



CITY OF BELL GARDENS
PLANNING COMMISSION
Council Chamber, 7100 Garfield Ave., Bell Gardens
WEDNESDAY, JUNE 19, 2019, 6:00 PM
AGENDA

LOCATION: CITY COUNCIL CHAMBER, 7100 GARFIELD AVENUE, BELL GARDENS, CA

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (562) 806-7704. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting. Any writings or documents provided to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Receptionist Counter, City Hall, 7100 Garfield Avenue, Bell Gardens, CA, during normal business hours.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL OF PLANNING COMMISSIONERS

Dianne Flores, Commissioner
Ernesto Ramirez, Commissioner
Alexander Villalobos, Commissioner
Tony Rivera, Chairperson

PUBLIC COMMENT ON NON-AGENDA ITEMS

Citizens wishing to address the Commission on any matter not on the Agenda may do so at this time. Please STATE YOUR NAME AND ADDRESS CLEARLY for the record.

Please note that while the Commission values your comments, pursuant to January 1, 1987 amendments of the Brown Act, the Commission cannot respond nor take any action until such time as the manner may appear as an item on a forthcoming agenda.

PUBLIC HEARING (Item No. 1-2)

1. AM-PM TOWING AUTOMOBILE IMPOUND YARD - CONDITIONAL USE PERMIT NO. 2019-024 - 5735 FLORENCE AVENUE, BELL GARDENS, CA 90201 - (FILE NO. 2019-024)

Approval of Conditional Use Permit No. 2019-024 to allow AM-PM Towing to operate an automobile impound yard in conjunction with their existing tow yard and automobile body shop at 7535 Scout Avenue, Bell Gardens, CA 90201.

Recommendation:

Staff is requesting that the Planning Commission continue the public hearing on this item to its next regularly scheduled meeting on Wednesday, July 17, 2019 to allow staff additional time to finalize the staff report.

2. ZONING CODE AMENDMENT NO. 2019-051- ORDINANCE NO. 893 (File No. 2019-051)

Approval of Zoning Code Amendment No. 2019-051 (ZCA 2019-051) would amend the Zoning Code to facilitate and streamline Zoning Code administration for staff and make the Zoning Code more “user friendly” for the public.

Recommendation:

It is recommended that the Planning Commission adopt Resolution #PC 2019-03 recommending the following action to the City Council:

1. Approval of Zoning Code Amendment No. 2019-051 and adoption of Ordinance No. 893 amending the Bell Gardens Municipal Code (Zoning) as follows:
 - a. Chapter 9.04, “Definitions,” Section 9.04.020 “ ‘L’ definitions;”
 - b. Chapter 9.10 “Residential Zones,” Section 9.10.040 Development standards, Table 9.10B: Residential Development Standards Matrix;”
 - c. Chapter 9.38, “Parking and Loading (Off-Street),” Section 9.38.050, “Required parking and loading spaces,”
 - d. Chapter 9.58, “Site Plan Review,”
 - e. Chapter 9.60 “Appeals,” and
 - f. Chapter 9.64, “Non-Conforming Lots, Uses, and Structures,” Section 9.64.060, “Nonconforming structures”

CONSENT CALENDAR (Item No. 3)

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items to be removed from the Consent Calendar for separate action. Items called for separate discussion will be heard as the next order of business

3. APPROVAL OF MAY 15, 2019 PLANNING COMMISSION MINUTES

May 15, 2019 - Regular Meeting Minutes.

Recommendation:

It is recommended that the Planning Commission approve the attached minutes.

SUBSTANDARD PROPERTIES - None

STAFF COMMENTS - Introduction of Community Development Intern

COMMISSIONER COMMENTS

ADJOURNMENT

Posted by: Erika Gutierrez, Planning Secretary Date: 6/13/19 Time:12:00 p.m.



**CITY OF BELL GARDENS
COMMUNITY DEVELOPMENT DEPARTMENT**

AGENDA REPORT

Item 2.

TO:	Planning Commissioners
BY:	Hailes H. Soto, Associate Planner
FROM:	Carmen H. Morales, Acting Director of Community Development
SUBJECT:	ZONING CODE AMENDMENT NO. 2019-051- ORDINANCE NO. 893 (File No. 2019-051)
DATE:	June 19, 2019

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution #PC 2019-03 recommending the following action to the City Council:

