees less than \$100,000. However, as outlined in the below theoretical scenario, a project with building permit fees greater than \$100,000 can see real benefit from deferring certain costs.

Case Study

Development projects span from small residential renovations to massive commercial complexes. There are financing options for everything between a single-family home renovation needing a few thousand dollars and a large commercial development requiring hundreds of millions of dollars. There are also several strategies for funding projects, from self-financing to bank or private lenders. With so many variables and circumstances, there is insufficient data to determine a specific point one might consider financing. However, for illustrative purposes only, staff provide the following assumptions: typical construction loans are intended for 6 - 36 months, 8.8% interest paid on the amount borrowed during construction (average range between 6.125 and 11.5% as of 2025), with financing options beginning at \$100,000 or more.

Since implementation of the City's new permitting software, in the last 21 months, two projects have triggered DIF exceeding \$100,000, with construction valuations ranging from \$2,301,478 - \$45,120,804. For these two projects, one-time permit issuance fees unrelated to immediate costs and the DIF averaged approximately \$126,146 (not including the 1% Cultural Development Program fee).

Provided the above assumptions, the carry cost of accrued interest on \$126,146, is as follows:

- 6 Month Project: \$5,550.42
- 12 Month Project: \$11,100.85
- 18 Month Project: \$16,651.27
- 24 Month Project: \$22,201.70
- 30 Month Project: \$27,752.12
- 36 Month Project: \$33,302.54

Where market and financing constraints otherwise delay development, easing immediate financial pressures through deferred payment schedules while ensuring the city retains its ability to collect necessary revenue in a timely manner supports development initiatives and may encourage and facilitate development.

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Staff recommends a similar administrative process as adopted by the state legislature for housing developments, requiring an agreement be executed outlining the terms of the fee deferral. If fees are not paid, final inspections would not occur, and corresponding certificates of occupancy would not be awarded, and may result in a lien recorded against the property, to be removed upon payment of fees.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 1: Develop and Maintain Quality Infrastructure and Technology

Strategy B: Seek opportunities to implement the use of innovative technology to improve services, efficiency, and transparency.

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy C: Implement strategic initiatives to attract new businesses and foster business to business networking and collaboration to retain and grow existing businesses.

**PREPARED BY:**

Eduardo Schonborn, AICP, Planning Manager

**REVIEWED BY:**

Michael Allen, AICP, Community Development Director

**APPROVED BY:**

Michael Allen, AICP, Community Development Director

**ATTACHED SUPPORTING DOCUMENTS:**

1. PC Resolution
2. Exhibit A - Draft Ordinance

## RESOLUTION NO. 2960

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (“ESMC”) TITLE 15 TO ESTABLISH THE FEE DEFERRAL PROGRAM “PROGRAM”, TO ADJUST THE DEADLINE OF CERTAIN BUILDING PERMIT FEE PAYMENTS TO PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION.**

### **(ENVIRONMENTAL ASSESSMENT NO. 1384 AND ZONE TEXT AMENDMENT NO. 25-03)**

The Planning Commission of the City of El Segundo does resolve as follows:

SECTION 1: The Planning Commission finds and declares that:

- A. On April 1, 2021, the City awarded a Professional Services Agreement to Revenue & Cost Specialists LLC to develop a comprehensive Development Impact Fee Calculation Nexus Report for new development to fund improvements that address the cumulative infrastructure impacts associated with new development;
- B. On May 11, 2022, Revenue & Cost Specialists LLC submitted the final Development Impact Fee Calculation Nexus Report (the "Nexus Study"). The Nexus Study recommends that the current development impact fees ("DIFs") (those for police, fire, and library facilities) be increased for all development types (residential, commercial, Industrial, and Institutional) and that new DIFs for Parkland Facilities, Streets-Signals & Bridges, Storm Drain Facilities, Water Distribution, Wastewater Collection Facilities, General Government Facilities, Public Meeting Facilities, and Aquatic Center Facilities be allocated for residential, commercial, Industrial, and institutional development based on their forecast of the infrastructure demand and analysis of improvement needs. The fees are allocated by residential unit and commercial/Industrial/Institutional square footage;
- C. The proposed DIFs are consistent with the California Government Code Section 66000 et seq. that enables local agencies to charge mitigation fees;
- D. On June 21, 2022, the City Council heard public testimony and considered evidence in a public hearing held in accordance with Government Code §§ 66016 and 66018;
- E. Based upon the evidence set forth in the Nexus Study and the administrative record as a whole, the City Council finds that there is a reasonable relationship between the amount of the DIF and the cost of the public facility or portion thereof attributable to the development on which the DIF is imposed, the proposed use of each DIF and the type of development on which it will be imposed, and the need for the public facilities identified

in the Nexus Study and the type of development project on which the corresponding DIF will be imposed;

- F. On June 21, 2022, the City Council adopted the May 11, 2022 Impact Fee Nexus Study and the approval of increases to existing development impact fees;
- G. At the February 18, 2025 City Council meeting, a study session was held to consider a building permit fee and development impact fee deferral program. The proposed program would adjust the deadline for certain building permit fee payments to before the issuance of a certificate of occupancy or final inspection, whichever comes first. The City Council directed staff to further explore the deferral program;
- H. On March 27, 2025, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the Ordinance including, without limitation, information provided to the Planning Commission by city staff; and, adopted Resolution No. 2962 recommending that the City Council approve this Ordinance;

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds, without limitation, that the proposed Zone Text Amendment ordinance ("Ordinance") would result in the following:

- A. Amend ESMC Chapter 15-32 (Development Impact Fees), Section 6 (Imposition of Fees; Automatic Adjustment) to require payment of development impact fees for residential and non-residential development projects at the time a Certificate of Occupancy is issued, or a Final Inspection is approved, whichever occurs first.

SECTION 3: *General Plan Consistency Findings.* As required under Government Code § 65454 the proposed Ordinance is consistent with the City's General Plan as follows:

- A. The proposed Ordinance is consistent with the General Plan Economic Development Element in that it would remove governmental and other constraints to facilitate the diversification of El Segundo's economic base in order to improve stakeholders' quality of life.
- B. The proposed Ordinance is consistent with the General Plan Economic Development Element in that the amendments provide a supportive and economically profitable environment as the foundation of a strong local business community.
- C. The proposed Ordinance is consistent with the General Plan Economic Development Element in that the amendments strengthen the partnership between the local government, the residential community, and El Segundo's business community.

- D. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments strive to remain cost-competitive in order to attract commercial and industrial development.

SECTION 4: *Zone Text Amendment Findings.* In accordance with ESMC § 15-27-3 and based on the findings set forth in Section 3, the proposed amendment is consistent with the goals, policies, and objectives of the ESMC as follows:

- A. The proposed Ordinance is consistent with the General Plan in that the amendments would implement the goals, policies, and programs of the Economic Development Element. Implementation of the Economic Development Element would create a strong, healthy economic community in which all diverse stakeholders may benefit, without affecting the character of the existing small-town charm.
- B. The proposed Ordinance is necessary to serve the public health, safety, and general welfare in that it would implement the Economic Development Element, which includes programs, goals, and policies to retain and improve the economic base in the City. The proposed amendments would facilitate business development in the community by reducing financial barriers, thereby enhancing the City's fiscal sustainability. Strengthening the City's fiscal integrity will improve the quality of life for the stakeholders such as providing better quality of schools, police and fire protection, access to varied cultural and recreational activities, and other local government services.

SECTION 5: *Environmental Assessment.* Based on the facts set forth in Section 2, the Planning Commission finds that the zone text amendment is exempt from further review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061(b)(3)), because it consists only of minor revisions to existing zoning regulations and related procedures and does not have the potential for causing a significant effect on the environment.

SECTION 6: *Recommendations.* The Planning Commission recommends that the City Council adopt the Ordinance attached as Exhibit "A" which would implement the Zone Text Amendment.

SECTION 7: *Reliance on Record.* Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations*. The Planning Commission's analysis and evaluation of the project is based on information available at the time of the decision. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. In all instances, best efforts have been made to form accurate assumptions.

SECTION 9: This Resolution will remain effective unless and until superseded by a subsequent resolution.

SECTION 10: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

PASSED AND ADOPTED this 27th day of March 2025.

\_\_\_\_\_  
Keven Maggay, Chair  
City of El Segundo Planning Commission

ATTEST:

\_\_\_\_\_  
Michael Allen, Secretary and  
Community Development Director

Maggay -  
Inga -  
Christian -

APPROVED AS TO FORM:  
Mark D. Hensley, City Attorney

By: \_\_\_\_\_  
Joaquin Vazquez, Deputy City Attorney

**DRAFT ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (“ESMC”) TITLE 15 TO ESTABLISH A FEE DEFERRAL PROGRAM (“PROGRAM”), TO ADJUST THE DEADLINE OF CERTAIN BUILDING PERMIT FEE PAYMENTS TO PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION.**

**(ENVIRONMENTAL ASSESSMENT NO. 1384 AND ZONE TEXT AMENDMENT NO. 25-03)**

The City Council of the city of El Segundo does ordain as follows:

SECTION 1: The Council finds and declares as follows:

- A. On April 1, 2021, the City awarded a Professional Services Agreement to Revenue & Cost Specialists LLC to develop a comprehensive Development Impact Fee Calculation Nexus Report for new development to fund improvements that address the cumulative infrastructure impacts associated with new development.
- B. On May 11, 2022, Revenue & Cost Specialists LLC submitted the final Development Impact Fee Calculation Nexus Report (the "Nexus Study"). The Nexus Study recommends that the current development impact fees ("DIFs") (those for police, fire, and library facilities) be increased for all development types (residential, commercial, Industrial, and Institutional) and that new DIFs for Parkland Facilities, Streets-Signals & Bridges, Storm Drain Facilities, Water Distribution, Wastewater Collection Facilities, General Government Facilities, Public Meeting Facilities, and Aquatic Center Facilities be allocated for residential, commercial, Industrial, and institutional development based on their forecast of the infrastructure demand and analysis of improvement needs. The fees are allocated by residential unit and commercial/Industrial/Institutional square footage.
- C. The proposed DIFs are consistent with the California Government Code Section 66000 et seq. that enables local agencies to charge mitigation fees.
- D. On June 21, 2022, the City Council heard public testimony and considered evidence in a public hearing held in accordance with Government Code §§ 66016 and 66018.
- E. Based upon the evidence set forth in the Nexus Study and the administrative record as a whole, the City Council finds that there is a reasonable relationship between the amount of the DIF and the cost of the public facility or portion thereof attributable to the development on which the DIF is imposed, the proposed use of each DIF and the type of development on which it will be imposed, and the need for the public facilities identified in the Nexus Study and the type of development project on which the corresponding DIF will be imposed.

