



**AGENDA**  
**CITY OF EL SEGUNDO**  
**PLANNING COMMISSION**  
**5:30 PM**  
**CITY COUNCIL CHAMBER**  
**350 MAIN STREET**  
**EL SEGUNDO, CA 90245**  
**DECEMBER 12, 2024**

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**MEMBERS OF PLANNING COMMISSION**

Michelle Keldorf, Chairperson  
Jay Hoeschler, Vice Chairperson  
Mark Christian  
Mario Inga  
Kevin Maggay

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 November 14, 2024 Planning Commission Meeting Minutes.**

Recommendation -

1. Approve November 14, 2024 Planning Commission Meeting Minutes.

**B. PUBLIC HEARINGS**

2. **Zone Text Amendment Regarding Right-of-way Dedications and Fees, Accessory Dwelling Unit Standards and Fees, and Public Notification Requirements for Certain Ordinances**

Recommendation -

1. Adopt Resolution No. 2960, recommending City Council adopt an Ordinance amending El Segundo Municipal Code (ESMC) provisions regarding Residential Development Right-of-way Dedications and Fees, Accessory Dwelling Unit Standards and Fees, and Public Notification Requirements for Certain Ordinances

**C. NEW BUSINESS**

3. **Presentation by Graduate Students from the University of Southern California of a Hypothetical Design Project at the El Segundo South Campus Specific Plan Area. USC’s project was awarded the “Silver Shovel” as the winner of the 27th annual NAIOP SoCal UCLA vs. USC Real Estate Challenge.**

Recommendation -

1. Receive and file student presentation.

4. **Study Session Regarding Senate Bill 450 and Potential El Segundo Municipal Code (ESMC) Amendments to the Single Family Residential (R-1) Zone and Urban Lot Split Regulations.**

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Recommendation -

1. Receive and file the presentation.
  2. Alternatively, discuss and provide direction on a potential ESMC amendment.
5. **Election of Planning Commission Chair and Vice Chair for Calendar Year 2025.**
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**D. UNFINISHED BUSINESS**

**E. REPORTS – COMMUNITY DEVELOPMENT DIRECTOR**

**F. REPORTS - COMMISSIONERS**

**G. REPORTS – CITY ATTORNEY**

**ADJOURNMENT**

POSTED:

DATE: 12/07/2024

TIME: 8:20 P.M.

BY: Jazmin Farias, Assistant Planner



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

**November 14, 2024**

**A. Call to Order**

Chair Keldorf called the meeting to order at 5:39 p.m.

**B. Pledge of Allegiance**

Vice Chair Hoeschler led the pledge.

**C. Roll Call**

Present: Chair Keldorf  
Present: Vice Chair Hoeschler  
Present: Commissioner Maggay  
Present: Commissioner 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: Jazmin Farias, Assistant Planner  
Also present: Elias Sassoon, Public Works Director  
Also present: Jaseppy Canzoniry, Public Works Consultant

**D. Public Communications**

None.

**E. Written Communications** (other than what is included in Agenda packets)

None.

**F. Consent Calendar**

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

- October 24, 2024

**MOTION:** Approve the minutes.

**Moved by Commissioner Inga, second by Commissioner Maggay.  
Motion carried, 5-0, by the following vote:  
Ayes:** Keldorf, Hoeschler, Maggay, Inga, and Christian.

**G. Continued Business—Public Hearing**

None.

**H. New Public Hearings**

None.

**I. New Business**

**2. Update on the Pilot Parking Program in the Smoky Hollow Specific Plan Area, Including Preliminary Findings.**

Public Works Director Elias Sassoon introduced consultant Jaseppy Canzoniry who provided on update on the pilot program that converted three streets from two-way to one-way operation with angled parking to increase parking capacity. The affected streets are Nevada Street and Oregon Street from Grand Avenue to El Segundo Boulevard and California Street from Grand Avenue to Franklin Avenue.

- Commissioner Inga inquired if the angled parking space dimensions were compact. Jaseppy advised that one side of the street has angled parking and the other side of the street has regular parking. He added that 1 handicap space was provided for every 25 angled parking spaces.
- Commissioner Maggay asked what details the public had revealed that made them dislike the pilot program. Jaseppy advised that specific complaints were in relation to street cleaning. Elias added that trash was not being collected between the wheel stops and the curb cut. After reaching out to the sweepers and not obtaining a resolution Public Works ended up revising the on-call contract for a vendors that already cleans debris and weeds from sidewalks and now they clean this space on a bi-weekly basis.
- Vice Chair Hoeschler inquired if angled parking requires wheel stops and curb cuts. Elias added that since the sidewalks are narrow, they are both required to prevent cars from encroaching onto the sidewalk.
- Vice Chair Hoeschler inquired what percentage of the survey reviews were negative in relation to fit and finish. Jaseppy advised that he does not recall seeing many, if at all one. He added that a lot of the feedback was not solely in relation to the pilot program a lot of people were venting saying build a parking structure instead, parking issue was moved to the other side of the street, individuals simply not being in supportive of angled parking, and the most common one was that trucks are unloading in the middle of the street.
- Commissioner Christian inquired why the road rehabilitation portion is being

included in the project phase cost. Elias advised that it was included so that those roads could be rehabilitated at the same time as the curb and sidewalk rather than waiting for the 3-year assessment that determines the gradeability of rehabilitation needed for those streets. He added that the road rehabilitation is an option within this program. Commissioner Christian added that he does not know if it makes sense to include the cost of street maintenance that appears to be happening on a regular cycle. Jaseppy added that sometimes they couple does projects together to not overspend in the near future.

- Commissioner Maggay inquired if phase 2 would be part of the pilot program. Elias advised that it would not be part of the pilot program as the pilot program is coming to an end and City Council will need to decide if they want to implement the program or not. He added that phase 2 would be an implementation of angled parking in all the streets that the Smoky Hollow Specific Plan calls out for.
- Commissioner Maggay inquired if the affected streets have been analyzed. Jaseppy advised that they were all analyzed and share the same street width. Commissioner Maggay suggested to evaluate the need to keep some streets as two-way such as Center Street Eucalyptus Street, and Standard Street.
- Chair Keldorf inquired what the funding mechanism is for this project. Elias advised that it would be via the Capital Improvement Program. Community Development Director Michael Allen added that there is Metro funding and grant funding that could be applied for if tweaked a bit. Elias shared that these processes are time consuming, and the city may not qualify.

#### **J. Report from Community Development Director or designee**

- Community Development Director Michael Allen shared an update regarding the RFP for the General Plan Land Use Element. Targeted selection date is January 2025 so that the life of the project runs with the same sitting Council for at least 2 years. Michael congratulated Chair Keldorf for winning the City Council election.
- Planning Manager Eduardo Schonborn shared that CA Governor has passed a handful of bills and staff is going through those to see how that affects or impacts the zoning code so that appropriate amendments are done to ensure compliance with state laws. Zone text amendments will be coming to the Planning Commission as early as the next meeting in December. He added that the next Planning Commission is on Thanksgiving and suggested that it be cancelled. The second Planning Commission meeting in December also falls on a holiday week and can be cancelled as well.

#### **K. Report from City Attorney's Office**

None.

## L. Planning Commissioners' Comments

- Vice Chair Hoeschler requested a synopsis of the state changes that affect zoning.
- Chair Keldorf inquired if the parking structure being built on Franklin and Maryland will be for Brick Works only. Staff advised that it is the parking area for the old Wiley Labs Campus, and we are not sure what the intent is with the surplus parking they have.
- Commissioners congratulated Chair Keldorf for winning the City Council election.

### 3. Adjournment of upcoming Planning Commission Meetings.

**MOTION:** Cancel November 28, 2024, and December 26, 2024 planning commission meetings.

**Moved by Chair Keldorf second by Commissioner Inga.**

**Motion carried, 5-0, by the following vote:**

**Ayes:** Keldorf, Hoeschler, Maggay, Inga, and Christian.

**M. Adjournment**—the meeting adjourned at 6:35 p.m.

The next meeting is scheduled for December 12, 2024, at 5:30 pm.

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Michael Allen, Community Development Director

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Michelle Keldorf, Planning Commission Chair



## Planning Commission Agenda Statement

Meeting Date: December 12, 2024

Agenda Heading: PUBLIC HEARINGS

Item Number: B.2

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### TITLE:

Zone Text Amendment Regarding Right-of-way Dedications and Fees, Accessory Dwelling Unit Standards and Fees, and Public Notification Requirements for Certain Ordinances

### RECOMMENDATION:

1. Adopt Resolution No. 2960, recommending City Council adopt an Ordinance amending El Segundo Municipal Code (ESMC) provisions regarding Residential Development Right-of-way Dedications and Fees, Accessory Dwelling Unit Standards and Fees, and Public Notification Requirements for Certain Ordinances

### FISCAL IMPACT:

None

### BACKGROUND:

In September 2024, the State of California enacted new laws affecting the regulation of residential development right-of-way dedications and fees, accessory dwelling unit standards and fees, and public notification requirements for certain ordinances. The proposed ordinance is intended to update certain sections of the ESMC to ensure its consistency with current State Law. The following discussion summarizes the new laws and the proposed changes to the ESMC.