1. Approval of Zoning Code Amendment No. 2019-051 and adoption of Ordinance No. 893 amending the Bell Gardens Municipal Code (Zoning) as follows:
 - a. Chapter 9.04, "Definitions," Section 9.04.020 " 'L' definitions;"
 - b. Chapter 9.10 "Residential Zones," Section 9.10.040 Development standards, Table 9.10B: Residential Development Standards Matrix;"
 - c. Chapter 9.38, "Parking and Loading (Off-Street)," Section 9.38.050, "Required parking and loading spaces,"
 - d. Chapter 9.58, "Site Plan Review,"
 - e. Chapter 9.60 "Appeals," and
 - f. Chapter 9.64, "Non-Conforming Lots, Uses, and Structures," Section 9.64.060, "Nonconforming structures"

BACKGROUND:

In 2007 the City Council adopted a comprehensive Zoning Code Update establishing land use and development regulations to include development standards and parking requirements for all land uses, and regulations governing nonconforming lots, uses, and structures. The Zoning Code also includes administration responsibilities and procedures for approval of land use permits and appeals of land use permit decisions. Administration of the Zoning Code is a responsibility of the City's Community Development Department. As part of the administration of the Zoning Code, the Community Development Department staff has identified areas where administrative procedures should be streamlined and where other Zoning Code provisions have been subject to interpretation and should be clarified to facilitate staff administration of the Zoning Code. Approval of Zoning Code Amendment No. 2019-051 (ZCA 2019-051) would amend the Zoning Code to facilitate and streamline Zoning Code administration for staff and make the Zoning Code more "user friendly" for the public.

ANALYSIS:

Proposed ZCA 2019-051 would amend provisions relating to Zoning Code administration in order to clarify certain provisions which would facilitate administration and to streamline administration of other provisions. Cross referenced provisions affected by the proposed amendments are also proposed for amendment for consistency. Proposed changes to the Zoning Code are indicated in proposed Ordinance No. 893 in a strike through and underlined format for deleted and added text. Amendments proposed in Ordinance No. 893 are discussed below.

1. Amend Chapter 9.04, "Definitions," Section 9.04.020 " 'L' definitions" to change the definition of lot coverage. The Zoning Code establishes a maximum permitted area for buildings on lots in all zones. Lot coverage is expressed as a percentage ratio of building area to lot area. Lot coverage is currently defined as the total area of all structures divided by the gross lot area minus the required front setback. Standard professional planning and zoning practice for defining lot coverage is to derive the percentage ratio by dividing the total area of all structures by the gross lot area including the front setback area.

Staff is recommending that the definition of lot coverage be changed to apply gross lot area when calculating the percentage ratio of building area to lot area, consistent with standard professional planning practice. This change will facilitate administration of the Zoning Code and make the Zoning Code more user friendly.

2. Amend Chapter 9.10 "Residential Zones," Section 9.10.040 "Development standards, Table 9.10B: Residential Development Standards Matrix" to add certain provisions currently listed as allowable exceptions to the Zoning Code per Chapter 9.58, "Site Plan Review", Section 9.58.110 "Minor Exceptions to Code Requirements through Site Plan Review." Section 9.58.110 "Minor Exceptions to Code Requirements through Site Plan Review," allows the Community Development Director to grant "minor exceptions" to the requirements of the Zoning Code related to nonconforming side yard setbacks, and porch encroachments into the front yard setback area. Staff has determined that these "exceptions" more closely represent development standards and for this reason staff administers the "exceptions" as required standards as applicable. Staff is recommending that the exceptions listed in Section 9.58.110 related to the front and side yard setbacks be incorporated into Table 9.10B: "Residential Development Standards Matrix." This change will make the Zoning Code more user friendly for applicants and will streamline the administration of the Zoning Code by staff.
3. Amend Chapter 9.38, "Parking and Loading (Off-Street)," Section 9.38.050, "Required parking and loading spaces," to clarify the requirements for expansion of residential uses with nonconforming parking. Section 9.38.050 currently refers the reader to Section 9.58.110 "Minor exceptions to Code Requirements through Site Plan Review" to determine the parking requirements for expansion of a residential use with nonconforming parking. Staff recommends that the parking requirement for expansion of a residential use with nonconforming parking be incorporated into Section 9.38.050 "Required parking and loading spaces," for ease of administration. Staff also recommends adding language to the existing parking requirement to clarify when the parking requirement be provided as covered parking versus uncovered parking.
4. Amend Chapter 9.58, "Site Plan Review," to a) clarify the review and approval procedures for Type 2 Site Plan Review and 2) eliminate in its entirety, Section 9.58.110, "Minor exceptions to code requirements through site plan review."