- F. On June 21, 2022, the City Council adopted the May 11, 2022 Impact Fee Nexus Study and the approval of increases to existing development impact fees.
- G. At the February 18, 2025 City Council meeting, a study session was held to consider a building permit fee and development impact fee deferral program. The proposed program would adjust the deadline for certain building permit fee payments to before the issuance of a certificate of occupancy or final inspection, whichever comes first. The City Council directed staff to further explore the deferral program;
- H. On March 27, 2025, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the Ordinance including, without limitation, information provided to the Planning Commission by city staff; and, adopted Resolution No. 2962 recommending that the City Council approve this Ordinance;
- I. On May 6, 2025, the City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and
- J. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its May 6, 2025, hearing and the staff report submitted by the Community Development Department.

**SECTION 2: *Factual Findings and Conclusions.*** The City Council finds that adopting the proposed Ordinance would result in the following:

- A. Amend ESMC Chapter 15-32 (Development Impact Fees), Section 6 (Imposition of Fees; Automatic Adjustment) to require payment of development impact fees for residential and non-residential development projects at the time a Certificate of Occupancy is issued, or a Final Inspection is approved.

**SECTION 3: *General Plan Findings.*** As required under Government Code § 65860, the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan as follows:

- A. The proposed Ordinance is consistent with the General Plan Economic Development Element in that it would remove governmental and other constraints to facilitate the diversification of El Segundo's economic base in order to improve stakeholders' quality of life.
- B. The proposed Ordinance is consistent with the General Plan Economic Development Element in that the amendments provide a supportive and

economically profitable environment as the foundation of a strong local business community.

- C. The proposed Ordinance is consistent with the General Plan Economic Development Element in that the amendments strengthen the partnership between the local government, the residential community, and El Segundo's business community.
- D. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments strive to remain cost-competitive in order to attract commercial and industrial development.

SECTION 4: Zone Text Amendment Findings. In accordance with ESMC Chapter 15-27 (Amendments), and based on the findings set forth above, the proposed Ordinance is consistent with and necessary to carry out the purpose of the ESMC as follows:

- A. The proposed Ordinance is consistent with the General Plan in that the amendments would implement the goals, policies, and programs of the Economic Development Element. Implementation of the Economic Development Element would create a strong, healthy economic community in which all diverse stakeholders may benefit, without affecting the character of the existing small-town charm.
- B. The proposed Ordinance is necessary to serve the public health, safety, and general welfare in that it would implement the Economic Development Element, which includes programs, goals, and policies to retain and improve the economic base in the City. The proposed amendments would facilitate business development in the community by reducing financial barriers, thereby enhancing the City's fiscal sustainability. Strengthening the City's fiscal integrity will improve the quality of life for the stakeholders such as providing better quality of schools, police and fire protection, access to varied cultural and recreational activities, and other local government services.

SECTION 5: Environmental Assessment. Based on the facts set forth in Section 2, the City Council finds that the zone text amendment is exempt from further review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines § 15061(b)(3)), because it consists only of minor revisions to existing zoning regulations and related procedures and does not have the potential for causing a significant effect on the environment.

SECTION 6: ESMC Chapter 15-32 (Impact Fees), Section 6 (Imposition of fees; Automatic adjustment) is amended as follows (deleted language is shown in ~~strikethrough~~ and newly added text is underlined):

**15-32-6: IMPOSITION OF FEES; AUTOMATIC ADJUSTMENT:**

- A. Except as otherwise provided, persons submitting applications seeking approval for new development projects must pay the city impact fees, in an amount set by city council resolution, as a condition for the city to approve such development projects.
- B. No tentative or final subdivision map, parcel map, grading permit, building permit, final inspection, or certificate of occupancy, or other development permit, may be approved unless the provisions of this section are fulfilled.
- C. Impact fees will be imposed by including the following language in any document of development approval:

*All fees imposed pursuant to Title 15 Chapter 32 of the El Segundo Municipal Code must be paid to the City accordance with Government Code section 66007.*

- D. The director of community development or the director of public works will collect impact fees at the following times, except as otherwise specified in Government Code section 66007:
  1. Unless authorized under separate agreement or condition of approval, impact fees for any nonresidential development will be collected at the time the City issues a grading permit, building permit, final inspection, or certificate of occupancy, whichever occurs first.
  2. Under separate agreement or condition of approval, Ffees for residential development will be collected at the time the City approves a final inspection or issues a certificate of occupancy for each dwelling unit in the development.
  3. Under separate agreement or condition of approval, fees for non-residential development will be collected at the time the City approves a final inspection or issues a certificate of occupancy.
  4. Notwithstanding (1), ~~and~~ (2), and (3) above, utility service connection fees will be collected at the time an application for service is received.
- E. Unless otherwise provided by council resolution, the impact fees established by this chapter will be automatically adjusted on an annual basis at the beginning of each fiscal year based on the average percentage change over the previous calendar year set forth in the construction price index for the Los Angeles metropolitan area. The first impact fee adjustment cannot be made before a minimum of ten (10) months after the effective date hereof.

**SECTION 7: Construction.** This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: *Enforceability.* Repeal of any provision of the ESMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11: *Recordation.* The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 12: This Ordinance will go into effect and be in full force and effect 30 days after its passage and adoption.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Chris Pimentel, Mayor

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Mark D. Hensley, City Attorney

ATTEST:

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    )     SS  
CITY OF EL SEGUNDO         )

I, Susan Truax, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. \_\_\_\_\_ was duly introduced by said City Council at a regular meeting held on the \_\_\_ day of \_\_\_\_\_ 2025, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the \_\_\_ day of \_\_\_\_\_, 2025, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Susan Truax, City Clerk



## Planning Commission Agenda Statement

Meeting Date: March 27, 2025

Agenda Heading: PUBLIC HEARINGS

Item Number: B.3

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### TITLE:

An Ordinance Amending the El Segundo Municipal Code ("ESMC"), Specifically the Development Standards for the Single-Family Residential (R-1) Zone, Including the Standards Applicable to Two-Unit Residential Developments and Urban Lot Splits Pursuant to Senate Bill No. 450.

### RECOMMENDATION:

1. Adopt Resolution No. 2963, recommending City Council adopt an Ordinance amending El Segundo Municipal Code ("ESMC") regarding development standards for the Single-Family Residential (R-1) Zone, including standards applicable to Two-Unit Residential Developments and Urban Lot Splits pursuant to Senate Bill No. 450.

### FISCAL IMPACT:

None.

### BACKGROUND:

On September 16, 2021, California Governor Newsom signed into law Senate Bill No. 9 (SB 9), which mandated "by-right" ministerial approval of two-unit housing developments and the subdivision of parcels into two (Urban Lot Splits) in the Single-Family Residential (R-1) Zone. The law authorized cities to adopt objective local standards to regulate two-unit housing developments and Urban Lot Splits. Subsequently, on March 1, 2022, City Council adopted Ordinance No. 1633, establishing subdivision regulations for Urban Lot Splits in ESMC Title 14 (Subdivision Regulations) and development standards in ESMC Article 15-4G (Two-Unit Residential Developments and Urban Lot Splits in Single-Family Residential (R-1) Zones). Objective development and design standards were created with the assistance of a planning and architecture firm to: a) comply with SB 9 and ensure that they do not inhibit the construction of up to two units on each new parcel, and b) ensure that the design of the new units is compatible with and helps maintain the City's low-to-medium density and "small town" character.

**Environmental Assessment No. EA 1380**  
**Zone Text Amendment No ZTA 24-04**  
**March 27, 2025**  
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On September 19, 2024, California Governor Newsom signed into law Senate Bill No. 450 (SB 450), which amended the provisions of SB 9 to further streamline and facilitate Two-Unit Residential Developments and Urban Lot Splits in R-1 zones. Specifically, SB 450 prohibits cities from imposing objective standards for Two-Unit Residential Developments and Urban Lot Splits that do not apply universally to all development in R-1 zones, except when those standards are less restrictive than the standards that apply to all other developments in R-1 zones (See Attachment No. 3 - Senate Bill No. 450).

**DISCUSSION:**

The current ESMC standards for Urban Lot Splits and Two-Unit Residential Developments were designed to facilitate the subdivision of single-family residential lots and the development of up to two residential units on each new lot, while ensuring the additional density is physically compatible with the existing low-density character of the City's R-1 neighborhoods. Some of the standards, including building mass limitations, architectural design, landscaping, etc., are more restrictive than the development standards that generally apply in the R-1 zone and are, therefore, no longer consistent with State Law.

**Planning Commission Study Session**

On December 12, 2024, the Planning Commission held a study session and considered options for amending the ESMC to ensure its consistency with State Law (SB 450).

During the study session, staff presented a list of current Urban Lot Split development standards that are inconsistent with the R-1 development standards. The Planning Commission discussed the standards and gave staff direction for preparing a draft ordinance. Table No. 1 below presents those development standards and how they are addressed in the draft ordinance based on the Planning Commission's direction.

**Table No. 1: Major Ordinance Provisions**

<b>Standard</b>	<b>Urban Lot Split</b>	<b>R-1 Zone</b>	<b>Proposed Ordinance</b>
Entry Orientation	Entry doors must face and be visible from the adjoining street.	Not addressed.	Applies the Urban Lot Split Standard uniformly, but allows entry doors with access from a front porch/veranda to face side yard.
Mass and bulk of second floor	Second floor area must be 90 percent or less of first floor (Lots	Second floor area must be 25 percent or less than lot area (Lots over	Applies the R-1 Zone standard uniformly.