### DISCUSSION:

#### Summary of new State Laws

AB 2533 (Accessory dwelling units: junior accessory dwelling units; unpermitted developments)

This new law prohibits local agencies from denying a permit for an unpermitted

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accessory dwelling unit (ADU) or a junior accessory dwelling unit (JADU) that was constructed before January 1, 2020, on the basis of building, zoning and other violations, unless local agencies make a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard. In addition, the new law prohibits local agencies from requiring a homeowner to pay impact fees or utility connection or capacity charges for previously unpermitted ADUs and JADUs, except under specified circumstances.

SB 1211 (Land use: accessory dwelling units: ministerial approval)

This law prohibits local agencies from requiring replacement parking if an uncovered parking space is demolished in conjunction with the construction of an ADU. Most importantly, the law increases the number of detached ADUs that can be created on a lot with an existing multi-family dwelling structure to eight, provided that the number of detached ADUs does not exceed the number of existing units on the lot. It also sets the maximum number of detached ADUs permitted on a lot in conjunction with a proposed multi-family dwelling structure at two. Finally, the law defines "livable space" to help clarify the spaces within multi-family dwelling structures that can be converted into ADUs.

AB 2904 (Zoning ordinance:notice)

This new law increases the noticing period for public hearings on proposed zoning ordinances or amendments to zoning ordinances that affect the permitted uses of real property. The law requires that notice be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.

AB 3177 (Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts)

This law prohibits local agencies from imposing a land dedication requirement on a housing development to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width, with specified exceptions. The law also defines the terms "housing development," "land dedication," "roadway," and "transit priority area," for the purpose of interpreting the law's provisions.

SB 937 (Development projects: fees and charges)

This law prohibits local agencies from requiring payment of development impact fees or charges on designated residential developments until the date the first certificate of occupancy is issued or the final building permit inspection is approved, with specified exceptions.

The purpose of most of the above laws is to reduce barriers and further facilitate construction of housing, including ADUs and JADUs. AB 2904, which addresses the topic of public notification of certain ordinances is intended to improve the transparency of important zoning decisions that affect the rights and value of real property owners.

## **Summary of ESMC Amendments**

### ESMC Article 15-4E (Accessory Dwelling Units)

The proposed ordinance amends the City's ADU regulations as follows:

- Remove the requirement that a property owner must occupy one of the units on a property with an ADU. State law previously allowed cities to require property owner occupancy only until January 1, 2025.
- Extend the protection against correcting zoning violations to unpermitted ADUs built prior to January 1, 2020, unless the unpermitted building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code. Previously this protection applied only to permitted structures that were nonconforming with current zoning code standards.
- Increase the number of detached ADUs permitted on a lot with an *existing* multifamily dwelling structure to eight, but not to exceed the number of existing dwelling units on the lot.
- Clarify and limit the number of detached ADUs permitted on a lot with a *proposed* multifamily dwelling structure to two. The current maximum limit on the number of detached ADUs is two in conjunction with either an existing or a proposed multifamily dwelling structure.
- Define Livable space as "a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation."
- Exempt certain previously unpermitted accessory dwelling units built before January 1, 2020, from paying development impact fees and connection/capacity charges, with exceptions as specified in California Government Code Section 66332.

### ESMC Article 15-4F (Junior Accessory Dwelling Units)

The proposed ordinance extends the protection against correcting zoning conditions to unpermitted JADUs built before January 1, 2020, unless the unpermitted building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code. Previously this protection applied only to permitted structures that were nonconforming with current zoning standards.

### ESMC Chapter 15-28 (Public Hearings)

The proposed ordinance requires notice of a public hearing to be given at least 20 days

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before the hearing for all ordinances that affect permitted uses of real property. Currently, the ESMC requires notice to be given for all public hearings 10 days before the hearing.

ESMC Chapter 15-31 (Right-of-way Dedications and Improvements)

The proposed ordinance amends the above chapter to:

- Define "Housing Development," "Land Dedication," "Roadway," and "Transit Priority Area," and to delete the definition of "Environmental Assessment." Currently, the definition of Environmental Assessment refers to City Council Resolution 3805, which was rescinded a few years ago.
- Require right-of-way dedications for any development that requires approval of a Site Plan Review application as described in ESMC Chapter 15-25 (Site Plan Review). Currently, the dedication requirement is triggered whenever a development requires an Environmental Assessment as currently defined.
- Require right-of-way dedications for housing developments only under specific circumstances listed below:
  1. If the housing development is not located in a transit priority area *and* it has a linear street frontage of 500 feet or more,
  2. If the City makes a finding, specific to the housing development project and supported by substantial evidence, that the land dedication requirement is necessary to preserve the health, safety, and welfare of the public, including pedestrians, cyclists, and children, or
  3. If the dedication is required to construct public improvements, including, but not limited to, sidewalk and sewer improvements, but not to widen the actual roadway.

Currently, ESMC Chapter 15-31 does not make a distinction residential and nonresidential developments to impose a right-of-way dedication requirement.

ESMC Chapter 15-32 (Development Impact Fees)

The proposed ordinance amends the above chapter to establish specific timing for the collection of Development Impact Fees and distinguish between residential and nonresidential developments. Specifically, the amendment establishes the following timing:

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- Fees for nonresidential development would be collected before or at the time the City issues a grading or building permit for a development
- Fees for residential development would be collected before the City approves a final inspection or issues a certificate of occupancy (including a temporary certificate) for each dwelling unit in a development.
- Irrespective of the type of development, utility service connection fees would be collected at the time an applicant seeks to connect to the City's utility system.

Currently, ESMC Chapter 15-32 does not prescribe specific timing for the collection of development impact fees, but the current practice is to collect the fees before or at the time the City issues a grading or building permit for any development.

**ENVIRONMENTAL REVIEW**

The proposed ordinance is exempt from the requirements of 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.

**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:**

Michael Allen, Community Development Director

**APPROVED BY:**

Michael Allen, Community Development Director

**ATTACHED SUPPORTING DOCUMENTS:**

1. Resolution No. 2960
2. Resolution Exhibit A - Draft Ordinance
3. State Legislation

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**RESOLUTION NO. 2960**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (“ESMC”) TITLE 15 TO COMPLY WITH STATE LAW REGARDING RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY DEDICATIONS AND FEES, ACCESSORY DWELLING UNIT STANDARDS AND FEES, AND PUBLIC NOTIFICATION REQUIREMENTS FOR CERTAIN ORDINANCES.**

**(ENVIRONMENTAL ASSESSMENT NO. 1378 AND ZONE TEXT AMENDMENT NO. 24-03)**

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

SECTION 1: The Planning Commission finds and declares that:

- A. In September 2024 the State Legislature amended the Government Code related to residential development right-of-way dedications and fees, accessory dwelling unit standards and fees, and public notification requirements for certain ordinances.
- B. On October 30, 2024, the City initiated the process to amend various sections of the El Segundo Municipal Code (“ESMC”) Title 15, i.e., the City’s Zoning Code. The amendments are intended to bring the Zoning Code into compliance with recently enacted State legislation regarding residential developments, accessory dwelling units, and public notification requirements for certain ordinances;
- C. The City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”);
- D. On December 12, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony and other evidence regarding the proposed ordinance, including, without limitation, information provided to the Planning Commission by City staff and public testimony; and,
- E. This Resolution and its findings are made based upon the evidence presented to the Commission at its December 12, 2024, hearing including, without limitation, the staff report submitted by the Community Development Department and the totality of the evidence in the administrative record.

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 Article 15-4E (Accessory Dwelling Units) as follows:
  - 1. Remove the requirement that a property owner must occupy one of the units on the property with an ADU;
  - 2. Extend the protection against correcting zoning conditions to unpermitted ADUs built prior to January 1, 2020, unless the unpermitted building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code;
  - 3. Increase the number of detached accessory dwelling units permitted on a lot with an existing multifamily dwelling structure to eight, but not to exceed the number of existing dwelling units;
  - 4. Stipulate that when an uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, replacement parking for any lost spaces is not required;
  - 5. Add a definition of “Livable space;” and
  - 6. Amend ESMC Article 15-4E (Accessory Dwelling Units), Section 4 (Application Process; Fees) to exempt certain previously unpermitted accessory dwelling units from paying development impact fees and connection/capacity charges, with exceptions as specified in Government Code Section 66332.
  
- B. Amend ESMC Article 15-4F (Junior Accessory Dwelling Units) as follows:
  - 1. Extend the protection against correcting zoning conditions to unpermitted JADUs built prior to January 1, 2020, unless the unpermitted building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.
  
- C. Amend ESMC Chapter 15-28 (Public Hearings) to require notice of a public hearing to be given at least 20 days before the hearing for all zoning ordinances.
  