Clarify Type 2 Site Plan Review:

Chapter 9.58, "Site Plan Review," establishes three levels of Site Plan Review. Type 1 Site Plan Review is required for small scale projects, such as patio covers, fences and walls, and three or less signs, and is reviewed ministerially by the Community Development Director. Type 2 Site Plan Review is required for larger projects such as construction of up to 4 residential dwelling units, limited expansion of commercial or industrial buildings, over three signs, and interior tenant improvements and is a discretionary review by the Community Development Director. Type 3 Site Plan Review is required for larger projects such as construction of 5 or more residential dwelling units on any lot, construction of all new commercial or industrial buildings, and major expansion of existing commercial or industrial buildings and is a discretionary review by the Planning Commission. Chapter 9.58, "Site Plan Review," is unclear regarding the discretionary procedural requirements for a Type 2 Site Plan Review by the Community Development Director. Staff is recommending that proposed ZCA No. 2019-051 add language to Chapter 9.58, "Site Plan Review," clarifying the Type 2 Site Plan Review by the Community Development Director to establish appropriate review procedures.

Eliminate Section 9.58.110

As part of ZCA 2019-051 staff recommends that Section 9.58.110, "Minor Exceptions to code requirements through Site Plan Review," be eliminated in its entirety. Staff is recommending that ZCA No. 2019-051 relocate the "exceptions" listed in this section as development standards into either Chapter 9.10 "Residential Zones," Section 9.10.040 Development standards, Table 9.10B: Residential Development Standards Matrix" (see discussion in paragraph no. 2 above) or Chapter 9.38, "Parking and Loading (Off-Street)," Section 9.38.050, "Required parking and loading spaces," (see discussion in paragraph no. 3 above) as appropriate.

Two other listed exceptions are no longer necessary as follows:

- a. A listed exception related to fences and walls is redundant since this provision is already included in Section 9.58.110 is already addressed in Chapter 9.32, "Fences, Walls, and Hedges" and should therefore be eliminated.
 - b. A listed exception allowing the granting of an increase in the maximum allowable lot coverage is no longer necessary since the proposed change in the definition of lot coverage as part of ZCA 2019-051 would eliminate the need for the granting of the exception.
5. Amend Chapter 9.60 "Appeals" to correspond to the recommended amendments to Chapter 9.58, "Site Plan Review." As part of ZCA 2019-051, staff recommends that procedures be added to Chapter 9.60, "Appeals," for appeals of a ministerial or discretionary decision by the Community Development Director as described in the proposed amendment to Chapter 9.58, "Site Plan Review."
 6. Amend Chapter 9.64, "Non-Conforming Lots, Uses, and Structures," Section 9.64.060, "Nonconforming structures," to eliminate a reference to Section 58.110 , "Minor exceptions to code requirements through Site Plan Review." ZCA No. 2019-051 proposes that Section 9.58.110 be eliminated as part of the amendment to Chapter 9.58, "Site Plan Review."

ENVIRONMENTAL REVIEW:

Zoning Code Amendment No. 2019-051 recommending the City Council adoption of Ordinance No. 893 is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

CONCLUSION:

Staff recommends that the Planning Commission adopts Resolution #PC 2019-03 recommending to the City Council approval of Zoning Code Amendment No. 2019-051 and adoption of Ordinance No. 893.

FISCAL IMPACT:

None

ATTACHMENTS:

Exhibit 1- Planning Commisison Resolution #PC 2019-03

Exhibit 2- Ordinance No. 893

Exhibit 3- Public Hearing Notice

APPROVED ELECTRONICALLY BY:

Carmen H. Morales, Acting Community Development Director

Marc Tran, Interim Assistant City Attorney for Rick R. Olivarez, Interim City Attorney

Carmen H. Morales, Acting Community Development Director

RESOLUTION #PC 2019-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL GARDENS RECOMMENDING CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT NO. 2019-051 AMENDING THE CITY OF BELL GARDENS MUNICIPAL CODE, TITLE 9, ZONING AND PLANNING REGULATIONS, CHAPTER 9.04, "DEFINITIONS," SECTION 9.04.020 "'L' DEFINITIONS," CHAPTER 9.10 "RESIDENTIAL ZONES," SECTION 9.10.040 "DEVELOPMENT STANDARDS, TABLE 9.10B: RESIDENTIAL DEVELOPMENT STANDARDS MATRIX," CHAPTER 9.38, "PARKING AND LOADING (OFF-STREET)," SECTION 9.38.050, "REQUIRED PARKING AND LOADING SPACES," CHAPTER 9.58, "SITE PLAN REVIEW," CHAPTER 9.60 "APPEALS," AND CHAPTER 9.64, "NON CONFORMING LOTS, USES, AND STRUCTURES," SECTION 9.64.060, "NONCONFORMING STRUCTURES" (FILE NO 2019-051)

WHEREAS, the City of Bell Gardens ("City") is a general law city, incorporated under the laws of the State of California;

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, comprehensive zoning regulations lie within the police power of the City;