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	over 25 feet wide).	25 feet wide).	
Mass and bulk - Garage Offset	The garage must be offset a minimum of three feet from the front facade plane.	The garage must be set back a minimum of two feet from the front facade plane, except when a residence has a front porch.	Applies the R-1 Zone standard uniformly.
Building Height	Maximum height of 26 feet or two stories, whichever is less. (All Lots).	Maximum height of 32 feet for pitched roofs, 26 feet for flat roofs, and a maximum of two stories.	Applies the R-1 Zone standard uniformly.
Front porch or veranda	A porch or veranda must be provided along the street-facing facade (Lots up to 25 feet wide).	A porch or veranda is permitted to encroach into the front yard, but it is not required. (All lots).	Applies the R-1 Zone standard uniformly.
Landscaping	Must provide a minimum of two 24-inch box trees in the front yard. (Lots over 25 feet wide) Must provide a minimum of one 24-inch box tree in the front yard. (Lots 25 feet wide or less)	Must provide a minimum front yard landscaping area: 25 percent on lots less than 50 feet wide or 35 percent on lots 50 feet wide or greater.	Must provide minimum front yard landscaping area: 25 percent on lots less than 50 feet wide or 35 percent on lots 50 feet wide or greater, and must plant a minimum of one 24-inch box tree (All lots)
Floor area maximum	Maximum overall floor area ratio of 0.60 and maximum unit size of 1,050 square feet. (Lots over 25 feet wide) No maximum overall floor area ratio and maximum unit size of	Maximum overall floor area ratio of 0.60 and no per unit maximum. (Lots over 25 feet wide) Maximum lot coverage of 40-47 percent and no per unit maximum. (Lots 25 feet wide or less)	Maintain a maximum floor area ratio of 0.60 and eliminate maximum unit size limits. (Lots over 25 feet wide) Maximum lot coverage of 47 percent in R-1 and eliminate

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	850 square feet. (Lots 25 feet wide or less)		maximum lot coverage, floor area and unit size for Urban Lot Splits. (Lots 25 feet wide or less)
Side yard setback	Minimum of four feet.	Minimum of 10 percent of lot width, with a minimum of three feet and a maximum of six feet. (Lots over 25 feet wide) Minimum of three feet. (Lots 25 feet wide or less)	Maintains the R-1 Zone standard and amends Urban Lot Splits standard to: 10 percent of lot width, with a minimum of three and a maximum of four feet. (Lots over 25 feet wide) Minimum of three feet. (Lots 25 feet wide or less)
Building Separation	No minimum distance. (Lots over 25 feet wide) Minimum distance of four feet. (Lots 25 feet wide or less)	Minimum distance of three feet. (All lots)	Applies the R-1 Zone standard uniformly.
Affordability	One unit in each two-unit development must be affordable at moderate, low or very low income levels. (All lots)	No affordability requirement. (All lots)	Applies the R-1 Zone standard uniformly.

Generally, the draft ordinance maintains all the current R-1 development standards in place with the exceptions described in Table No. 1 above. The ordinance amends most of the current Urban Lot Split development standards to match the R-1 standards, except for cases where a less restrictive standard is prescribed by State Law. The updated standards seek to enhance the character of R-1 neighborhoods with the addition of design standards for entry orientation and landscaping in the front yard, while further streamlining the development standards for Urban Lot Splits and Two-Unit Residential Developments in the R-1 zone.

**CITY STRATEGIC PLAN COMPLIANCE:**

Goal 5: Champion Economic Development and Fiscal Sustainability

Strategy D: Implement community planning, land use, and enforcement policies that encourage growth while preserving El Segundo's quality of life and small-town character.

**PREPARED BY:**

Paul Samaras, AICP, Principal Planner

**REVIEWED BY:**

Eduardo Schonborn, AICP, Planning Manger

**APPROVED BY:**

Michael Allen, AICP, Community Development Director

**ATTACHED SUPPORTING DOCUMENTS:**

1. Resolution No. 2963
2. Exhibit "A" to Resolution No. 2963 - Draft Ordinance
3. Senate Bill No. 450

**RESOLUTION NO. 2963**

**A RESOLUTION OF THE EL SEGUNDO PLANNING COMMISSION RECOMMENDING CITY COUNCIL FIND ZONE TEXT AMENDMENT NO. 24-04 EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW AND ADOPT AND APPROVE AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE TITLE 15 (ZONING CODE) CHAPTER 4 TO AMEND THE SINGLE FAMILY RESIDENTIAL ZONE DEVELOPMENT STANDARDS, INCLUDING THE STANDARDS FOR TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS PURSUANT TO SENATE BILL NO. 450.**

**(ENVIRONMENTAL ASSESSMENT NO. 1380 AND ZONE TEXT AMENDMENT NO. 24-04)**

The Planning Commission of the City of El Segundo does resolve as follows:

SECTION 1: The Planning Commission finds and declares as follows:

- A. On September 19, 2024, Senate Bill No. 450 ("SB 450") was signed into law by Governor Gavin Newsom, and took effect January 1, 2025;
- B. The bill amended the provisions of Senate Bill 9 from California Legislative Session 2021-22 which modified Government Code §§ 65852.21 and 66411.7, relating to land use, specifically single-family zone parcel subdivisions (lot splits) and two-unit residential developments (duplexes);
- C. On November 22, 2024, the City initiated an application for Environmental Assessment No. EA 1380 and Zone Text Amendment No. ZTA 24-04 to amend El Segundo Municipal Code ("ESMC") Chapter 15-4 to implement SB 450's requirements and allowance for certain local control elements;
- D. On December 12, 2024, the Planning Commission held a study session to give staff direction on the contents of a potential ordinance addressing the requirements of SB 450;
- E. The Community Development Department prepared a draft ordinance amending ESMC Title 15, Chapter 15 implementing Program 9 of the 2021-2029 Housing Element to update the parking requirements for residential uses, and scheduled a public hearing before the Planning Commission for February 13, 2025;
- F. On March 27, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony and other evidence regarding the draft ordinance including, without limitation, information provided to the Planning Commission by city staff; and adopted Resolution No. 2963 recommending that the City Council approve this Ordinance; and
- G. This Resolution and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the

Planning Commission at its March 27, 2025 hearing and the staff report submitted by the Community Development Department.

SECTION 2: *Factual Findings and Conclusions.* The Planning Commission finds that adopting the proposed Ordinance would result in the following:

- A. Conformance with the provisions of Senate Bill No. 450, as approved by Governor Gavin Newsom on September 19, 2024;
- B. Update the ESMC current objective standards to implement the provisions of Senate Bill No. 450;
- C. Allow parcel subdivisions (lot splits) and allows construction of two-unit residential developments (duplexes) in the Single-Family Residential Zone; and
- D. The General Plan Land Use designation for the affected properties in the Single-Family Residential (R-1) Zone is Single-Family Residential.

SECTION 3: *General Plan Findings.* As required under Government Code § 65860, the ESMC amendments proposed by the Ordinance are consistent with the El Segundo General Plan as follows:

- A. The ordinance conforms with the Land Use Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal LU1, Objective LU1-1, and Goal LU3, Objective LU3-2, in that the ordinance creates design standards, and helps maintain a sense of place for the entire Single-Family Residential (R-1) Zone; it preserves and maintains the City's low-medium density residential nature, with low building height profile and character, and minimum development standards; and it promotes the health, safety, and general welfare of El Segundo by adopting standards that properly balance State mandates with the goals of maintaining the character of the R-1 Zone and El Segundo's "small town" atmosphere.
- B. The proposed Ordinance is consistent with General Plan Housing Element Program 9 in that it would remove governmental and other constraints to facilitate the development of a variety of housing types and enable a more streamlined development review process.

SECTION 4: *Zone Text Amendment Findings.* In accordance with ESMC Chapter 15-27 (Amendments), and based on the findings set forth above, the proposed Ordinance is consistent with and necessary to carry out the purpose of the ESMC as follows:

- A. The proposed Ordinance is consistent with the General Plan in that the amendments would implement the goals, policies, and programs of the Housing Element. Implementation of the Housing Element would preserve the existing housing stock and encourages construction of new residential units, including

affordable housing, without affecting the character of existing single-family residential neighborhoods.

- B. The proposed Ordinance is necessary to serve the public health, safety, and general welfare in that it would implement the Housing Element Update, which includes programs, goals, and policies that help to maintain and improve the existing housing stock in the City. The proposed amendments would facilitate the development of additional housing in the community, which contribute to improving the existing jobs-housing balance and facilitate the development of housing that is affordable to households of various income levels and thus will provide equal housing opportunities to all segments of the community.

SECTION 5: *Environmental Assessment.* Based on the facts set forth in Section 2, the City Council finds that the zone text amendment is exempt from further review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines § 15061(b)(3)), because it consists only of minor revisions to existing zoning regulations and related procedures and does not have the potential for causing a significant effect on the environment. This finding is based upon the determination by the State Department of Housing and Community Development and the State legislature that the City is required to adopt these regulations.

SECTION 6: *Recommendations.* The Planning Commission recommends that the City Council adopt the Ordinance attached as Exhibit “A.”

SECTION 7: *Reliance on Record.* Each and every one of the findings and determination in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8: *Limitations.* The Planning Commission’s analysis and evaluation of the project is based on information available at the time of the decision. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. In all instances, best efforts have been made to form accurate assumptions.

SECTION 9: This Resolution will remain effective unless and until superseded by a subsequent resolution.

SECTION 10: The Commission secretary is directed to mail a copy of this Resolution to any person requesting a copy.

PASSED AND ADOPTED this 27<sup>th</sup> day of March 2025.