- D. Amend El Segundo Municipal Code (“ESMC”) Chapter 15-31 (Right-of-way Dedications and Improvements) as follows:
  - 1. Add definitions for “Housing Development,” “Land Dedication,” “Major Transit Stop,” “Roadway,” and “Transit Priority Area,” and delete the definition of “Environmental Assessment”;
  - 2. Require dedications for any development that requires approval of a Site Plan Review application as described in ESMC Chapter 15-25 (Site Plan Review); and
  - 3. Require dedications for housing developments only under specified circumstances.
  
- E. Amend ESMC Chapter 15-32 (Development Impact Fees), Section 6 (Imposition of Fees; Automatic Adjustment) to require payment of development impact fees for 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 Program 9 of the General Plan Housing Element 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.
- B. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments contribute to improving the existing jobs-housing balance in the City and provides opportunities for new housing construction in a variety of locations and a variety of densities.
- C. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments provide sufficient new, affordable housing opportunities in the City to meet the needs of groups with special requirements, including the needs of lower and moderate- income households.
- D. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments remove governmental constraints to diversify available housing opportunities, including ownership and rental, fair-market, and assisted, in conformance with open housing policies and free of discriminatory practices.

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 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 facilitates 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 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 12th day of December 2024.

\_\_\_\_\_  
Michelle Keldorf, Chair  
City of El Segundo Planning Commission

ATTEST:

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

Keldorf -  
Hoeschler -  
Maggay -  
Inga -  
Christian -

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

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

**EXHIBIT “A”  
PC RESOLUTION NO. 2960**

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

**AN ORDINANCE AMENDING EL SEGUNDO MUNICIPAL CODE (“ESMC”) TITLE 15 TO COMPLY WITH STATE LAW REGARDING RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY DEDICATIONS AND FEES, ACCESSORY DWELLING UNIT STANDARDS AND FEES, AND PUBLIC NOTIFICATION REQUIREMENTS FOR CERTAIN ORDINANCES, AND FINDING THE SAME TO BE EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) PURSUANT TO SECTION 15061(b)(3) OF THE CEQA GUIDELINES**

**(ENVIRONMENTAL ASSESSMENT NO. 1378 AND ZONE TEXT  
AMENDMENT NO. 24-03)**

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

SECTION 1: The Council finds and declares as follows:

- A. On October 30, 2024, the City initiated the process to amend various sections of the El Segundo Municipal Code (“ESMC”) Title 15, i.e., the City’s Zoning Code. The amendments are intended to bring the Zoning Code into compliance with recently enacted State legislation regarding residential developments, accessory dwelling units, and public notification requirements for certain ordinances;
- B. The City reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the “CEQA Guidelines”);
- C. The Community Development Department completed its review and scheduled a public hearing regarding the application before the Planning Commission for December 12, 2024;
- D. On December 12, 2024, 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. 2960 recommending that the City Council approve this Ordinance;
- E. On February 4, 2025, the City Council held a public hearing and considered the information provided by City staff and public testimony regarding this Ordinance; and

- F. 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 February 4, 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 Article 15-4E (Accessory Dwelling Units) as follows:
1. Remove the requirement that a property owner must occupy one of the units on the property with an ADU;
  2. Extend the protection against correcting zoning conditions to unpermitted ADUs built prior to January 1, 2020, unless the unpermitted building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code;
  3. Increase the number of detached accessory dwelling units permitted on a lot with an existing multifamily dwelling structure to eight, but not to exceed the number of existing dwelling units;
  4. Stipulate that when an uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, replacement parking for any lost spaces is not required;
  5. Add a definition of “Livable space;” and
  6. Amend ESMC Article 15-4E (Accessory Dwelling Units), Section 4 (Application Process; Fees) to exempt certain previously unpermitted accessory dwelling units from paying development impact fees and connection/capacity charges, with exceptions as specified in Government Code Section 66332.
- B. Amend ESMC Article 15-4F (Junior Accessory Dwelling Units) as follows:
1. Extend the protection against correcting zoning conditions to unpermitted JADUs built prior to January 1, 2020, unless the unpermitted building is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.
- C. Amend ESMC Chapter 15-28 (Public Hearings) to require notice of a public hearing to be given at least 20 days before the hearing for all zoning ordinances.
- D. Amend El Segundo Municipal Code (“ESMC”) Chapter 15-31 (Right-of-way Dedications and Improvements) as follows:
1. Add definitions for “Housing Development,” “Land Dedication,” “Major Transit Stop,” “Roadway,” and “Transit Priority Area,” and delete the definition of “Environmental Assessment”;
  2. Require dedications for any development that requires approval of a Site Plan Review application as described in ESMC Chapter 15-25 (Site Plan Review); and

3. Require dedications for housing developments only under specified circumstances.

E. Amend ESMC Chapter 15-32 (Development Impact Fees), Section 6 (Imposition of Fees; Automatic Adjustment) to require payment of development impact fees for 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 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 Program 9 of the General Plan Housing Element 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.

B. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments contribute to improving the existing jobs-housing balance in the City and provides opportunities for new housing construction in a variety of locations and a variety of densities.

C. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments provide sufficient new, affordable housing opportunities in the City to meet the needs of groups with special requirements, including the needs of lower and moderate- income households.

D. The proposed Ordinance is consistent with the General Plan Housing Element in that the amendments remove governmental constraints to diversify available housing opportunities, including ownership and rental, fair-market, and assisted, in conformance with open housing policies and free of discriminatory practices.

**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 facilitates 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.

SECTION 6: El Segundo Municipal Code (“ESMC”) Chapter 15-4E (Accessory Dwelling Units), Section 2 (General Requirements) is amended as follows (deleted language is shown in ~~strikethrough~~ and newly added text is underlined):

**15-4E-2: GENERAL REQUIREMENTS:**

- A. Locations: Accessory dwelling units are permitted by right throughout any zone where residential uses are permitted. Accessory dwelling units may be: 1) contained within the existing or proposed space of a single-family residence or attached to a single-family residence, 2) within the space of an existing accessory structure, or 3) detached from the single-family residence, subject to the requirements and development standards in this Code and State law.
- B. Conjunction With Single-Family Or Multi-Family Dwelling: An accessory dwelling unit may only be constructed in conjunction with either an existing or proposed single-family dwelling or an existing multi-family dwelling.
- C. Certificates Of Occupancy: The City shall not issue a certificate of occupancy for an accessory dwelling unit before a certificate of occupancy is issued for the primary dwelling or dwellings.
- D. Separate Sale Prohibited: Accessory dwelling units may not be sold separately from a primary dwelling.
- ~~E. Owner Occupancy Required: For accessory dwelling units for which a building permit is applied for after January 1, 2025, the primary or accessory dwelling unit must be the primary residence of the property owner of the lot. If none of the units on the lot are occupied by the owner as the owner's primary residence, the accessory dwelling unit will automatically be deemed a non-habitable space which may not be used as a dwelling and may not be rented.~~
- F. E. Covenant Required: Before the City issues a certificate of occupancy for an accessory dwelling unit, the property owner must record with the County Recorder a covenant running with the land stating 1) that the accessory dwelling unit may not be

used in violation of this chapter, and 2) any rental of the accessory dwelling unit be for a term of thirty (30) days or longer. The covenant must be approved by the Director and approved as to form by the City Attorney.

~~G.F.~~ Release Of Covenant: In the event a covenant was previously recorded for a permitted accessory structure restricting the structure as non-habitable pursuant to subsection ~~15-4A-6H~~ 15-4B-3(H)(5) of this chapter, before the City issues a building permit for an accessory dwelling unit, the property owner must record a release of such covenant with the County Recorder, in a form approved by the Director of Community Development and the City Attorney.

~~H.G.~~ The City may not condition its approval of the permit application by requiring the applicant correct a non-conforming zoning condition, as that term is defined in Government Code section 65852.2. This protection applies to a previously unpermitted accessory dwelling unit constructed before January 1, 2020.

**SECTION 7:** ESMC Chapter 15-4E (Accessory Dwelling Units), Section 4 (Application process; Fees) is amended as follows (deleted language is shown in ~~strikethrough~~ and newly added text is underlined):

**15-4E-4: APPLICATION PROCESS; FEES:**

- A. Any application for a building permit to create an accessory dwelling unit on a lot with an existing single-family dwelling or multi-family dwelling units shall be ministerially approved or denied within 60 days of the City's receipt of a completed application. If a completed application is not approved or denied within 60 days, the application shall be deemed approved. However, any permit application for an accessory dwelling unit that is submitted with a permit application to create a single-family dwelling shall be considered ministerially but is not subject to the 60 day requirement to allow the City time to act on the permit application to create the new single-family dwelling, if necessary. If an application for an ADU is denied, staff shall 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.
- B. For an accessory dwelling unit of 750 square feet or more, the applicant must pay development impact fees imposed pursuant to Chapter ~~27A32~~ of this title, in an amount set by City Council resolution, provided that such development impact fee is proportional in relation to the square footage of the primary dwelling unit.
- C. Notwithstanding subsection B above, a previously unpermitted accessory dwelling unit constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code regarding substandard buildings.