WHEREAS, in 2007 the City Council adopted a comprehensive Zoning Code Update establishing land use and development regulations to include development standards and parking requirements for all land uses, and regulations governing nonconforming lots, uses, and structures as well as administration responsibilities and procedures for approval of land use permits and appeals of land use permit decisions;

WHEREAS, administration of the Zoning Code is a responsibility of the City's Community Development Department;

WHEREAS, the City finds it necessary to amend the Zoning Code to streamline administrative procedures and clarify procedures which have been subject to interpretation in order to facilitate administration of the Zoning Code by the Community Development Department;

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed, agendized, and conducted the public hearing on this matter on June 19, 2019;

WHEREAS, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the relevant staff report, and all other pertinent documents regarding the proposed Zoning Code Amendment No. 2019-051; and

WHEREAS, after the close of such public hearing, the Planning Commission adopted Planning Commission Resolution #2019-03 recommending to the City Council the approval of Zoning Code Amendment No 2019-051.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BELL GARDENS HEREBY RESOLVES AND DETERMINES AS FOLLOWS:

SECTION 1. The recitals set forth above are hereby incorporated by this reference as if set forth in full herein.

SECTION 2. In recommending approval of Zoning Code Amendment No. 2019-051 and adoption of Ordinance No. 893 the Planning Commission finds as follows:

- i. The above recitals are true and correct and hereby incorporates them herein by this reference.
- ii. Ordinance No. 893 serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.
- iii. Ordinance No. 893 is consistent with the City's General Plan.
- iv. Ordinance No. 893 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.

SECTION 3. The Planning Commission hereby adopts this Resolution recommending to the City Council the approval of Zoning Code Amendment No. 2019-051 and adoption of Ordinance No. 893.

SECTION 4. Zoning Code Amendment No. 2019-051 recommending City Council adoption of Ordinance No. 893 is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

SECTION 5. The Planning Commission of the City of Bell Gardens hereby transmits and recommends to the City Council approval of Zoning Code Amendment 2019-051 and adoption of Ordinance No. 893 amending the Bell Gardens Municipal Code (Zoning and Planning).

PASSED, APPROVED AND ADOPTED this 19th day of June 2019.

TONY RIVERA, *CHAIRPERSON*

ATTEST:

ERIKA GUTIERREZ, *PLANNING SECRETARY*

APPROVED AS TO FORM:

MARC TRAN
ASSISTANT CITY ATTORNEY

ORDINANCE NO. 893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AMENDING BELL GARDENS MUNICIPAL CODE TITLE 9, ZONING AND PLANNING REGULATIONS, CHAPTER 9.04, "DEFINITIONS," SECTION 9.04.020 "L' DEFINITIONS," CHAPTER 9.10 "RESIDENTIAL ZONES," SECTION 9.10.040 "DEVELOPMENT STANDARDS, TABLE 9.10B: RESIDENTIAL DEVELOPMENT STANDARDS MATRIX," CHAPTER 9.38, "PARKING AND LOADING (OFF-STREET)," SECTION 9.38.050, "REQUIRED PARKING AND LOADING SPACES," CHAPTER 9.58, "SITE PLAN REVIEW," CHAPTER 9.60 "APPEALS," AND CHAPTER 9.64, "NONCONFORMING LOTS, USES, AND STRUCTURES," SECTION 9.64.060, "NONCONFORMING STRUCTURES" (ZONING CODE AMENDMENT NO. 2019-051)

WHEREAS, the City of Bell Gardens ("City") is a general law city, incorporated under the laws of the State of California;

WHEREAS, pursuant to its police power, the City may enact and enforce laws within its boundaries which promote the public health, morals, safety, or general welfare of the community, and are not in conflict with general laws;

WHEREAS, comprehensive zoning regulations lie within the police power of the City;

WHEREAS, in 2007 the City Council adopted a comprehensive Zoning Code Update establishing land use and development regulations to include development standards and parking requirements for all land uses, and regulations governing nonconforming lots, uses, and structures as well as administration responsibilities and procedures for land use permit decisions and appeal of land use permit decisions.

WHEREAS, administration of the Zoning Code is a responsibility of the City's Community Development Department.

WHEREAS, the City finds it necessary to amend the Zoning Code to streamline administrative procedures and clarify development standards and procedures in order to facilitate administration of the Zoning Code by the Community Development Department.

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed, agendized and conducted the public hearing on this matter on June 19, 2019 and adopted Planning Commission Resolution #2019-03 recommending to the City Council the approval of Zoning Code Amendment No. 2019-051;

WHEREAS, the City Council held a duly noticed public hearing on this Ordinance on _____ 2019 at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, the City Council of the City of Bell Gardens does ordain as follows:

SECTION 1. Findings and Purpose. In adopting this Ordinance, the City Council finds and declares as follows:

- i. That the above recitals are true and correct and hereby incorporates them herein by this reference.
- ii. Ordinance No. 893 serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.
- iii. Ordinance No. 893 is consistent with the City's General Plan.
- iv. Ordinance No. 893 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.