\_\_\_\_\_  
Chair Kevin Maggay  
City of El Segundo Planning Commission

ATTEST:

\_\_\_\_\_  
Michael Allen, Secretary and  
Community Development Director

Maggay -  
Inga -  
Christian -

APPROVED AS TO FORM:  
Mark D. Hensley, City Attorney

By: \_\_\_\_\_  
Joaquin Vazquez, Assistant City Attorney

**EXHIBIT "A"**  
**PC RESOLUTION NO. 2963**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE TITLE 15 (ZONING CODE) CHAPTER 4 TO AMEND THE DEVELOPMENT STANDARDS APPLICABLE TO THE SINGLE FAMILY RESIDENTIAL ZONE, INCLUDING THE STANDARDS APPLICABLE TO TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS PURSUANT TO SENATE BILL NO. 450.**

The City Council of the City of El Segundo does ordain as follows:

SECTION 1: The City Council finds and declares as follows:

- A. On September 19, 2024, Senate Bill No. 450 ("SB 450") was signed into law by Governor Gavin Newsom, and took effect January 1, 2025;
- B. The bill amended the provisions of Senate Bill 9 from California Legislative Session 2021-22 which modified Government Code §§ 65852.21 and 66411.7, relating to land use, specifically single-family zone parcel subdivisions (lot splits) and two-unit residential developments (duplexes);
- C. On November 22, 2024, the City initiated an application for Environmental Assessment No. EA 1380 and Zone Text Amendment No. ZTA 24-04 to amend El Segundo Municipal Code ("ESMC") Chapter 15-4 to implement SB 450's requirements and allowance for certain local control elements;
- D. On December 12, 2024, the Planning Commission held a study session to give staff direction on the contents of a potential ordinance addressing the requirements of SB 450;
- E. On March 27, 2025, the Planning Commission held a duly noticed public hearing to receive public testimony and other evidence regarding the proposed Zone Text Amendment, including, without limitation, information provided to the Planning Commission by City staff and public testimony;
- F. On March 27, 2025, the Planning Commission adopted Resolution No. 2963 recommending the City Council approve Environmental Assessment No. EA-1380 and Zone Text Amendment No. ZTA 24-04;
- G. On May 6, 2025, the City Council held a duly noticed public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and

- H. This Ordinance and its findings are made based upon the entire administrative record including, without limitation, testimony and evidence presented to the City Council at its May 6, 2025 hearing and the staff report submitted by the Community Development Department.

SECTION 2: *Factual Findings and Conclusions.* The City Council finds, without limitation, that this Ordinance would result in the following:

- A. Conformance with the provisions of Senate Bill No. 450, as approved by Governor Gavin Newsom on September 19, 2024;
- B. Update the ESMC current objective standards to implement the provisions of Senate Bill No. 450;
- C. Allow parcel subdivisions (lot splits) and allows construction of two-unit residential developments (duplexes) in the Single-Family Residential Zone; and
- D. The General Plan Land Use designation for the affected properties in the Single-Family Residential (R-1) Zone is Single-Family Residential.

SECTION 3: *General Plan Findings.* As required under Government Code § 65860 the ESMC amendment proposed by this Ordinance is consistent with the El Segundo General Plan as follows:

- A. The ordinance conforms with the Land Use Element Goals, Objectives and Policies. Specifically, the ordinance is consistent with Goal LU1, Objective LU1-1, and Goal LU3, Objective LU3-2, in that the ordinance creates design standards, and helps maintain a sense of place for the entire Single-Family Residential (R-1) Zone; it preserves and maintains the City's low-medium density residential nature, with low building height profile and character, and minimum development standards; and it promotes the health, safety, and general welfare of El Segundo by adopting standards that properly balance State mandates with the goals of maintaining the character of the R-1 Zone and El Segundo's "small town" atmosphere.
- B. The proposed Ordinance is consistent with General Plan Housing Element Program 9 in that it would remove governmental and other constraints to facilitate the development of a variety of housing types and enable a more streamlined development review process.

SECTION 4: *Zone Text Amendment Findings.* In accordance with ESMC § 15-4A and based on the findings set forth in Section 3, the proposed Ordinance is consistent with and necessary to carry out the purpose of the ESMC as follows:

- A. The proposed Ordinance is consistent with the General Plan in that the amendments would implement the goals, policies, and programs of the Housing Element. Implementation of the Housing Element would preserve the existing housing stock and encourages construction of new residential units, including affordable housing, without affecting the character of existing single-family residential neighborhoods.
  
- B. The proposed Ordinance is necessary to serve the public health, safety, and general welfare in that it would implement the Housing Element Update, which includes programs, goals, and policies that help to maintain and improve the existing housing stock in the City. The proposed amendments would facilitate the development of additional housing in the community, which contribute to improving the existing jobs-housing balance and facilitate the development of housing that is affordable to households of various income levels and thus will provide equal housing opportunities to all segments of the community.

**SECTION 5: *Environmental Assessment.*** Based on the facts set forth in Section 2, the City Council finds that the zone text amendment is exempt from further review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines § 15061(b)(3)), because it consists only of minor revisions to existing zoning regulations and related procedures and does not have the potential for causing a significant effect on the environment. This finding is based upon the determination by the State Department of Housing and Community Development and the State legislature that the City is required to adopt these regulations.

**SECTION 6:** Article 4B (Single-Family Residential (R-1) Zone) of ESMC Title 15 (Zoning Regulations) is amended as follows:

**ARTICLE B. SINGLE-FAMILY RESIDENTIAL (R-1) ZONE**

**SECTION:**

**15-4B-1: Purpose**

**15-4B-2: Permitted Uses**

**15-4B-3: Site Development Standards For Lots Wider Than Twenty-Five Feet**

**15-4B-3-1: Site Development Standards For Lots Twenty-Five Feet Wide Or Less**

**15-4B-4: Landscaping (All Lots)**

**15-4B-5: Off Street Parking And Loading Spaces (All Lots)**

**15-4B-6: Signs (All Lots)**

**15-4B-7: Vehicular Access (All Lots)**

**15-4B-1: PURPOSE:**

The purpose of this zone is to provide consistency with and implement policies related to those locations which are designated Single-Family on the General Plan land use map and in the General Plan text. This zone is to provide for and promote the development of single-family homes within a safe and healthy environment for existing and future residents.

**15-4B-2: PERMITTED USES:**

Permitted uses, permitted accessory uses, and uses subject to conditional use permit for all residential zones are listed in Article 15-4A of this Title.

**15-4B-3: SITE DEVELOPMENT STANDARDS FOR LOTS WIDER THAN TWENTY-FIVE FEET:**

All uses on lots that are wider than 25 feet within the R-1 Zone must comply with the development standards contained in this section.

A. General Provisions:

1. As provided by chapter 2 of this title.
2. New dwelling units must be internally integrated and connected.
3. An addition to, or extension of, a dwelling unit, except a garage or an accessory dwelling unit, must share a common wall and be internally integrated and connected to the existing dwelling unit.
4. Mobile and manufactured homes are subject to the following requirements:
  - a. The mobile or manufactured homes has been certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, and has not been altered in violation of applicable codes; and
  - b. The mobile or manufactured home must be installed on a permanent foundation in compliance with all applicable building regulations and division 13, part 2 (commencing with section 18000) of the California Health and Safety Code.

B. Height:

1. The height of all buildings or structures with a pitched roof must not exceed 32 feet and two stories. Buildings or structures with a flat roof must not exceed 26 feet and two stories.
2. A maximum grade differential of six feet is permitted on sloping lots. The height which exceeds the maximum grade differential is included in measuring the maximum building height. On sloped lots, a segmented grade plane may be applied to different portions of a building.
3. See section [15-2-3](#) of this title for exceptions to building height.

C. Lot Area: A minimum of 5,000 square feet.

D. Setbacks:

1. Front yard: Minimum setback of 22 feet. Front yard setbacks for two car and three car garages located in the front half of a lot must comply with the standards contained in subsection G of this section.

a. Permitted front yard setback encroachments:

(1) Porches or verandas in a front yard setback not fully enclosed on three sides (railings and/or columns permitted) may encroach into the front setback a maximum of six feet;

(2) The first floor front yard setback facing exterior wall of a dwelling may encroach up to two feet for a width not exceeding 30 feet when a first floor porch or veranda, not fully enclosed on three sides, is also projecting into the front yard setback. The total amount of encroachment may not exceed six feet in depth combined for both the dwelling structure and a porch or veranda, for a minimum 50 percent of the building width;

(3) Raised decks, where the walking surface is not greater than 24 inches above adjacent grade, in conjunction with a lattice deck cover not greater than 10 feet above adjacent grade may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(4) Lattice patio covers, pergolas, arbors, or trellises not greater than 10 feet in height (as measured from the lowest adjacent grade to the highest point of the cover) may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(5) Architectural elements such as towers or turrets not greater than eight feet in diameter may encroach into the front setback a maximum of four feet;

2. Side yard: ~~Structures~~Primary structures must maintain a minimum side yard setback on each side of the lot of 10 percent of the width of the lot, but can never be less than three feet and need not be more than six feet.

3. Setbacks for detached accessory structures:

a. Detached accessory structures, including garages, must maintain a minimum side yard setback on each side of the lot of 10 percent of the width of the lot, but may not be less than three feet and need not be more than six feet on the first floor.

b. The second floor of a detached accessory structure, including garages, must maintain a minimum side yard setback on each side of the lot of 10 percent of the width of the lot plus an additional setback of two feet, but must not be less than five feet and need not be more than eight feet.

c. Detached accessory structures, including garages, ~~that are only one story in height and are located in the rear third of the lot,~~ must maintain a minimum side yard setback of two feet on the first floor and five feet on the second floor.

~~\_\_\_\_\_d. Detached accessory structures that are two stories high, and located in the rear third of the lot, must maintain a minimum side setback of two feet on the first floor and a minimum five feet on the second floor.~~

~~ed. Detached accessory structures must maintain a minimum rear yard setback of three feet from the rear property line on the first floor and must maintain a minimum setback of five feet from the rear property line on the second floor.~~

~~fe. Rooftop decks with required railings are permitted on single-story accessory structures and on top of the single-story portions of two-story accessory structures. Rooftop decks are not permitted on top of two-story accessory structures. Rooftop decks must maintain a minimum side yard setback on each side of the lot of 10 percent of the width of the lot, plus an additional setback of two feet but can never be less than five feet, as measured from the property line to the required railing of the rooftop deck.~~

4. Side yard, Reversed Corner: Reversed corner lots must have the following side yard with a triangular area described as follows: One angle must be formed by the rear and street side property lines, and the sides of this angle must be 15 feet in length, measured along the rear and street side property lines. The third side of this triangle must be a straight line connecting the two other lines at their endpoints. This triangular side yard setback area is in addition to the other side yard setback requirements described in subsections D2 and D3 of this section.