**SECTION 8:** ESMC Chapter 15-4E (Accessory Dwelling Units, Section 3 (Development standards) is amended as follows (deleted language is shown in ~~strikethrough~~ and newly added text is underlined):

**15-4E-3: DEVELOPMENT STANDARDS:**

Accessory dwelling units must meet the development standards applicable to accessory structures in the zone in which they are situated except as follows:

- A. Height: Same as residential structures in the R-1 Zone.
- B. Setbacks:
  - 1. Attached To And/Or Within A Primary Dwelling: Same as primary dwellings in the zone in which they are situated. If the primary dwelling has a non-conforming setback, the accessory dwelling portion may maintain the same setback.
  - 2. Detached From A Primary Dwelling: If the setback required in a zone for accessory structures is other than four feet (4') from the interior side or rear lot lines, the detached accessory dwelling unit must be set back no less than four feet (4').
  - 3. Exception: No setback shall apply to a portion of an existing structure that is converted to an accessory dwelling unit.
- C. Building Area:
  - 1. Attached to a primary dwelling and/or within the primary dwelling: Maximum of forty nine percent (49%) of the total floor area of the combined dwellings.
  - 2. Detached: Maximum of ~~one thousand two hundred (1,200)~~ square feet.
  - 3. The total area of the primary dwelling and the accessory dwelling unit may not exceed the maximum permitted floor area of the lot, except an existing structure is converted to an accessory dwelling unit.
  - 4. Nothing in this chapter is meant to prohibit an accessory dwelling unit up to ~~eight hundred fifty (850)~~ square feet, or ~~one thousand (1,000)~~ square feet for a two (2) bedroom unit.
- D. Density:
  - 1. Lots with a proposed or existing single-family dwelling:
    - a. One accessory dwelling unit and one junior accessory dwelling unit per lot within a proposed or existing single-family dwelling or existing accessory structure, and/or
    - b. One accessory dwelling unit detached from the primary structure or attached to an accessory structure that may be combined with one junior accessory dwelling unit per lot.
  - 2. Lots with a proposed or existing multifamily dwelling structure:
    - a. One accessory dwelling unit within the portions of existing multifamily dwelling structures that are not used as livable space, provided each unit complies with state building standards for dwellings, and multiple accessory dwelling units up to a maximum of 25 percent of the existing multifamily dwelling units. For purposes of this subsection, “livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation. Portions of

existing multi-family dwelling structures that are not used as livable space, include, but are not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages.

~~b. Two detached accessory dwelling units per lot with an existing multifamily dwelling structure.~~ Not more than eight detached accessory dwelling units on a lot with an existing multifamily dwelling structure. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.

c. Not more than two detached accessory dwelling units on a lot with a proposed multifamily dwelling structure.

~~E. Architectural Design: Each unit, whether attached or detached, must be architecturally compatible with the primary dwelling.~~

~~FE. Parking:~~

~~1. No parking spaces are required for accessory dwelling units within one-half (1/2) mile walking distance of a public transit stop.~~

~~2. When a garage, carport, or covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit, or converted to an accessory dwelling unit, replacement parking for the lost spaces are not required.~~

~~GF. Separate Entrance: If the accessory dwelling unit is attached to or within the primary dwelling, it must have independent exterior access from the proposed or existing primary dwelling. Such independent exterior access may not be an entrance facing the front yard. An independent and separate entrance to the accessory dwelling unit must be located on the side or at the rear of the primary dwelling.~~

~~HG. Compliance: The accessory dwelling unit must comply with applicable Building, Health and Fire Codes except where explicitly exempted by Government Code section 65852.2. Fire sprinklers for accessory dwelling units are required only when they are required for the primary dwelling on the lot.~~

SECTION 9: ESMC Chapter 15-4F (Junior Accessory Dwelling Units), Section 2 (General requirements) is amended as follows (deleted language is shown in strikethrough and newly added text is underlined):

**15-4F-2: GENERAL REQUIREMENTS:**

A. Permit Required: A permit must be obtained to create a junior accessory dwelling unit.

B. Density: One (1) junior accessory dwelling unit per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

- C. Owner Occupancy Required: The owner must reside in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.
  
- D. Recordation Of A Deed Restriction Required: The applicant must record a deed restriction which includes both of the following:
  - 1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.
  - 2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
  
- E. The City may not condition its approval of the permit application by requiring the applicant correct a non-conforming zoning condition, as that term is defined in Government Code section 65852.2. This protection applies to a previously unpermitted junior accessory dwelling unit constructed before January 1, 2020.

SECTION 10: ESMC Chapter 15-28 (Public Hearings), Section 6 (Notice Requirements) is amended as follows (deleted language is shown in ~~strikethrough~~ and newly added text is underlined):

**15-28-6: NOTICE REQUIREMENTS:**

Applications requiring a public hearing shall contain specific information and be distributed in the manner prescribed below.

- A. Notification Process: Notice shall be provided in all of the following ways:
  - 1. Notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to:
    - a. The owner of the subject real property as shown on the latest equalized assessment roll;
    - b. The owner's duly authorized agent, if any;
    - c. The project applicant;
    - d. Each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected;
    - e. All owners of real property as shown on the latest equalized assessment roll within 300 feet and all occupants within 150 feet of the real property that is the subject of the hearing, unless the application is for director discretionary decisions, in which case only the owners and occupants of real property as shown on the latest equalized assessment roll within 150 feet of the real property that is the subject of the director decision shall be notified;

f. Any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code, when a public hearing is required for a tentative, final, or parcel map pursuant to the Subdivision Map Act;

g. Any person who has filed a written request for notice with either the City Clerk or the Director;

h. Any other party as required by California Government Code §§ 65090-65096 (Public Hearings);

i. The California Coastal Commission, if the development/project requires a Coastal Development Permit according to Chapter 15-26 of this Title.

2. In lieu of using the assessment roll, the City may use records of the county assessor or tax collector which contain more recent information than the assessment roll.

3. If the number of owners to whom notice would be mailed or delivered pursuant to subsection A1(e) is greater than 1,000, the City, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least 1/8-page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing.

4. Notice of the hearing shall also be published in at least one newspaper of general circulation in the City at least 10 days prior to the hearing, or posted in at least three public places within the City boundaries, including one public place on the site or in the area directly affected by the proceeding. The posting on the affected site or area and maintenance of such notice shall be the responsibility of the applicant. Such notices shall be posted in a manner prescribed by the Director.

5. Notwithstanding (1) through (4) above, for applications listed in Section 15-28-2 involving a proposed zoning ordinance or an amendment to an existing zoning ordinance, notice of the hearing shall be given as described in this chapter, except that the notice shall be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.

B. Contents of notification: The contents of the public hearing notice shall include:

1. A title stating "Notice of Public Hearing;"
2. The date, time and place of a public hearing;
3. The identity of the hearing body;
4. The City's file number(s) assigned to the application;
5. A general explanation of the matter to be considered; and
6. A general description, in text or as a diagram of the location of the property.
7. Coastal Development Permits. If the development requires a Coastal

Development Permit, the notice shall also include a statement that the project is located within the coastal zone and the procedures of City and Coastal Commission appeals, including any City fees required, and a statement of whether or not the proposed development is appealable to the Coastal Commission.

SECTION 11: ESMC Chapter 15-31 (Right of Way Dedications and Improvements), Section 2 (Definitions) is amended as follows (deleted language is shown in strikethrough and newly added text is underlined):

## 15-31-2: DEFINITIONS:

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this code, Government Code or the Public Resources Code.

**DEVELOPMENT:** The meaning set forth in chapter 1 of this title.

**DIRECTOR:** The public works director or such other director designated by the city manager.

~~**ENVIRONMENTAL ASSESSMENT:** A review of a development in accordance with section 6 of resolution 3805, adopted March 16, 1993.~~

**HOUSING DEVELOPMENT:** A development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the floorspace is for residential use.

**LAND DEDICATION:** A physical exaction of property for public use without compensation, whether imposed on an ad hoc or legislative basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

**MAJOR TRANSIT STOP:** A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods, except that, for purposes of this chapter, it also includes major transit stops that are included in the applicable transportation plan. "Major transit stop" includes planned major transit stops otherwise meeting this definition whose construction is programmed to be completed before or within one year from the scheduled completion and occupancy of the housing development.

**ROADWAY:** That portion of a highway improved, designed, or ordinarily used for vehicular travel.

**SITE PLAN REVIEW:** A discretionary land use permit described in chapter 25 of this Title.

**TRANSIT PRIORITY AREA:** an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.

USE: The meaning set forth in chapter 1 of this title.

SECTION 12: ESMC Section 15-31-3 (Dedication) is amended as follows (deleted language is shown in ~~strikethrough~~ and newly added text is underlined):

**15-31-3: DEDICATION:**

- A. Dedication: Unless otherwise provided, any development requiring ~~an environmental assessment~~review and approval of a Site Plan Review application located on a lot abutting public rights of way, must dedicate a portion of that lot to widen the public rights of way in accordance with the standards in exhibit C-8 of the general plan circulation element. Property dedications must be noted on building plans before the city issues a building permit and the dedications must be made before the city approves a final inspection for a building permit or issues a certificate of occupancy for a proposed project. The director is authorized to substitute an irrevocable offer to dedicate or to substitute a combination of a dedication and an irrevocable offer to dedicate for public rights of way in compliance with the standards in exhibit C-8 of the general plan circulation element and subject to section 15-31-4 of this chapter.
  