SECTION 2. Bell Gardens Municipal Code Title 9, Planning and Zoning, Chapter 9.04, "Definitions," Section 9.04.020 "L' definitions," is amended and enacted as follows:

"Lot coverage" shall mean the total ~~building~~ footprint of all structures on a lot (including porches, breezeways, patios and patio covers, and decks higher than 30 inches at any point) divided by the total lot area, ~~but not including the required front yard~~. "Lot coverage" shall not include pools or wall/fence enclosures less than six feet in height and shall be calculated as follows:

C = Percent of lot coverage

B = Sum of all ~~building~~ structural footprint areas

L = Lot area

F = ~~Required front yard area~~

$$C = \frac{B}{(L - F)} \times 100.0$$

SECTION 3. Bell Gardens Municipal Code Title 9, Planning and Zoning, Chapter 9.10, "Residential Zones," Section 9.10.040 Development standards. Table 9.10B: Residential Development Standards Matrix," is amended and enacted as follows:

9.10.040 Development standards.

The following matrix, Table 9.10B, establishes the general development standards of the residential zones as they apply to each individual zone. For additional standards not

found in this section, refer to Division 4 of this title, Supplemental Development Standards. Division 4 of this title establishes development standards such as parking, landscaping, and other standards not prescribed within this chapter.

Table 9.10B: Residential Development Standards Matrix

Development Standards	R-1	R-2	R-3
Lot Standards			
Area (square feet)	5,000 sf	5,000 sf	5,000 sf
Width	50 feet (+10 corner lot)	60 feet (+10 corner lot)	60 feet (+10 corner lot)
Depth	80 feet	100 feet	100 feet
Yard Setbacks			
Front <u>(1)</u>	20 feet	20 feet	15 feet
Side <u>(2)</u>	5 feet	5 feet	5 feet
Street Side	10 feet	10 feet	10 feet
Rear	10 feet	10 feet	10 feet
Allowable Yard Projections	Refer to BGMC 9.46.050		
Additional Second-Story Setbacks (Applies to the entire second-story front elevation when the structure is greater than 25 feet in width and to the entire second-story side elevation when the structure is greater than 50 feet in length; 40 percent of the second story may remain on the same plane as the first story on the front and side.)			
Front	5 feet	5 feet	5 feet
Side	3 feet	3 feet	3 feet
Rear	N/A	N/A	N/A
Density (Maximum)			
Units per Lot	1 max.	3 units max.	Apartments
			Under 5,000 sf: 1 unit max.

Table 9.10B: Residential Development Standards Matrix

Development Standards	R-1	R-2	R-3
		Under 5,000 sf: 1 unit max. Over 5,000 sf: 1 unit per 2,500 sf	5,000 – 14,999: 1 unit per 2,500 sf 15,000 – 43,560: 1 unit per 2,000 sf 43,560 and over: 1 unit per 1,750 sf
			Condominiums
			Under 5,000: 1 unit max. 5,000 – 14,999: 1 unit per 2,000 sf 15,000 – 43,560: 1 unit per 1,625 sf 43,560 and over: 1 unit per 1,400 sf
Lot Coverage (%)	45	45	45
Minimum Dwelling Unit Size (Excluding garage or other nonhabitable structures)	1,000 sf for primary and 600 sf for second unit, but no more than 50% of primary unit living area and max. of 1,000 sf	1,000 sf for first and 800 sf for additional units	550 sf studio 750 sf 1-bedroom 850 sf 2-bedroom 1,000 sf 3-bedroom (+150 sf per additional bedroom)
Distance Between Buildings on Same Lot (2) (3)			
Primary to Primary Structure	10 feet	10 feet	10 feet
Primary to Accessory Structure	6 feet	6 feet	6 feet