5. Rear yard: Primary structures must maintain a minimum setback of five feet.

6. Exceptions: Notwithstanding the provisions of this subsection D, the west side yard of 618 W. Oak Avenue, more particularly described as the north 142.5 feet of the south 285 feet of the east 50.265 feet of Lot 14, Block 9, Tract No. 1685, commencing 63 feet south of the front lot line and continuing south a distance of 30 feet, must be three inches in width so long as that certain structure located along that 30-foot distance which existed on January 11, 1973, remains in existence. Upon the removal or destruction of said building, this property is no longer exempt from this subsection D.

Notwithstanding the provisions of this subsection D, the south side yard of 724 Penn Street, more particularly described as the south 55 feet of the north 110 feet of Lot 8, Block 92, El Segundo Sheet No. 4, commencing 84 feet east of the front lot line and continuing east a distance of 20 feet, must be three feet in width so long as that certain structure located along that 20 foot distance which existed on January 11, 1973, remains in existence. Upon the removal or destruction of said building, this property is no longer exempt from this subsection D.

E. Lot Width: A minimum of 50 feet.

F. Minimum Unit Size and Floor Area Ratio: The minimum dwelling unit size shall be 250 square feet and the floor area ratio shall be as follows:

1. The maximum total building area on the lot shall not exceed an overall floor area ratio (FAR) of 0.60. There is no minimum building size.

2. The maximum FAR for the second floor of the primary structure shall not exceed 0.25.

3. In calculating the overall FAR, floor area is measured to the interior of a building's perimeter walls and shall include all floors of the primary dwelling (i.e., main structure), attached and detached accessory dwelling units, habitable attic space, accessory buildings, balconies, decks, verandas, and porches.

4. Areas where the vertical measurement between the floor and ceiling directly above is 14 feet or more shall be counted on both the first and second stories for FAR calculations (areas such as rotundas, spaces with vaulted ceilings, and other similar areas with volume).

5. Stairs and elevators are counted once and are applied to the first floor.

6. For purposes of calculating floor area, the following are not included:

- a. Basements as defined in section [15-1-6](#) of this title;
- b. Up to 500 square feet of interior floor area of an attached or detached garage;
- c. Detached accessory structures measuring not more than 120 square feet;
- d. First floor decks, verandas and porches under 30 inches in height (as measured from adjacent grade to the walking surface).

e. Up to 500 square feet cumulative of first floor decks, verandas and porches, covered or uncovered, attached or detached, and at least 30 inches in height (as measured from adjacent grade to the walking surface), provided that the deck, veranda or porch is at least 50 percent open on the sides.

f. Second floor balconies and decks that are not covered.

g. Up to 12 square feet of second floor decks and balconies that are covered by a roof, lattice or trellis.

h. The area of decks, balconies, verandas or porches covered by eave projections up to 18 inches.

~~7. In cases of uncertainty or ambiguity, the director will determine whether an area is counted toward FAR.~~

**G. Placement of buildings and structures:**

1. A minimum distance of three feet must be maintained between buildings.

2. A detached single-story accessory structure in the rear third of the lot may be located as described in the requirements for setbacks in subsection D of this section, unless one of the following conditions exists:

a. Where the lot abuts an alley and the vehicular entrance to the detached accessory structure is from the alley, such detached accessory structure must be set back a distance measured from the opposite side of the alley that will provide a turning radius as follows:

90 degrees - 25 feet

75 degrees - 21 feet

60 degrees - 18 feet

45 degrees - 15 feet

b. On the rear third of a reversed corner lot a single-story detached accessory structure may be built to the interior lot side line, but no building may be erected closer than five feet to the property line of any abutting lot to the rear. However, if an alley intervenes and the vehicular entrance to the detached accessory building is directly from the street side, a detached accessory building may be built to the rear lot line.

3. A garage that is attached to a dwelling ~~that is located~~ in the front half of the lot facing the front property line must be set back a minimum of 24 feet from the front property line unless the building has a porch, veranda, or deck at least eight feet in width by four feet in depth, then a minimum front setback of 22 feet is permitted.

4. An attached three-car garage located in the front half of the lot that faces the front property line where one of the stalls is not tandem, must have at least two individual car door openings. The following garage designs are encouraged:

a. Three-car garages constructed as attached or detached structures at the rear of a lot.

b. Tandem for parking provided in excess of a two-car garage.

c. Attached three-car garages located on the front of a dwelling face toward the side property lines.

5. Accessory outdoor showers attached to a building wall are permitted, but must not encroach in a required setback and must not be roofed. They may be enclosed with walls on three sides and a shower door on one side.

#### **H. Entry orientation:**

**1. For street-facing lots, at least one entry door to a residential unit must face (be parallel to) and be directly visible from the adjoining street and sidewalk. Alternatively, if the residential unit has an entry door that takes access from a porch or veranda measuring a minimum of four feet by four feet that faces and is directly visible from the adjoining street and sidewalk, the entry door may face the side/interior lot line (be perpendicular to the street and sidewalk).**

HJ. Detached accessory buildings as defined in section [15-1-6](#) of this Title:

1. All detached accessory structures may not exceed 1,200 square feet gross floor area in aggregate per parcel;

2. Except as permitted in Chapter 15-4E related to accessory dwelling units, detached accessory buildings are limited to two (2) stories, and may include an attic, which may be used for storage purposes only, provided that access to the attic is not from permanently fixed stairs (pull down type stairs are permitted), no plumbing is permitted, and electrical fixtures are limited to the minimum required by the California Building Code and California Electrical Code;

3. Unless permitted as an accessory dwelling unit, detached accessory buildings may not contain a kitchen or kitchen facilities, a bathtub or shower and may not be used for sleeping purposes or as an "R" occupancy, as defined by the California Building Code, except that they may contain a sink and a toilet;

4. Unless permitted as an accessory dwelling unit, detached accessory buildings may not be rented or used as a separate dwelling unit; and

5. Before the City issues a building permit for a detached accessory structure, except an accessory dwelling unit, the Director will require that a covenant running with the land be recorded stating that the accessory structure may not be used in violation of this section.

#### **15-4B-3-1: SITE DEVELOPMENT STANDARDS FOR LOTS TWENTY-FIVE FEET WIDE OR LESS:**

All uses on lots 25 feet wide or less within the R-1 Zone must comply with the development standards contained in this section.

##### **A. General Provisions:**

1. As provided by chapter 2 of this title.
2. New dwelling units must be internally integrated and connected.
3. An addition to, or extension of, a dwelling unit, except a garage or an accessory dwelling unit, must share a common wall and be internally integrated and connected to the existing dwelling unit.
4. Mobile and manufactured homes are subject to the following requirements:
  - a. The mobile or manufactured homes has been certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, and has not been altered in violation of applicable codes; and
  - b. The mobile or manufactured home must be installed on a permanent foundation in compliance with all applicable building regulations and division 13, part 2 (commencing with section 18000) of the California Health and Safety Code.

##### **B. Height:**

1. The height of all buildings or structures with a pitched roof must not exceed 32 feet and two stories. Buildings or structures with a flat roof must not exceed 26 feet and two stories.

2. A maximum grade differential of six feet is permitted on sloping lots. The vertical height which exceeds the maximum grade differential is included in measuring the maximum building height. On sloped lots, a segmented grade plane may be applied to different portions of a building.

3. See section [15-2-3](#) of this title for exceptions to building height.

C. Lot area: A minimum of 5,000 square feet.

D. Setbacks:

1. Front yard: A minimum of 22 feet.

a. Permitted front yard setback encroachments:

(1) Porches or verandas in a front yard setback not fully enclosed on three sides (railings and/or columns permitted) may encroach into the front setback a maximum of six feet;

(2) The first floor front yard setback facing exterior wall of a dwelling may encroach up to two feet for a width not exceeding 30 feet when a first floor porch or veranda, not fully enclosed on three sides, is also projecting into the front yard setback. The total amount of encroachment may not exceed six feet in depth combined for both the dwelling structure and a porch or veranda, for a minimum 50 percent of the building width;

(3) Raised decks, where the walking surface is not greater than 24 inches above adjacent grade, in conjunction with a lattice deck cover not greater than 10 feet above adjacent grade may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(4) Lattice patio covers, pergolas, arbors, or trellises not greater than 10 feet above adjacent grade (as measured from the lowest adjacent grade to the highest point of the cover) may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(5) Architectural elements such as towers or turrets not greater than eight feet in diameter may encroach into the front setback a maximum of four feet;

2. Side yard: A minimum of three feet.

3. Detached accessory structures and garages: Detached accessory structures and attached garages are allowed along the property line on one interior side lot line, provided that the detached accessory structure or attached garage is in the rear one-third of the lot.

4. Side yard, reverse corner: Reversed corner lots must have a side yard with a triangular area described as follows: One angle must be formed by the rear and street side property lines, and the sides of this angle must be 15 feet in length, measured along the rear and street side property lines. The third side of this triangle must be a straight line connecting the two other lines at their endpoints. This triangular side yard setback area is in addition to the other side yard setback requirements described in subsection D2 of this section.

5. ~~Rear yard: A minimum of five feet. Detached accessory structures are allowed zero setback on the rear property line. Primary structures must maintain a minimum setback of five feet on the first and second floors.~~

6. Detached accessory structures and garages: Detached accessory structures and garages are allowed a rear yard setback of zero feet on the first story and must maintain a rear yard setback of five feet on the second story.