- B. Width: Table 1 of this section, is based on exhibit C-8 of the general plan circulation element and establishes the standard right of way widths for the various classifications for public rights of way. The right of way dedication on an individual lot is that portion of private property necessary to provide one-half (1/2) of the required standard width, measured from the centerline of the street.

<b>TABLE 1</b>	
<b>Right Of Way Classification</b>	<b>Minimum Width (Feet)</b>
<b>TABLE 1</b>	
<b>Right Of Way Classification</b>	<b>Minimum Width (Feet)</b>
Major arterial	142 – 150 (varies based on lane configuration)
Secondary arterial	98 – 120 (varies based on lane configuration)
Collector (divided)	80
Collector	64
Local:	
	Commercial 60 – 64 (varies based on lane configuration)
	Residential 60
Alley	20

1. Greater Widths: Greater widths may be required as by the director of public works or designee conditions of subdivision maps, site plan review, conditional use permits or standards variances.
2. Reduced Widths: The required standard width may be reduced at specific locations on specific streets due to unusual conditions, as authorized by the director of public works or designee.

C. Effect on required yard areas and building area ratios: All required yard areas, lot coverage and floor area ratio calculations must be measured after the dedication or reservation. If the director of public works requires an irrevocable offer to dedicate, the required yard areas, lot coverage and floor area ratio calculations may be measured not including the area of dedication or reservation.

D. Notwithstanding subsection A above, the City will not impose a land dedication requirement on a housing development pursuant to Section 66001 to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width. However, the City may do any of the following:

1. Impose a land dedication requirement on a housing development if both of the following conditions are met:
  - a. The housing development is not located in a transit priority area.
  - b. The housing development has a linear street frontage of 500 feet or more.
2. Discretionarily impose a land dedication requirement as a condition of approval of a specific housing development project for traffic safety features if the City makes a finding, specific to the housing development project and supported by substantial evidence, that the land dedication requirement is necessary to preserve the health, safety, and welfare of the public, including pedestrians, cyclists, and children.
3. Impose a land dedication requirement to construct public improvements, including, but not limited to, sidewalk and sewer improvements.

SECTION 13: 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 27A32 of the El Segundo Municipal Code must be paid to the City ~~before this project is approved~~ in accordance with Government Code section 66007.*

- D. The director of community development or the director of public works will collect impact fees ~~in accordance with Government Code section 66007, except that the connection fees are collected at the time an applicant seeks to connect to the city's utility system.~~ at the following times, except as otherwise specified in Government Code section 66007:
1. Unless authorized under separate agreement or condition of approval, fees for 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. Fees 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. Notwithstanding (1) and (2) 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 14: *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 15: *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 16: *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 17: 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 18: 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 19: 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.

\_\_\_\_\_  
Drew Boyles, 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

# Bill Text: CA AB2533 | 2023-2024 | Regular Session | Chaptered California Assembly Bill 2533

**Bill Title:** Accessory dwelling units: junior accessory dwelling units: unpermitted developments.

**Spectrum:** Partisan Bill (Democrat 4-0)

**Status:** (Passed) 2024-09-28 - Chaptered by Secretary of State - Chapter 834, Statutes of 2024. [AB2533 Detail]

**Download:** California-2023-AB2533-Chaptered.html

## Assembly Bill No. 2533

### CHAPTER 834

An act to amend Section 66332 of the Government Code, relating to land use.

[ Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 2533, Juan Carrillo. Accessory dwelling units: junior accessory dwelling units: unpermitted developments.

Existing law, the Planning and Zoning Law, authorizes a local agency, by ordinance or ministerial approval, to provide for the creation of accessory dwelling units in areas zoned for residential use, as specified. Existing law prohibits a local agency from denying a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018, because the accessory dwelling unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the local agency makes a finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure. Existing law makes those provisions inapplicable to a substandard building, as specified.

This bill would instead prohibit a local agency from denying a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020, for those violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard. The bill would require a local agency to inform the public about the provisions prohibiting denial of a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit. The bill would require this information to include a checklist of the conditions that deem a building substandard and to inform homeowners that, before submitting a permit application, the homeowner may obtain a confidential third-party code inspection from a licensed contractor. The bill would prohibit a local agency from requiring a homeowner to pay impact fees or connection or capacity charges except under specified circumstances. By imposing additional duties on local agencies, the bill would impose a state-mandated local program. The bill would authorize an inspector from a local agency, upon receiving an application for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, to inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards. The bill would prohibit the local agency from penalizing an applicant for having the unpermitted accessory dwelling unit and would require the local agency to approve necessary permits to correct noncompliance with health and safety standards.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## Digest Key

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

## Bill Text

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

**SECTION 1.** Section 66332 of the Government Code is amended to read:

**66332.** (a) Notwithstanding any other law, and except as otherwise provided in subdivision (b), a local agency shall not deny a permit for an unpermitted accessory dwelling unit or unpermitted junior accessory dwelling unit that was constructed before January 1, 2020, due to either of the following:

(1) The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

(2) The accessory dwelling unit or junior accessory dwelling unit does not comply with this article or Article 3 (commencing with Section 66333), as applicable, or any local ordinance regulating accessory dwelling units or junior accessory dwelling units.

(b) Notwithstanding subdivision (a), a local agency may deny a permit for an accessory dwelling unit or junior accessory dwelling unit subject to subdivision (a) if the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code.

(c) This section shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

(d) A local agency shall inform the public about the provisions of this section through public information resources, including permit checklists and the local agency's internet website, which shall include both of the following:

(1) A checklist of the conditions specified in Section 17920.3 of the Health and Safety Code that would deem a building substandard.

(2) Informing homeowners that, before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

(e) A homeowner applying for a permit for a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, shall not be required to pay impact fees or connection or capacity charges except when utility infrastructure is required to comply with Section 17920.3 of the Health and Safety Code and when the fee is authorized by subdivision (e) of Section 66324.

(f) Subject to subdivision (c), upon receiving an application to permit a previously unpermitted accessory dwelling unit or junior accessory dwelling unit constructed before January 1, 2020, an inspector from the local agency may inspect the unit for compliance with health and safety standards and provide recommendations to comply with health and safety standards necessary to obtain a permit. If the inspector finds noncompliance with health and safety standards, the local agency shall not penalize an applicant for having the unpermitted accessory dwelling unit or junior accessory dwelling unit and shall approve necessary permits to correct noncompliance with health and safety standards.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

# Bill Text: CA SB1211 | 2023-2024 | Regular Session | Chaptered California Senate Bill 1211

**Bill Title:** Land use: accessory dwelling units: ministerial approval.

**Spectrum:** Partisan Bill (Democrat 2-0)

**Status:** (*Passed*) 2024-09-19 - Chaptered by Secretary of State. Chapter 296, Statutes of 2024. [SB1211 Detail]

**Download:** California-2023-SB1211-Chaptered.html

## Senate Bill No. 1211

### CHAPTER 296

An act to amend Sections 66313, 66314, and 66323 of the Government Code, relating to land use.

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 1211, Skinner. Land use: accessory dwelling units: ministerial approval.

Existing law, the Planning and Zoning Law, authorizes a local agency, by ordinance, to provide for the creation of accessory dwelling units (ADUs) in areas zoned for residential use, as specified. That law prohibits, if a local agency adopts an ordinance to create ADUs in those zones, the local agency from requiring the replacement of offstreet parking spaces if a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or is converted to, an ADU.

This bill would also prohibit the local agency from requiring the replacement of offstreet parking spaces if an uncovered parking space is demolished in conjunction with the construction of, or is converted to, an ADU.

Existing law requires ministerial approval of ADUs, as specified. Under existing law, a local agency is also required to ministerially approve an application for a building permit within a residential or mixed-use zone to create any of specified variations of ADUs. Existing law imposes various requirements and restrictions on a local agency in connection with the ministerial approval of an application for a building permit for an ADU under these specified variations.

This bill would prohibit a local agency from imposing any objective development or design standard that is not authorized by these provisions upon any ADU that meets the requirements of any of the specified variations.

Under existing law, one of the above-described variations requires a local agency to ministerially approve a certain number of multiple ADUs within the portion of existing multifamily dwelling structures that are not used as livable space if each unit complies with state building standards for dwellings.

This bill would define "livable space" for purposes of the provisions governing ADUs to mean a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

Under existing law, another one of the above-described variations requires a local agency to ministerially approve not more than 2 ADUs that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that dwelling, and are subject to a height limitation and rear yard and side setbacks, as specified.

This bill would instead authorize, under that variation, up to 8 detached ADUs to be created on a lot with an existing multifamily dwelling, provided that the number of ADUs does not exceed the number of existing units on the lot, and up to 2 detached ADUs on a lot with a proposed multifamily dwelling.

By imposing new duties on local governments with respect to the approval of accessory dwelling units, 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.