Table 9.10B: Residential Development Standards Matrix

Development Standards	R-1	R-2	R-3
Accessory to Accessory Structure	6 feet	6 feet	6 feet
Height (Maximum)			
Primary Structure	35 feet or 2 stories (whichever is less)	35 feet or 2 stories (whichever is less)	35 feet or 2 stories (whichever is less)
Accessory Structure	15 feet or 1 story (whichever is less); 9 feet to top plate or highest beam if flat roof	15 feet or 1 story (whichever is less); 9 feet to top plate or highest beam if flat roof	15 feet or 1 story (whichever is less); 9 feet to top plate or highest beam if flat roof
Allowable Height Projections	Refer to BGMC 9.30.030		
Accessory Structures Location and Size			
Location	Refer to BGMC 9.46.040, Location of accessory buildings in residential yards		
Maximum Size (3) (4)	30% of primary structure floor area but no more than 1,200 sq. ft.	30% of primary structure floor area but no more than 1,200 sq. ft.	N/A
Screening of Mechanical Equipment			
All mechanical equipment shall be prohibited in the front yard and shall be located on the ground no less than three feet from the side and rear property lines. When a building permit for additional square footage is requested, existing equipment located on the roof or exterior walls of a structure shall be provided with a decorative screen to shield such equipment from view and shall be placed at least six inches below the top of the lowest building parapet or decorative screen. No plumbing line shall be placed upon the exterior wall of a structure unless such line is enclosed or otherwise screened from view.			
Landscaping			
Refer to Chapter 9.34 BGMC for landscaping standards.			
Additional Standards for Four or More Multifamily Residential Rental Units			

Table 9.10B: Residential Development Standards Matrix

Development Standards	R-1	R-2	R-3
All multifamily residential rental projects of four units or more shall conform to the following development standards in addition to the standards of the zone in which they are located:			
A. Open Space	Common Open Space: A minimum of 25 percent of the gross project area shall be set aside, developed and maintained as open landscaped or recreational space for the benefit and use of all residents of the project.		
	Private Open Space: Each residential unit shall have a minimum of 75 square feet of private open space directly adjacent to, and accessible from, the respective unit. Such open space may include courtyards, walled patios or balconies.		
B. Private Storage	Each unit shall have at least 200 hundred cubic feet of enclosed, weatherproofed and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. Such space shall be for the sole use of the unit tenant.		
C. Laundry Facilities	A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each four units or fraction thereof.		
D. Walls/Fences	A six-foot-high solid masonry wall designed and constructed of materials and colors compatible with the overall design of the project shall be required along the side and rear lot lines of the project site.		
E. Utility Metering	Each unit shall be separately metered so that the unit tenant can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture. Each unit shall have access to its own meter(s) and heater(s) which shall not require entry through another unit in accordance with the California Plumbing Code. Each unit shall have its own panel, or access thereto, for all electrical circuits which serve the unit in accordance with the California Electrical Code.		
F. Fire Prevention	Smoke Detectors. Each living unit shall be provided with UL-approved detectors conforming to the current building code standards.		

Table 9.10B: Residential Development Standards Matrix

Development Standards	R-1	R-2	R-3
	Maintenance of Fire Protection Systems. All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire-protective appliances shall be retained in an operable condition at all times, as required by the fire code.		
G. Sound Transmission	Wall and floor/ceiling assemblies shall conform to Title 25, California Administrative Code, Section 1092, or its successor. Permanent mechanical equipment, including domestic appliances, which is determined by the city building official to be a potential source of vibration or noise, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the city building official to lessen the transmission of vibration and noise. Soundproofing between units shall be in accordance with the building code.		
H. Public Easements	In accordance with the city zoning and division of land ordinances, the applicant shall make provisions for the dedication of land or easements for street widening, public access or other public purposes in connection with the project where necessary and in accordance with established and planned improvements.		
I. Underground Utilities	All utility service laterals to new developments shall be constructed underground.		
<u>J. Trash Enclosures</u>			<u>A trash enclosure, consistent with the standards in BGMC Chapter 9.44, "Trash Enclosures," shall be provided.</u>
Note: All standards are given in feet and address minimum requirements unless otherwise stated.			
<u>1. Front porches with a maximum width of 20 feet may encroach into the required front yard setback up to 20% of the setback area. In no instance shall a front setback be less than 10 feet.</u>			
<u>2. Residential additions may continue a nonconforming side yard setback provided the addition does not does not encroach any more than three feet into the required setback, the addition does not expand the existing nonconforming setback by more than 50 percent, and all building division requirements are complied with.</u>			

Table 9.10B: Residential Development Standards Matrix

Development Standards	R-1	R-2	R-3
<p>1-3. A trellis or other roof connection shall not deem two detached structures as one; to avoid distance requirements, structures must share common walls; hallway connections shall not be considered common walls.</p> <p>2-4. With the exception of required garage or carport spaces, which are regulated by the number of required spaces.</p>			

SECTION 4. Bell Gardens Municipal Code Title 9, Planning and Zoning, Chapter 9.38, "Parking and Loading (Off-Street)," Section 9.38.050, "Required parking and loading spaces," is amended and enacted as follows:

9.38.050 Required parking and loading spaces.

The standards included herein indicate the spaces and facilities required for off-street parking that shall apply at the time the subject building or structure is erected or placed on the ground. These standards shall also apply when an existing building is altered or enlarged by the addition of dwelling units or guest rooms, or the use in question is intensified by the addition of floor space, seating capacity or change of use.