E. Lot Width: A minimum of 50 feet.

F. Minimum Unit Size: The minimum dwelling unit size shall be 250 square feet.

G. Placement of buildings and structures:

1. A minimum distance of three feet must be maintained between buildings;

2. A detached accessory structure in the rear third of the lot may be located on the rear and one interior side lot line, unless one of the following conditions exists:

a. Where the lot rears upon an alley and the vehicular entrance to the detached accessory structure is from the alley, such detached accessory structure must be set back a distance measured from the opposite side of the alley that will provide a turning radius as follows:

90 degrees - 25 feet

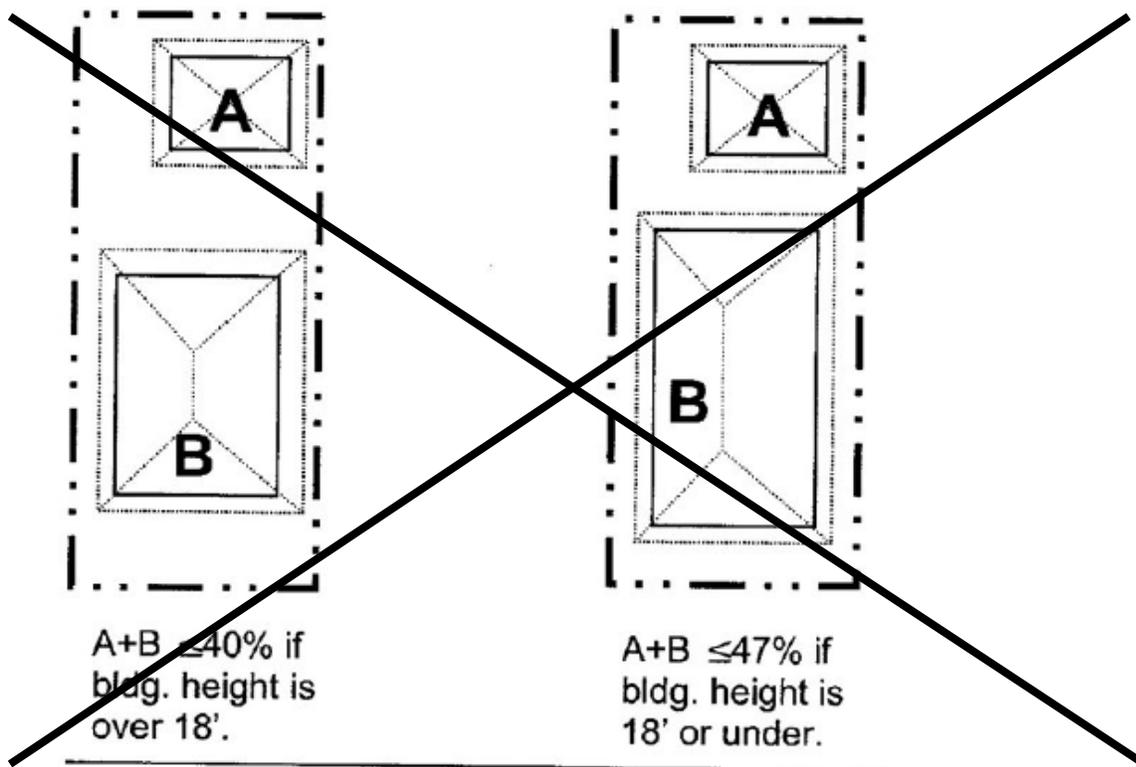
75 degrees - 21 feet

60 degrees - 18 feet

45 degrees - 15 feet

b. On the rear third of a reversed corner lot a detached accessory structure may be built to the interior lot side line, but no building must be erected closer than five feet to the property line of any abutting lot to the rear. However, if an alley intervenes and the vehicular entrance to the detached accessory building is directly from the street side, a detached accessory building may be built to the rear lot line.

H. Lot Coverage: All buildings, including detached accessory buildings, shall not cover more than ~~40~~47 percent of the lot area. ~~This coverage may be increased to 47 percent if the height of all the structures is limited to 18 feet. If a building exceeds 18 feet in height, the lot coverage shall not exceed 40 percent under any circumstances.~~



**H. Entry Orientation:**

**1. For street-facing lots, at least one entry door to a residential unit must face (be parallel to) and be directly visible from the adjoining street and sidewalk. Alternatively, if the residential unit has an entry door that takes access from a porch or veranda measuring a minimum of four feet by four feet that faces and is directly visible from the adjoining street and sidewalk, the entry door may face the side/interior lot line (be perpendicular to the street and sidewalk).**

~~I. Building Wall Modulation: Architectural building features, in conformance with the definition of "architectural building feature" in section [15-1-6](#) of this title, must be included to modulate the one-story exterior building walls subject to the approval of the director, and for two-story structures as specified in subsection D, "Setbacks", of this section. In addition to any doors or windows, building walls must incorporate at least two architectural building features as defined in section 15-1-6 of this title on all elevations.~~

~~J. Detached accessory buildings, not including detached accessory dwelling units as defined in section [15-1-6](#) of this Title:~~

~~1. All detached accessory structures may not exceed 1,200 square feet gross floor area in aggregate per parcel except as permitted in Chapter 15-4D;~~

2. Except as permitted in Chapter 15-4E related to accessory dwelling units, detached accessory buildings are limited to one floor, but may include an attic, which may be used for storage purposes only, provided access to the attic is not from permanently fixed stairs (pull down type stairs are permitted), no plumbing is permitted, and electrical fixtures are limited to the minimum required by the California Building Code and California Electrical Code;

3. Unless permitted as an accessory dwelling unit, detached accessory buildings may not contain a kitchen or kitchen facilities, a bathtub or shower and may not be used for sleeping purposes or as an R occupancy, as defined by the California Building Code, except that they may contain a sink and a toilet;

4. Unless permitted as an accessory dwelling unit, detached accessory buildings may not be rented or used as a separate dwelling unit; and

5. Before the City issues a building permit for a detached accessory structure, except an accessory dwelling unit, the Director must require that a covenant running with the land be recorded stating that the accessory structure may not be used in violation of this section.

**15-4B-4: LANDSCAPING (ALL LOTS):**

Landscaping and irrigation must be provided within the front and street side setback areas. Those setback areas fronting upon a public street must incorporate a combination of softscape and hardscape in the landscape except for those portions devoted to vehicular parking. They may contain artificial turf or synthetic grass provided that it: 1) is not harmful to the environment (such as containing lead based or other hazardous materials); 2) includes a pervious surface to address percolation, drainage, runoff, and stormwater detention requirements; and 3) is incorporated into a comprehensive landscaping design and site plan.

A. A minimum of 25 percent of the front yard setback area must be maintained with permanent landscaping that contains a combination of lawn, trees, vines, bushes and ground covers, and does not include hardscape materials for lots less than 50 feet in width.

B. A minimum of 35 percent of the front yard setback area must be maintained with permanent landscaping that contains a combination of lawn, trees, vines, bushes and ground covers, and does not include hardscape materials for lots that are 50 feet or greater in width.

C. A minimum of one 24-inch box tree with irrigation must be planted and maintained in the front yard in conjunction with the construction of a new primary dwelling unit.

**15-4B-5: OFF STREET PARKING AND LOADING SPACES (ALL LOTS):**

Off street parking must be provided as required by chapter 15 of this title.

**15-4B-6: SIGNS (ALL LOTS):**

Signs in the R-1 zone must comply with the requirements of chapter 18 of this title.

**15-4B-7: VEHICULAR ACCESS (ALL LOTS):**

Where an R-1 lot abuts an alley, vehicular access to the lot must be from the alley. Curb cuts and driveways must be installed in conformance with ESMC subsection ~~15-15-5O~~.

- A. Where an R-1 lot abuts an alley, vehicular access to the lot must be from the alley.
- B. Where a lot abuts an alley and the vehicular entrance to the structure is from the alley, such vehicular entrance must be set back a distance measured from the opposite side of the alley that will provide a turning radius as follows:

<u>90 degrees</u>	<u>25 feet</u>
<u>75 degrees</u>	<u>21 feet</u>
<u>60 degrees</u>	<u>18 feet</u>
<u>45 degrees</u>	<u>15 feet</u>

- C. Curb cuts and driveways must be installed in conformance with ESMC Section 15-15-5 (Parking Area Development Standards).

SECTION 7: Chapter 4 (Residential Zones) of Title 15 (Zoning Regulations) Article G (Two-Unit Residential Development and Urban Lot Splits in Single-Family Residential (R1) Zones) of the ESMC is deleted and replaced as follows:

**ARTICLE G. TWO-UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS IN SINGLE-FAMILY RESIDENTIAL (R-1) ZONES**

SECTION:

**15-4G-1: Purpose**

**15-4G-2: General Requirements; Eligibility**

**15-4G-3: General Urban Lot Split Development Standards**

**15-4G-4: Development Standards For Lots Wider Than Twenty-Five Feet**

**15-4G-5: Development Standards For Lots Twenty-Five Feet Wide Or Less**

**15-4G-6: Landscaping (All Lots)**

**15-4G-7: Off Street Parking And Loading Spaces (All Lots)**

- 15-4G-8: Signs (All Lots)**
- 15-4G-9: Vehicular Access (All Lots)**
- 15-4G-10: Application Process; Fees**
- 15-4G-11: Tenancy**

**15-4G-1: PURPOSE:**

This article is adopted pursuant to Government Code section 65852.6, 65852.21, and 66411.7 for the purpose of implementing the City's regulation of two-unit residential development and/or urban lot splits in the City's Single-Family Residential Zone.

Government Code section 65852.21(a) requires the City ministerially approve certain housing developments containing no more than two residential units within a single-family residential zone. Government Code section 66411.7(a) requires that the City ministerially approve a parcel map for an urban lot split, subject to standards set forth in Government Code section 66411.7(a)(1), (2), and (3).

**15-4G-2: GENERAL REQUIREMENTS; ELIGIBILITY:**

- A. Notwithstanding the standards outlined in this Article G of Chapter 4 of Title 15 of this code, all other standards provided in Articles A and B of Chapter 4 of Title 15 of this code will apply, unless prohibited by state law.
- B. A parcel proposed for a subdivision (lot splits) pursuant to this article must meet the requirements in subdivision (a) of Government Code Section 66411.7.
- C. A proposed housing development proposing a two-unit residential development (duplex) pursuant to this article must meet the requirements in subdivision (a) of Government Code Section 65852.21.

**15-4G-3: GENERAL URBAN LOT SPLIT DEVELOPMENT STANDARDS:**

All urban lot splits with two-unit residential developments within the R-1 Zone must comply with the R-1 development standards contained in Article 15-4B and the development standards of this Article 15-4G. If there are conflicts between the provisions of Article 15-4B and this Article 15-4G, the provisions of this Section will govern.