## Digest Key

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

## Bill Text

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

**SECTION 1.** Section 66313 of the Government Code is amended to read:

**66313.** For purposes of this chapter:

(a) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- (1) An efficiency unit.
- (2) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (b) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- (c) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
- (d) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- (e) "Livable space" means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (f) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (g) "Local agency" means a city, county, or city and county, whether general law or chartered.
- (h) "Nonconforming zoning condition" means a physical improvement on a property that does not conform to current zoning standards.
- (i) "Objective standards" means 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.
- (j) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
- (k) "Permitting agency" means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.
- (l) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (m) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
- (n) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

**SEC. 2.** Section 66314 of the Government Code is amended to read:

**66314.** A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

- (a) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.
- (b) (1) Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.
  - (2) Notwithstanding paragraph (1), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.
- (c) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.
- (d) Require the accessory dwelling units to comply with all of the following:
  - (1) Except as provided in Article 4 (commencing with Section 66340), the accessory dwelling unit may be rented separate from the primary residence, but shall not be sold or otherwise conveyed separate from the primary residence.
  - (2) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
  - (3) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.
  - (4) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
  - (5) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
  - (6) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
  - (7) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
  - (8) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this paragraph shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this article.
  - (9) Approval by the local health officer where a private sewage disposal system is being used, if required.
  - (10) (A) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(B) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(C) This subparagraph shall not apply to an accessory dwelling unit that is described in Section 66322.

(11) When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(12) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(e) Require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(f) An accessory dwelling unit ordinance shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

**SEC. 3.** Section 66323 of the Government Code is amended to read:

**66323.** (a) Notwithstanding Sections 66314 to 66322, inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(1) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(A) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(B) The space has exterior access from the proposed or existing single-family dwelling.

(C) The side and rear setbacks are sufficient for fire and safety.

(D) The junior accessory dwelling unit complies with the requirements of Article 3 (commencing with Section 66333).

(2) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in paragraph (1). A local agency may impose the following conditions on the accessory dwelling unit:

(A) A total floor area limitation of not more than 800 square feet.

(B) A height limitation as provided in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable.

(3) (A) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(B) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(4) (A) (i) Multiple accessory dwelling units, not to exceed the number specified in clause (ii) or (iii), as applicable, that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in subparagraph (A), (B), or (C) of paragraph (4) of subdivision (b) of Section 66321, as applicable, and rear yard and side setbacks of no more than four feet.

(ii) On a lot with an existing multifamily dwelling, not more than eight detached accessory dwelling units. However, the number of accessory dwelling units allowable pursuant to this clause shall not exceed the number of existing units on the lot.

(iii) On a lot with a proposed multifamily dwelling, not more than two detached accessory dwelling units.

(B) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this paragraph.

(b) A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).

(c) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(d) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

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

(f) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(g) Notwithstanding Section 66321 and subdivision (a) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in subdivision (a), and may impose objective standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

**SEC. 4.** 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.





# Bill Text: CA AB3177 | 2023-2024 | Regular Session | Chaptered California Assembly Bill 3177

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**Bill Title:** Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.

**Spectrum:** Partisan Bill (Democrat 1-0)

**Status:** *(Passed)* 2024-09-22 - Chaptered by Secretary of State - Chapter 436, Statutes of 2024. [AB3177 Detail]

**Download:** [California-2023-AB3177-Chaptered.html](#)

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## Assembly Bill No. 3177

### CHAPTER 436

An act to amend Section 66005.1 of the Government Code, relating to housing.

[ Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 3177, Wendy Carrillo. Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.

Existing law, the Mitigation Fee Act, imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Existing law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics, including that the housing development is located

within 1/2 mile of a transit station, as specified. Existing law defines transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station.

This bill would instead require, for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation, the housing development to be located within a transit priority area, as defined, and the major transit stop, if planned, is programmed to be completed before or within one year from the scheduled completion and occupancy of the housing development.

This bill would prohibit a local agency from imposing a land dedication requirement, as defined, on a housing development to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width. The bill, notwithstanding that prohibition, would authorize a local agency to, among other things, impose a land dedication requirement on a housing development if the housing development is not located in a transit priority area and the housing development has a linear street frontage of 500 feet or more.

By imposing a mandate on local agencies that approve housing development projects with regard to impact fees, this 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would incorporate additional changes to Section 66005.1 of the Government Code proposed by AB 2553 to be operative only if this bill and AB 2553 are enacted and this bill is enacted last.

## Digest Key

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

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## Bill Text

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

**SECTION 1.** Section 66005.1 of the Government Code is amended to read:

**66005.1.** (a) When a local agency imposes a fee on a housing development pursuant to Section 66001 for the purpose of mitigating vehicular traffic impacts, if that housing development satisfies all of the following characteristics, the fee, or the portion thereof relating to vehicular traffic impacts, shall be set at a rate that reflects a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these characteristics, unless the local agency adopts findings after a public hearing establishing that the housing development, even with these characteristics, would not generate fewer automobile trips than a housing development without those characteristics:

(1) The housing development is located within a transit priority area and the major transit stop, if planned, is programmed to be completed before or within one year from the scheduled completion and occupancy of the housing development.

(2) Convenience retail uses, including a store that sells food, are located within one-half mile of the housing development.

(3) The housing development provides either the minimum number of parking spaces required by the local ordinance, or no more than one onsite parking space for zero- to two-bedroom units, and two onsite parking spaces for three or more bedroom units, whichever is less.

(b) If a housing development does not satisfy the characteristics in subdivision (a), the local agency may charge a fee that is proportional to the estimated rate of automobile trip generation associated with the housing development.

(c) (1) A local agency shall not impose a land dedication requirement on a housing development pursuant to Section 66001 to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width.

(2) Notwithstanding paragraph (1), a local agency may do any of the following:

(A) Impose a land dedication requirement on a housing development if both of the following conditions are met:

(i) The housing development is not located in a transit priority area.

(ii) The housing development has a linear street frontage of 500 feet or more.

(B) Discretionarily impose a land dedication requirement as a condition of approval of a specific housing development project for traffic safety features if the local agency makes a finding, specific to the housing development project and supported by substantial evidence, that the land dedication requirement is necessary to preserve the health, safety, and welfare of the public, including pedestrians, cyclists, and children.

(C) Impose a land dedication requirement to construct public improvements, including, but not limited to, sidewalk and sewer improvements.

(d) For purposes of this section:

(1) "Housing development" means a development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the floorspace is for residential use.

(2) "Land dedication" means a physical exaction of property for public use without compensation, whether imposed on an ad hoc or legislative basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

(3) "Roadway" means the same as defined in Section 530 of the Vehicle Code.

(4) "Transit priority area" means the same as defined in paragraph (7) of subdivision (a) of Section 21099 of the Public Resources Code.

(e) This section shall become operative on January 1, 2011.

**SEC. 1.5.** Section 66005.1 of the Government Code is amended to read:

**66005.1.** (a) When a local agency imposes a fee on a housing development pursuant to Section 66001 for the purpose of mitigating vehicular traffic impacts, if that housing development satisfies all of the following characteristics, the fee, or the portion thereof relating to vehicular traffic impacts, shall be set at a rate that reflects a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these characteristics, unless the local agency adopts findings after a public hearing establishing that the housing development, even with these characteristics, would not generate fewer automobile trips than a housing development without those characteristics:

(1) The housing development is located within a transit priority area and the major transit stop, if planned, is programmed to be completed before or within one year from the scheduled completion and occupancy of the housing development.

(2) Convenience retail uses, including a store that sells food, are located within one-half mile of the housing development.

(3) The housing development provides either the minimum number of parking spaces required by the local ordinance, or no more than one onsite parking space for zero- to two-bedroom units, and two onsite parking spaces for three or more bedroom units, whichever is less.

(b) If a housing development does not satisfy the characteristics in subdivision (a), the local agency may charge a fee that is proportional to the estimated rate of automobile trip generation associated with the housing development.

(c) (1) A local agency shall not impose a land dedication requirement on a housing development pursuant to Section 66001 to widen a roadway if the land dedication requirement is for the purpose of mitigating vehicular traffic impacts, achieving an adopted traffic level of service related to vehicular traffic, or achieving a desired roadway width.

(2) Notwithstanding paragraph (1), a local agency may do any of the following:

(A) Impose a land dedication requirement on a housing development if both of the following conditions are met:

(i) The housing development is not located in a transit priority area.

(ii) The housing development has a linear street frontage of 500 feet or more.

(B) Discretionarily impose a land dedication requirement as a condition of approval of a specific housing development project for traffic safety features if the local agency makes a finding, specific to the housing development project and supported by substantial evidence, that the land dedication requirement is necessary to preserve the health, safety, and welfare of the public, including pedestrians, cyclists, and children.

(C) Impose a land dedication requirement to construct public improvements, including, but not limited to, sidewalk and sewer improvements.

(d) For purposes of this section:

(1) "Housing development" means a development project with common ownership and financing consisting of residential use or mixed use where not less than 50 percent of the floorspace is for residential use.