A. Thresholds for Conformance to Parking Requirements. Expansion of use with nonconforming parking.

1. Residential. ~~The provisions of BGMC 9.58.110(C) pertaining to minor exceptions to nonconforming residential parking shall apply.~~ The following standards apply to expansion of residential uses with nonconforming parking and the construction of new residential uses on a site with nonconforming parking:

Expansion up to a cumulative total of 350 square feet per site is permitted without providing additional parking.

Expansion of over 350 square feet up to a cumulative total area of 500 square feet per site shall require the provision of one additional parking space which shall be covered if no other covered parking space exists on the site.

Expansion of up to a cumulative total area of between 501 and 750 square feet per site shall require provision of a minimum of two parking spaces, one of which shall be covered.

Expansion of up to a cumulative total area over 750 square feet per site shall require conformance with the parking requirements of this chapter for all uses on the site.

Construction of a new dwelling unit or units on a site with nonconforming parking shall require all uses on the property, existing and proposed, to conform to the requirements of this chapter.

No net loss of parking or loss covered parking on the site shall occur as a result of the expansion of a residential use.

2. Nonresidential. Parking conformance shall only be based on the area of new additions unless the additions create a new lease space and/or a change of use is proposed, which requires a greater amount of parking per code.

SECTION 5. Bell Gardens Municipal Code Title 9, Planning and Zoning, Chapter 9.58, "Site Plan Review," is amended and enacted as follows:

Chapter 9.58 SITE PLAN REVIEW

Sections:

9.58.010 Intent and purpose.

9.58.020 ~~Thresholds for site plan review.~~ Type 1 Site Plan Review.

9.58.030 ~~Submission of a site plan.~~ Type 2 Site Plan Review.

9.58.040 ~~Contents of application for site plan review.~~ Type 3 Site Plan Review.

9.58.050 ~~Required plans and contents.~~

9.58.060 ~~Basis for approval of site plans.~~

9.58.070 ~~Action upon site plans.~~

9.58.080 ~~Notice of action taken on a site plan.~~

9.58.090 ~~Appeal.~~

9.58.100 .50 Variances and conditional use permits not subject to site plan review.

9.58.110 ~~Minor exceptions to code requirements through site plan review.~~

9.58.010 Intent and purpose.

A. Site plan review is required for new construction projects in order to provide a visual and factual documentation that may be used to determine compliance with the requirements of BGMC Title 9, Zoning and Planning Regulations. ~~and control the Site plan review establishes the physical layout, design or use of a lot or parcel of land, buildings or structures. A site plan shall contain information that may include an application form, plans, drawings and diagrams or pictures indicating uses, forms, dimensions and other pertinent factors and contains information sufficient to provide a~~

document that may be used to substantiate and corroborate facts and testimony vital to the administration of this title.

B. A Site plan review is, or may be, required for the following types of projects: in order to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in this title or as prescribed by the planning commission:

1. New development.
2. Building additions.
3. Changes in building occupancy type.
4. Interior tenant improvements.
5. Parking modifications.
6. Equipment installations.
7. Exterior building modifications to nonresidential or multifamily residential uses.
8. Addition of substructures (swimming pools, spas, fences, signs, etc.).
9. Any other type of development/construction that the community development director determines to pose a potential impact on the community.

~~G. Any person may also use a site plan to indicate his compliance, or plans, and intentions to comply, with the regulations and standards prescribed in this title).~~

~~9.58.020 Thresholds for site plan review.~~

~~A site plan review may be approved over the counter by the planning staff, taken in for review and approval by the community development director, or taken in for review and approval by the planning commission. This section establishes the three types of site plan reviews and the type of proposals that fall within each category.~~

9.58.020 Type 1 site plan review

A. SPR (Type 1). A Type 1 Site Plan Review is required for projects of a small scale and does not require a site plan review application and may be approved after a ministerial

~~review over the counter or within 10 business days if the planner finds it necessary to conduct a field inspection by the community development director. The application shall consist of the submittal of three sets of plans, appropriate filing fees and any additional supporting documentation deemed necessary by the community development director are required~~ Examples of projects requiring an SPR Type 1 that fall within this category are as follows:

1. Residential patio covers/porches under 150 square feet;
2. Fences and walls;
3. ~~Sign permits for three or less signs;~~
4. ~~3.~~ Sheds or storage units of 121 square feet or more.
5. ~~4.~~ Installation of outdoor mechanical equipment; and
6. ~~5.~~ Other similar uses/projects determined by the community development director deems appropriate for this type of review. to be of similar size and scope as those listed above.