A. Urban lot splits must incorporate all built-form parameters of State of California Government Code Section 66411.7, including:

- 1. A parcel map that subdivides an existing R-1 parcel will create no more than two new parcels of approximately equal lot area and with one of the two created parcels not smaller than 40 percent of the lot area of the original parcel proposed for subdivision. See Figure 4G-1.
- 2. Both newly created parcels will be no smaller than 1,200 square feet in gross area.

3. No more than two dwelling units per lot will be constructed on a R-1 urban lot split.

4. Accessory Dwelling Units or Junior Accessory Dwelling Units are prohibited where an Urban Lot Split is also developed with a two-unit residential development pursuant to Sections [15-4G-4](#) and [15-4G-5](#).

5. A minimum of one off-street parking spaces will be provided per newly constructed dwelling unit. No parking is required if the parcel is located within one-half mile walking distance of a High-quality Transit Corridor or major transit stop or if a car share vehicle is located within one-block of the parcel.

B. Lot line splits will be parallel to public street frontages. See Figure 4G-2.

C. When cross easements across lot split parcels are required to provide access to units, or access to vehicle parking spaces, or access to utilities and utility connections, or access between lot split parcels, or access for any other purpose, a covenant establishing the cross easement acceptable to the Community Development Department must be recorded with the Los Angeles County Recorder upon the filing of the Final Parcel Map described in chapter 14-6 of this code.

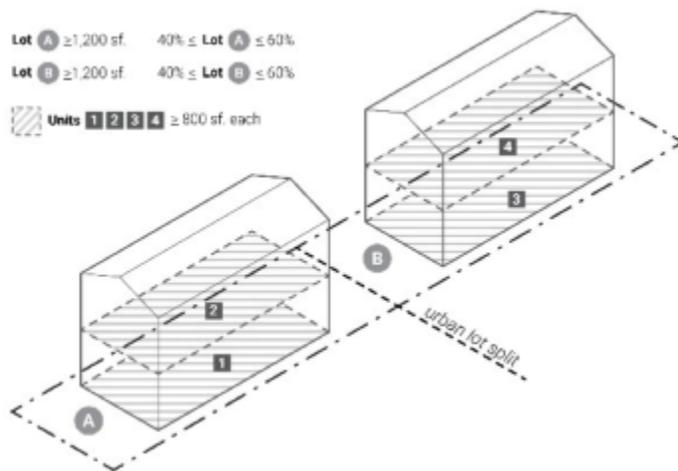


Figure 4G-1

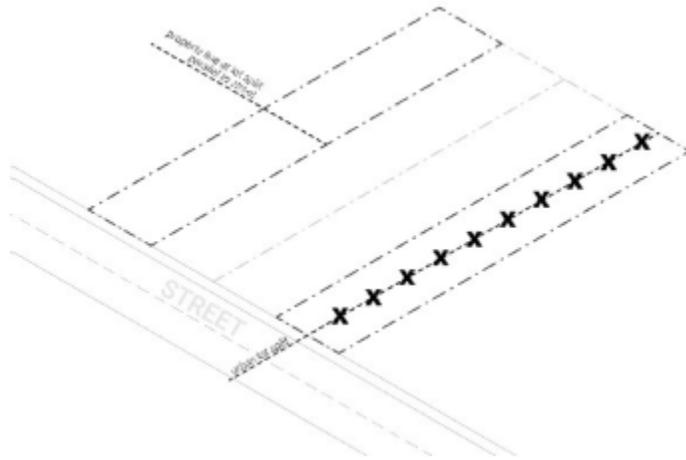


Figure 4G-2

**15-4G-4: DEVELOPMENT STANDARDS FOR LOTS WIDER THAN TWENTY-FIVE FEET:**

All two-unit residential developments and urban lot splits on lots that are wider than 25 feet within the R-1 Zone must comply with the development standards contained in this section.

A. General Provisions:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

B. Height:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

C. Lot Area:

As provided in ESMC Section 15-4G-3 above.

D. Setbacks:

1. Front Yard: A minimum of 22 feet. Front yard setbacks for two car and three car garages located in the front half of a lot must comply with the standards contained in subsection H of this section.

a. Permitted front yard setback encroachments:

(1) Porches or verandas in a front yard setback not fully enclosed on three sides (railings and/or columns permitted) may encroach into the front setback a maximum of six feet;

(2) The first floor front yard setback facing exterior wall of a dwelling may encroach up to two feet for a width not exceeding 30 feet when a first floor porch or veranda, not fully enclosed on three sides, is also projecting into the front yard setback. The total amount of encroachment may not exceed six feet in depth combined for both the dwelling structure and a porch or veranda, for a minimum 50 percent of the building width;

(3) Raised decks, where the walking surface is not greater than 24 inches above adjacent grade, in conjunction with a lattice deck cover not greater than 10 feet above adjacent grade may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(4) Lattice patio covers, pergolas, arbors, or trellises not greater than 10 feet above adjacent grade (as measured from the lowest adjacent grade to the highest point of the cover) may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(5) Architectural elements such as towers or turrets not greater than eight feet in diameter may encroach into the front setback a maximum of four feet;

2. Side Yard: Primary structures must maintain a minimum setback on each side of the lot of 10 percent of the width of the lot, but can never be less than three feet and need not be more than four feet.

3. Rear Yard: Primary structures must maintain a minimum setback of four feet on the first and second floors.

Notwithstanding Subsections D.1 through D.3 above, the City may not condition its approval of a two-unit residential development by requiring the applicant to correct a non-conforming setback for an existing structure or a new structure constructed in the same location and to the same dimensions of an existing structure.

4. Setbacks for detached accessory structures:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

E. Lot Width:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

F. Minimum Unit Size:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

G. Floor Area Ratio:

1. The maximum total building area on the lot shall not exceed an overall floor area ratio (FAR) of 0.60. There is no minimum building size.

2. The maximum FAR for the second floor of the primary structure shall not exceed 0.25.

3. In calculating the overall FAR, floor area is measured to the interior of a building's perimeter walls and shall include all floors of the primary dwelling (i.e., main structure), attached and detached accessory dwelling units, habitable attic space, accessory buildings, balconies, decks, verandas, and porches.

4. Areas where the vertical measurement between the floor and ceiling directly above is 14 feet or more shall be counted on both the first and second stories for FAR calculations (areas such as rotundas, spaces with vaulted ceilings, and other similar areas with volume).

5. Stairs and elevators are counted once and are applied to the first floor.

6. For purposes of calculating floor area, the following are not included:

- a. Basements as defined in section [15-1-6](#) of this title;
- b. Up to 500 square feet of interior floor area of an attached or detached garage;
- c. Detached accessory structures measuring not more than 120 square feet;
- d. First floor decks, verandas and porches under 30 inches in height (as measured from adjacent grade to the walking surface).

e. Up to 500 square feet cumulative of first floor decks, verandas and porches, covered or uncovered, attached or detached, and at least 30 inches in height (as measured from adjacent grade to the walking surface), provided that the deck, veranda or porch is at least 50 percent open on the sides.

f. Second floor balconies and decks that are not covered.

g. Up to 12 square feet of second floor decks and balconies that are covered by roof, lattice or trellis.

h. The area of decks, balconies, verandas or porches covered by eave projections up to 18 inches.

7. Nothing in this Chapter is meant to prohibit a residential dwelling unit of at least 800 square feet of total floor area.

H. Placement of buildings and structures:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

I. Entry Orientation

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

J. Detached accessory buildings as defined in section [15-1-6](#) of this Title:

As provided in ESMC Section 15-4B-3 (Single-Family Residential Site Development Standards for Lots Wider than Twenty-Five Feet)

**15-4G-5: DEVELOPMENT STANDARDS FOR LOTS TWENTY-FIVE FEET WIDE OR LESS:**

All two-unit residential developments and urban lot splits on lots that are 25 feet wide or less within the R-1 Zone must comply with the development standards contained in this section.

A. General Provisions:

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

B. Height:

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

C. Lot area:

As provided in ESMC Section 15-4G-3 above.

D. Setbacks:

1. Front Yard: A minimum of 22 feet.

a. Permitted front yard setback encroachments:

(1) Porches or verandas in a front yard setback not fully enclosed on three sides (railings and/or columns permitted) may encroach into the front setback a maximum of six feet;

(2) The first floor front yard setback facing exterior wall of a dwelling may encroach up to two feet for a width not exceeding 30 feet when a first floor porch or veranda, not fully enclosed on three sides, is also projecting into the front yard setback. The total amount of encroachment may not exceed six feet in depth combined for both the dwelling structure and a porch or veranda, for a minimum 50 percent of the building width;

(3) Raised decks, where the walking surface is not greater than 24 inches above adjacent grade, in conjunction with a lattice deck cover not greater than 10 feet above adjacent grade may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(4) Lattice patio covers, pergolas, arbors, or trellises not greater than 10 feet above adjacent grade (as measured from the lowest adjacent grade to the highest point of the cover) may encroach into the front yard setback a maximum of six feet in depth and 50 percent of the building width;

(5) Architectural elements such as towers or turrets not greater than eight feet in diameter may encroach into the front setback a maximum of four feet.

2. Side Yard: A minimum of three feet.

3. Detached accessory structures and garages: Detached accessory structures and attached garages are allowed along the property line on one interior side lot line, provided that the detached accessory structure or attached garage is in the rear one-third of the lot.

4. Rear Yard: Primary structures must maintain a minimum setback of four feet on the first and second floors.

5. Detached accessory structures and garages: Detached accessory structures and garages are allowed a rear yard setback of zero feet on the first story and must maintain a rear yard setback of four feet on the second story.

Notwithstanding Subsections D.1 through D.5 above, the City may not condition its approval of a two-unit residential development by requiring the applicant to correct a non-conforming setback for an existing structure or a new structure constructed in the same location and to the same dimensions of an existing structure.

**E. Lot Width:**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**F. Minimum Unit Size:**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**G. Placement of Buildings and Structures:**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**H. Entry Orientation:**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**I. Building Wall Modulation:**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**J. Detached accessory buildings as defined in section 15-1-6 of this Title:**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**15-4G-6: LANDSCAPING (ALL LOTS):**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**15-4G-7: OFF STREET PARKING AND LOADING SPACES (ALL LOTS):**

Off street parking must be provided as required by chapter 15 of this title, except that only a minimum of one off-street parking space must be provided per newly constructed dwelling unit. No parking is required if a parcel is located within ½ mile walking distance of a High-quality Transit Corridor or major transit stop or if a car share vehicle is located within one-block of the parcel.