(2) "Land dedication" means a physical exaction of property for public use without compensation, whether imposed on an ad hoc or legislative basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

(3) "Major transit stop" has the meaning as the term is defined in Section 21064.3 of the Public Resources Code, except that, for purposes of this section, it also includes major transit stops that are included in the applicable regional transportation plan. "Major transit stop" includes planned major transit stops otherwise meeting this definition whose construction is programmed to be completed before or within one year from the scheduled completion and occupancy of the housing development.

(4) "Roadway" means the same as defined in Section 530 of the Vehicle Code.

(5) "Transit priority area" means the same as defined in paragraph (7) of subdivision (a) of Section 21099 of the Public Resources Code.

(e) This section shall become operative on January 1, 2011.

**SEC. 2.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

**SEC. 3.** Section 1.5 of this bill incorporates amendments to Section 66005.1 of the Government Code proposed by both this bill and Assembly Bill 2553. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2025, (2) each bill amends Section 66005.1 of the Government Code, and (3) this bill is enacted after Assembly Bill 2553, in which case Section 1 of this bill shall not become operative.



**SB-937 Development projects: fees and charges.** (2023-2024)

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

**Senate Bill No. 937**

CHAPTER 290

An act to amend Section 66007 of the Government Code, relating to land use.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 937, Wiener. Development projects: fees and charges.

The Mitigation Fee Act regulates fees for development projects, fees for specific purposes, including water and sewer connection fees, and fees for solar energy systems, among others. The act, among other things, requires local agencies to comply with various conditions when imposing fees, extractions, or charges as a condition of approval of a proposed development or development project.

The act prohibits a local agency that imposes fees or charges on a residential development for the construction of public improvements or facilities from requiring the payment of those fees or charges until the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, except for utility service fees, which the local agency is authorized to collect at the time an application for utility service is received. The act exempts specified units in a residential development proposed by a nonprofit housing developer if the housing development meets certain conditions.

This bill would limit the utility service fees exception described above to utility service fees related to connections, and cap those fees at the costs incurred by the utility provider resulting from the connection activities. The bill would extend the above-described exemption for those units in a residential development that meets those conditions to any housing developer.

The act authorizes a local agency to require the payment sooner than the date of the final inspection or the date the certificate of occupancy is issued, whichever occurs first, if specified conditions are met, including if the fees or charges are to reimburse the local agency for expenditures previously made.

This bill would, for designated residential development projects, as defined, prohibit a local agency from requiring payment of fees or charges on the residential development for the construction of public improvements or facilities until the date the first certificate of occupancy or first temporary certificate of occupancy is issued, as specified. The bill would authorize the local agency to require the payment of those fees or charges at an earlier time if certain conditions are met, except as specified. For specified units, the bill would authorize a developer to guarantee payment of certain fees or charges by posting a performance bond or a letter of credit from a federally insured, recognized depository institution. If the developer does not post a performance bond or a letter of credit, the bill would authorize the city, county, or city and county to collect certain fees or charges in accordance with a specified procedure.

If any fee or charge described above is not fully paid prior to issuance of a building permit, the act authorizes the local agency issuing the building permit to require the property owner to execute a contract to pay the fee or charge as a condition of issuance of the building permit, as specified.

This bill would authorize the governing body of a local agency to authorize an officer or employee of the local agency to approve and execute contracts described above, and would require the local agency to post a model form of contract on its internet website, if it maintains an internet website, before requiring execution of a contract under the provisions described above.

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

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

**SECTION 1.** Section 66007 of the Government Code is amended to read:

**66007.** (a) Except as otherwise provided in subdivisions (b) and (h), any local agency that imposes any fees or charges on a residential development for the construction of public improvements or facilities shall not require the payment of those fees or charges, notwithstanding any other provision of law, until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. However, utility service fees related to connections may be collected at the time an application for service is received, provided that those fees do not exceed the costs incurred by the utility provider resulting from the connection activities. If the residential development contains more than one dwelling, the local agency may determine whether the fees or charges shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

(b) (1) Notwithstanding subdivision (a), the local agency may require the payment of those fees or charges at an earlier time if (A) the local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan before final inspection or issuance of the certificate of occupancy or (B) the fees or charges are to reimburse the local agency for expenditures previously made. "Appropriated," as used in this subdivision, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.

(2) (A) Paragraph (1) does not apply to units reserved for occupancy by lower income households included in a residential development proposed by a housing developer in which at least 49 percent of the total units are reserved for occupancy by lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable rent, as defined in Section 50053 of the Health and Safety Code. In addition to the contract that may be required under subdivision (d), a city, county, or city and county may require the posting of a performance bond or a letter of credit from a federally insured, recognized depository institution to guarantee payment of any fees or charges that are subject to this paragraph. Fees and charges exempted from paragraph (1) under this paragraph shall become immediately due and payable when the residential development no longer meets the requirements of this paragraph.

(B) The exception provided in subparagraph (A) does not apply to fees and charges levied pursuant to Chapter 6 (commencing with Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education Code.

(c) All of the following apply to designated residential development projects:

(1) If a local agency imposes any fees or charges on the residential development for the construction of public improvements or facilities, then all of the following conditions apply:

(A) (i) Notwithstanding any other law, the local agency shall not require the payment of those fees or charges until the date the first certificate of occupancy or first temporary certificate of occupancy is issued, whichever occurs first.

(ii) Notwithstanding clause (i), utility service fees related to connections may be collected at the time an application for service is received, provided that those fees do not exceed the costs incurred by the utility provider resulting from the connection activities.

(iii) Clause (i) shall not apply if construction of the residential development does not begin within five years of the date upon which the building permit is issued.

(B) The amount of the fees and charges shall be the same amount as would have been paid had the fees and charges been paid prior to the issuance of building permits, and the local agency shall not charge interest or other fees on any amount deferred pursuant to this paragraph.

(C) If the development contains more than one dwelling, the local agency may determine whether the fees or charges described shall be paid on a pro rata basis for each dwelling when it receives its certificate of occupancy, on a pro rata basis when a certain percentage of the dwellings have received their certificate of occupancy, or on a lump-sum basis when all the dwellings in the development receive their certificate of occupancy.

(D) Notwithstanding any other law, the local agency may withhold a certificate of occupancy or a temporary certificate of occupancy until payment of those fees or charges is received.

(2) (A) Notwithstanding paragraph (1), the local agency may require the payment of those fees or charges at an earlier time if either of the following conditions is met:

(i) The fees or charges are to reimburse the local agency for expenditures previously made to the extent those expenditures have not been paid or reimbursed by another party.

(ii) The local agency determines both of the following:

(I) The fees or charges will be collected for any of the following public improvements or facilities:

(ia) Public improvements or facilities related to providing water service to the residential development.

(ib) Public improvements or facilities related to providing sewer or wastewater service to the residential development.

(ic) Public improvements or facilities related to providing fire, public safety, and emergency services to the residential development.

(id) Roads, sidewalks, or other public improvements or facilities for the transportation of people that serve the development, including the acquisition of all property, easements, and rights-of-way that may be required to carry out the improvements or facilities.

(ie) Construction and rehabilitation of school facilities, if a school district has a five-year plan pursuant to subdivision (c) of Section 17017.5 of Education Code.

(II) An account has been established and funds appropriated for the public improvements or facilities described in subclause (I). "Appropriated," as used in this subclause, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.

(B) (i) Subparagraph (A) does not apply to units reserved for occupancy by lower income households included in a residential development proposed by a housing developer in which at least 49 percent of the total units are reserved for occupancy by lower income households, as defined in Section 50079.5 of the Health and Safety Code, at an affordable rent, as defined in Section 50053 of the Health and Safety Code. Fees and charges exempted from subparagraph (A) under this subparagraph shall become immediately due and payable when the residential development no longer meets the requirements of this subparagraph.

(ii) The exception provided in clause (i) does not apply to fees and charges levied pursuant to Chapter 6 (commencing with Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education Code.

(iii) (I) The developer may elect to post a performance bond or a letter of credit from a federally insured, recognized depository institution to guarantee payment of any fees or charges that are subject to this subparagraph.

(II) If the developer does not post a performance bond or letter of credit pursuant to subclause (I), the city, county, or city and county may collect any fees and charges subject to this subparagraph that are not paid at the time the first certificate of occupancy or first temporary certificate of occupancy is issued, whichever occurs first, in accordance with the following procedure:

(ia) On or before August 10 of each year, the building official of the local agency shall furnish in writing to the county auditor a description of each parcel of land for which a performance bond or letter of credit has not been posted within the local agency's jurisdiction upon which fees or charges are unpaid and the amount of the unpaid fees or charges.

(ib) The amount of the unpaid fees or charges shall constitute a lien upon the land for which the fees or charges are unpaid.

(ic) The unpaid fees or charges shall be collected in the same manner and at the same time as county ad valorem taxes.

(id) The unpaid fees or charges shall be subject to the same penalties, lien priority, and procedure and sale in case of delinquency that apply to county ad valorem taxes.

(ie) All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to the unpaid fees and charges.