**15-4G-8: SIGNS (ALL LOTS):**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**15-4G-9: VEHICULAR ACCESS (ALL LOTS):**

As provided in ESMC Section 15-4B-3-1 (Single-Family Residential Site Development Standards for Lots Twenty-Five Feet Wide or Less)

**15-4G-10: APPLICATION PROCESS; FEES:**

Any application for a building permit to create a two-unit residential development or a lot created pursuant to an Urban Lot Split in compliance with this Article on a single-family residential lot will be ministerially approved. Properties developed under this section will be subject to all applicable fees, including development impact fees, and assessments.

**15-4G-11: TENANCY:**

A. Each unit created under this chapter may be rented separately, however rental terms must not be less than 31 consecutive days or allow termination of the tenancy prior to the expiration of at least one 31-day period occupancy by the same tenant.

B. Urban Lot Split: The applicant for an urban lot split must sign an affidavit, in the form approved by the City Attorney, stating that the applicant intends to occupy one of the housing units on the newly created lots as its principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. This subsection does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

SECTION 8: *Enforceability*. Repeal of any provision of the ESMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: *Validity of Previous Code Sections*. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the ESMC or other city ordinance by this Ordinance will be rendered void and cause such previous ESMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: *Severability*. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11: *Recording*. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of El Segundo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 12: *Execution*. The Mayor or presiding officer is hereby authorized to affix his signature to this Ordinance signifying its adoption by the City Council, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

SECTION 13: *Electronic Signatures*. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14: Effectiveness. This Ordinance will go into effect and be in full force and effect on the thirty-first (31st) day after its passage and adoption. If SB 9 is repealed in whole or in part, the corresponding ESMC chapter and/or sections will also be deemed repealed.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Chris Pimentel, Mayor

ATTEST:

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )       SS  
CITY OF EL SEGUNDO            )

I, Susan Truax, City Clerk of the City of El Segundo, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. \_\_\_\_ was duly introduced by said City Council at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2025, and was duly passed and adopted by said City Council, approved and signed by the Mayor, and attested to by the City Clerk, all at a regular meeting of said Council held on the \_\_\_\_ day of \_\_\_\_\_, 2025, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Susan Truax, City Clerk

APPROVED AS TO FORM:  
MARK D. HENSLEY, CITY ATTORNEY

\_\_\_\_\_  
Joaquin Vazquez, Deputy City Attorney



**SB-450 Housing development: approvals.** (2023-2024)

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Date Published: 09/20/2024 02:00 PM

**Senate Bill No. 450**

CHAPTER 286

An act to amend Sections 65852.21 and 66411.7 of the Government Code, and to amend Section 4 of Chapter 162 of the Statutes of 2021, relating to land use.

[ Approved by Governor September 19, 2024. Filed with Secretary of State September 19, 2024. ]

LEGISLATIVE COUNSEL'S DIGEST

SB 450, Atkins. Housing development: approvals.

(1) The Planning and Zoning law requires a proposed housing development containing no more than 2 residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain

requirements, including that the proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls, except as provided. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified, on the proposed housing development. Existing law authorizes a local agency to deny a proposed housing development if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided.

This bill would remove the requirement that a proposed housing development does not allow for the demolition of more than 25% of the existing exterior structural walls to be considered ministerially. The bill would prohibit a local agency from imposing objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone, but would specify that these provisions do not prohibit a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on the development if the standards are more permissive than applicable standards within the underlying zone. The bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The bill would require the local agency to consider and approve or deny the proposed housing development application within 60 days from the date the local agency receives the completed application, and would deem the application approved after that time. The bill would require a permitting agency, if it denies an application, to provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(2) The Subdivision Map Act vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification of those maps.

Existing law requires a local agency to ministerially approve a parcel map for an urban lot split that meets certain requirements. Existing law authorizes a local agency to impose objective zoning standards, objective subdivision standards, and objective design standards, as defined, except as specified. Existing law authorizes a local agency to deny an urban lot split if specified conditions are met, including that the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon public health and safety or the physical environment, as provided.

This bill would specify that objective zoning standards, objective subdivision standards, and objective design standards imposed by a local agency must be related to the design or improvements of a parcel. This bill would remove the authorization for a local agency to deny a proposed housing development if the building official makes a written finding that the proposed housing development project would have a specific, adverse impact upon the physical environment. The bill would require the local agency to consider and approve or deny the proposed housing development application within 60 days from the date the local agency receives the completed application, and would deem the application approved after that

time. The bill would require a permitting agency, if it denies an application, to provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(3) This bill would make additional nonsubstantive and conforming changes to these provisions.

(4) The bill would include findings related to changes proposed by this bill and would amend certain findings in existing law to state that the provisions address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

(5) By increasing the duties of local agencies with respect to land use regulations, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 65852.21 of the Government Code is amended to read:

**65852.21.** (a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families 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 police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) “Local agency” means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

**SEC. 2.** Section 66411.7 of the Government Code is amended to read:

**66411.7.** (a) Notwithstanding any other provision of this division and any local law, a local agency shall ministerially approve, as set forth in this section, a parcel map for an urban lot split only if the local agency determines that the parcel map for the urban lot split meets all the following requirements:

(1) The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel proposed for subdivision.

(2) (A) Except as provided in subparagraph (B), both newly created parcels are no smaller than 1,200 square feet.

(B) A local agency may by ordinance adopt a smaller minimum lot size subject to ministerial approval under this subdivision.

(3) The parcel being subdivided meets all the following requirements:

(A) The parcel is located within a single-family residential zone.

(B) The parcel subject to the proposed urban lot split is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(C) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(D) The proposed urban lot split would not require demolition or alteration of any of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(iv) Housing that has been occupied by a tenant in the last three years.

(E) The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.

(F) The parcel has not been established through prior exercise of an urban lot split as provided for in this section.

(G) Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this section.

(b) An application for a parcel map for an urban lot split shall be approved in accordance with the following requirements:

(1) (A) A local agency shall approve or deny an application for a parcel map for an urban lot split ministerially without discretionary review.

(B) An application for an urban lot split shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(C) If a permitting agency denies an application for an urban lot split pursuant to subparagraph (B), the permitting agency shall, within the time period described in subparagraph (B), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(2) A local agency shall approve an urban lot split only if it conforms to all applicable objective requirements of the Subdivision Map Act (Division 2 commencing with Section 66410)), except as otherwise expressly provided in this section.

(3) Notwithstanding Section 66411.1, a local agency shall not impose regulations that require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map for an urban lot split pursuant to this section.

(c) (1) Except as provided in paragraph (2), notwithstanding any local law, a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that are related to the design or to improvements of a parcel, consistent with paragraph (3) of subdivision (b) and with subdivision (e), and are applicable to a parcel created by an urban lot split that do not conflict with this section.

(2) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design review standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.

(3) (A) Notwithstanding paragraph (2), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(B) Notwithstanding paragraph (2), in all other circumstances not described in subparagraph (A), a local agency may require a setback of up to four feet from the side and rear lot lines.

(d) Notwithstanding subdivision (a), a local agency may deny an urban lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) In addition to any conditions established in accordance with this section, a local agency may require any of the following conditions when considering an application for a parcel map for an urban lot split:

(1) Easements required for the provision of public services and facilities.

(2) A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

(3) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(f) A local agency shall require that the uses allowed on a lot created by this section be limited to residential uses.

(g) (1) A local agency shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

(2) This subdivision shall not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

(3) A local agency shall not impose additional owner occupancy standards, other than provided for in this subdivision, on an urban lot split pursuant to this section.

(h) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(i) A local agency shall not require, as a condition for ministerial approval of a parcel map application for the creation of an urban lot split, the correction of nonconforming zoning conditions.

(j) (1) Notwithstanding any provision of Section 65852.21, 65915, Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1, or this section, a local agency shall not be required to permit more than two units on a parcel created through the exercise of the authority contained within this section.

(2) For the purposes of this section, "unit" means any dwelling unit, including, but not limited to, a unit or units created pursuant to Section 65852.21, a primary dwelling, an accessory dwelling unit as defined in subdivision (a) of Section 66313, or a junior accessory dwelling unit as defined in subdivision (d) of Section 66313.

(k) Notwithstanding paragraph (3) of subdivision (c), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(l) Local agencies shall include the number of applications for parcel maps for urban lot splits pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(m) For purposes of this section, both of the following shall apply:

(1) "Objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(n) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(o) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for urban lot splits pursuant to this section.

**SEC. 3.** Section 4 of Chapter 162 of the Statutes of 2021 is amended to read:

**SEC. 4.** (a) The Legislature finds and declares all of the following:

(1) The state faces a housing crisis of availability and affordability, in large part due to a severe shortage of housing.

(2) Solving the housing crisis therefore requires a multifaceted, statewide approach which will include, but is not limited to, any or some of the following:

(A) Encouraging an increase in the overall supply of housing.

(B) Encouraging the development of housing that is affordable to households at all income levels.

(C) Removing barriers to housing production.

(D) Expanding homeownership opportunities.

(E) Expanding the availability of rental housing.

(b) Therefore, addressing the housing crisis and the severe shortage of housing is a matter of statewide concern and not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act adding Sections 65852.21 and 66411.7 to the Government Code and Section 3 of this act amending Section 66452.6 of the Government Code apply to all cities, including charter cities.

**SEC. 4.** (a) The Legislature finds and declares all of the following:

(1) The state faces a housing crisis of availability and affordability, in large part due to a severe shortage of housing.

(2) Solving the housing crisis therefore requires a multifaceted, statewide approach which will include, but is not limited to, any or some of the following:

(A) Encouraging an increase in the overall supply of housing.

(B) Encouraging the development of housing that is affordable to households at all income levels.

(C) Removing barriers to housing production.

(D) Expanding homeownership opportunities.

(E) Expanding the availability of rental housing.

(b) Therefore, addressing the housing crisis and the severe shortage of housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 1 and 2 of this act amending Sections 65852.21 and 66411.7 of the Government Code apply to all cities, including charter cities.

**SEC. 5.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.