(iv) Clause (iii) does not apply to projects that dedicate 100 percent of units, exclusive of a manager's unit or units, to lower income households, as defined by Section 50079.5 of the Health and Safety Code, and have a recorded regulatory agreement with the California Tax Credit Allocation Committee, the California Debt Limit Allocation Committee, or the Department of Housing and Community Development.

(3) If the local agency does not issue certificates of occupancy for the type of residential developments described in this subdivision, the final inspection shall serve as the certificate of occupancy.

(4) For purposes of this subdivision, "designated residential development project" means a residential development project that meets any of the following conditions:

(A) The project dedicates 100 percent of units, exclusive of a manager's unit or units, to lower income households, as defined by Section 50079.5 of the Health and Safety Code.

(B) The project meets the requirements described in Section 65662.

(C) The project is approved by a local government pursuant to Article 2 (commencing with Section 65912.110) or Article 3 (commencing with Section 65912.120) of Chapter 4.1.

(D) The project meets the requirements described in subdivision (a) of Section 65913.4.

(E) The project meets the criteria described in subdivision (c) of Section 65913.16.

(F) The project is entitled to a density bonus pursuant to subdivision (b) of Section 65915.

(G) The project includes 10 or fewer units.

(d) (1) If any fee or charge specified in subdivision (a) or (c) is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the local agency issuing the building permit may require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge, or applicable portion thereof, within the time specified in subdivision (a) or (c). If the fee or charge is prorated pursuant to subdivision (a) or (c), the obligation under the contract shall be similarly prorated.

(2) The obligation to pay the fee or charge shall inure to the benefit of, and be enforceable by, the local agency that imposed the fee or charge, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the county recorder of the county and, from the date of recordation, shall constitute a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the public agency issuing the building permit as grantee and in the name of the property

owner or lessee as grantor. The local agency shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated pursuant to subdivision (a) or (c).

(3) The contract may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(4) The governing body of a local agency may authorize an officer or employee of the local agency to approve and execute contracts under this subdivision on behalf of the local agency.

(5) Before requiring execution of a contract under this subdivision, the local agency shall post a model form of contract on its internet website, if it maintains an internet website.

(e) This section applies only to fees collected by a local agency to fund the construction of public improvements or facilities. It does not apply to fees collected to cover the cost of code enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of local ordinances or state law.

(f) "Final inspection," "temporary certificate of occupancy," or "certificate of occupancy," as used in this section, has the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.

(g) Methods of complying with the requirement in subdivision (b) that a proposed construction schedule or plan be adopted, include, but are not limited to, (1) the adoption of the capital improvement plan described in Section 66002, or (2) the submittal of a five-year plan for construction and rehabilitation of school facilities pursuant to subdivision (c) of Section 17017.5 of the Education Code.

(h) A local agency may defer the collection of one or more fees up to the close of escrow. This subdivision shall not apply to fees and charges levied pursuant to Chapter 6 (commencing with Section 17620) of Part 10.5 of Division 1 of Title 1 of the Education Code.



# Bill Text: CA AB2904 | 2023-2024 | Regular Session | Chaptered California Assembly Bill 2904

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**Bill Title:** Zoning ordinances: notice.

**Spectrum:** Partisan Bill (Democrat 1-0)

**Status:** *(Passed)* 2024-09-27 - Chaptered by Secretary of State - Chapter 747, Statutes of 2024. [AB2904 Detail]

**Download:** [California-2023-AB2904-Chaptered.html](#)

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## Assembly Bill No. 2904

### CHAPTER 747

An act to amend Section 65854 of the Government Code, relating to land use.

[ Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024. ]

## LEGISLATIVE COUNSEL'S DIGEST

AB 2904, Quirk-Silva. Zoning ordinances: notice.

Existing law requires the planning commission to hold a public hearing on any zoning ordinance or an amendment to a zoning ordinance that changes any property from one zone to another. Existing law, if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, requires notice of the hearing to be, among other things, mailed or delivered at least 10 days prior to the hearing to the owner of the subject real property, as specified.

This bill would instead require notice of the planning commission's hearing on a proposed zoning ordinance or amendment to a zoning ordinance, if the proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, to be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.

By imposing increased noticing requirements on a local government that considers a zoning ordinance or amendment to a zoning ordinance, the bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

## Digest Key

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

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## Bill Text

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

**SECTION 1.** Section 65854 of the Government Code is amended to read:

**65854.** (a) The planning commission shall hold a public hearing on the proposed zoning ordinance or amendment to a zoning ordinance.

(b) (1) Except as provided in paragraph (2), notice of the hearing shall be given pursuant to Section 65090.

(2) If a proposed ordinance or amendment to a zoning ordinance affects the permitted uses of real property, notice of the hearing shall be given pursuant to Sections 65090 and 65091, except that the notice shall be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 days before the hearing.

**SEC. 2.** The Legislature finds and declares that ensuring sufficient notice of zoning ordinance changes that could affect property rights 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, Section 1 of this act amending Section 65854 of the Government Code applies to all cities, including charter cities.

**SEC. 3.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.





## Planning Commission Agenda Statement

Meeting Date: December 12, 2024

Agenda Heading: NEW BUSINESS

Item Number: C.3

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### **TITLE:**

Presentation by Graduate Students from the University of Southern California of a Hypothetical Design Project at the El Segundo South Campus Specific Plan Area. USC's project was awarded the "Silver Shovel" as the winner of the 27th annual NAIOP SoCal UCLA vs. USC Real Estate Challenge.

### **RECOMMENDATION:**

1. Receive and file student presentation.

### **FISCAL IMPACT:**

None.

### **BACKGROUND:**

Staff collaborated with a five-member graduate student team from the Lusk Center at USC's Marshall School of Business and Price School of Public Policy on a NAIOP SoCal Real Estate Challenge/Competition. The USC graduate student team went into a head-to-head battle with the Ziman Center of Real Estate at UCLA to determine the highest and best use for a unique parcel of land within the El Segundo South Campus Specific Plan and took the Silver Shovel (victory) back to USC. The presentation will be lead by graduate student, Jonahntan Moftakhar, who will share the team's hypothetical vision for the site.

### **DISCUSSION:**

None.

### **CITY STRATEGIC PLAN COMPLIANCE:**

None.

**Presentation of Hypothetical Design Project for EI**

**December 12, 2024**

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**PREPARED BY:**

Jazmin Farias, Assistant Planner

**REVIEWED BY:**

Michael Allen, Community Development Director

**APPROVED BY:**

Jazmin Farias, Assistant Planner

**ATTACHED SUPPORTING DOCUMENTS:**

None



## Planning Commission Agenda Statement

Meeting Date: December 12, 2024

Agenda Heading: NEW BUSINESS

Item Number: C.4

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### **TITLE:**

Study Session Regarding Senate Bill 450 and Potential El Segundo Municipal Code (ESMC) Amendments to the Single Family Residential (R-1) Zone and Urban Lot Split Regulations.

### **RECOMMENDATION:**

1. Receive and file the presentation.
2. Alternatively, discuss and provide direction on a potential ESMC amendment.

### **FISCAL IMPACT:**

None.

### **BACKGROUND:**

In September 2021, the Governor signed into law Senate Bill (SB) No. 9, which mandated ministerial approval of single-family residential lot subdivisions into two parcels and development of each new parcel with up to two units. Following the adoption of SB 9, staff worked with John Kaliski and Associates (JKA), an architecture and planning consulting firm, to assist the City in developing objective design standards consistent with the new State Law.

The Planning Commission conducted a study session and a public hearing, after which it recommended City Council adopt objective design standards applicable to new residential structures on SB 9 subdivided lots. In March 2022, the City Council amended the El Segundo Municipal Code (ESMC) to establish a new ESMC Article regarding two-unit residential developments and urban lot splits in the Single-Family Residential (R-1) Zone.

ESMC Article 15-4G permits and establishes objective standards for the subdivision of single-family residential lots into two parcels and the development of each parcel with up to two residential units. To-date, the City has not received any applications for an SB

**SB 450 Study Session**  
**R-1 Zone and Urban Lot Split Regulations**  
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9 subdivision or development.

**DISCUSSION:**

In September 2024, the Governor signed into law Senate Bill (SB) No. 450, which amends current law regarding ministerial approval of two-unit residential development and urban lot splits in single-family residential zones. Specifically, SB 450 amends current law to prohibit local agencies from imposing "objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone." As a result, the City must update the ESMC to either remove the objective design standards and requirements, or ensure that the subdivision and development standards in ESMC Article 15-4G (Two-Unit Residential Developments and Urban Lot Splits in the R-1 Zone) are consistent with the standards applicable throughout the R-1 Zone (ESMC Article 15-4B) and with the parameters set in SB 450.

During the presentation on this item, staff will provide a side-by-side comparison of the above-described standards and offer options and/or recommendations to the Planning Commission for a potential zone text amendment to bring the ESMC into compliance with SB 450. SB 450 takes effect on January 1, 2025.

**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:**

Michael Allen, Community Development Director

**APPROVED BY:**

Michael Allen, Community Development Director

**ATTACHED SUPPORTING DOCUMENTS:**

None