9.58.030 Type 2 site plan review

B. A. SPR (Type 2). A Type 2 Site Plan Review is required ~~does not require a site plan review application and must be submitted for review for the following types of projects.~~ Type 2 Site Plan Review is subject to discretionary review by the community dwelling development director. ~~The project may be routed to other departments for review if the planner finds it necessary. Examples of projects that fall in this category are as follows:~~

1. Residential patio covers over 150 square feet;
2. Residential building expansions and modifications including, but not limited to room additions or construction or modification of accessory structures;
3. ~~Construction of four or less single family homes;~~
4. ~~3.~~ Construction of pools, spas and other permitted recreational facilities.
4. ~~Addition~~ Creation of four or less units; ~~to multifamily residential uses;~~

5. Commercial/industrial construction projects as follows:

a. Additions equivalent to 50 percent or less to buildings with less than 1,000 square feet of existing gross floor area; ~~that result in an increase of less than 50 percent;~~

b. Additions equivalent to less than 25 percent to buildings with 1,000 to 10,000 square feet of existing gross floor area; ~~that result in an increase of less than 25 percent;~~

c. Additions equivalent to less than 15 percent to buildings with more than 10,000 square feet of existing gross floor area ~~that result in an increase of less than 15 percent;~~

6. Parking lot reconfiguration or a new parking lot;

7. Installation of new signs; ~~Sign proposals consisting of more than three signs;~~

8. Interior tenant improvements;

8.9. Exterior modifications to commercial/industrial structures; and

9.10. Other similar uses projects the community development director ~~finds appropriate for this type of review~~ determines to be of similar size and scope as those listed above.

B. Application and review

1. A project application for a Type 2 SPR shall require submittal of the following:

a. Project plans per Section 9.58.040 (D).

b. Additional information, forms and/or documents as are necessary to determine compliance with the provisions of this title or any conditions that the community development director may require in granting an approval of a Type 2 SPR.

2. The community development director, acting upon any site plan offered for review as provided in this title, shall either:

a. Approve;

b. Approve with conditions; or

c. Deny the proposed use, development, or modification as requested in the required site plan review.

3. The community development director shall notify the applicant of the action taken on a site plan review. Said notification of action taken shall be made by first class mail, email, telephone, or by other means deemed appropriate by the community development director.

C. Appeal.

The action of the community development director on a Type 2 Site Plan Review may be appealed to the Planning Commission. All appeals shall be filed and reviewed per the provisions of BGMC Chapter 9.60 "Appeals."

9.58.040 Type 3 site plan review

~~G. A. SPR (Type 3). A Type 3 Site Plan Review is subject to discretionary review by the Planning Commission. A Type 3 Site Plan Review is required requires completion of a site plan review application and review by the planning commission. The project must be routed to other departments for comments and conditions. Examples of projects that fall in this category are as follow for the following types of projects.~~

~~1. Construction Creation of five or more residential dwelling units. single-family units;~~

~~2. Addition of five or more units to multifamily residential uses;~~

~~3.2. Commercial/industrial construction as follows:~~

~~a. Construction of new commercial/industrial buildings and associated parking~~

~~b. Additions of more than 50 percent to buildings with less than 1,000 square feet of existing gross floor area. that result in an increase of more than 50 percent.~~

~~b. c. Additions of more than 25 percent to buildings with 1,000 to 10,000 square feet of existing gross floor area. that result in an increase of more than 25 percent.~~

~~e. d. Additions of more than 15 percent to buildings with more than 10,000 square feet of existing gross floor area. that result in an increase of more than 15 percent;~~

~~4.3. Proposals for uses described in Division 3 of this title, Special Uses, provided the use does not already require planning commission review under a conditional use permit; and~~

5. 4. Other similar ~~uses~~ projects the community development director finds appropriate for this type of review. determines to be similar in size and scope as those listed above.

9.58.030 B. Application and Review

~~Submission of a site plan.~~

Submittal of a Site Plan application is required for Any use, development of land, structure, or building or modification of standards for which a Type 3 Site Plan Review is required. ~~for which a site plan has been requested or that is otherwise subject to a provision in this title requiring the submission of a site plan shall not be established, modified or otherwise altered without written approval by the planning commission.~~

~~B. The planning commission may:~~

~~1. Require a site plan for any use, development of land, structure, building, or modification of standards that involves the approval of the planning commission.~~

9.58.040 C. Contents of application for Site Plan Review.

An application for any Type 3 Site Plan Review, ~~including planning commission review and approval,~~ shall contain the following information ~~and such other information and documents as are required by the planning commission:-~~

A. 1. Name and address of the applicant and of all persons owning any or all of the subject property.

B. 2. Evidence that the applicant:

4. a. Is the owner of the premises involved; or

2 b. Has written permission of owner or owners to make such application; or

3. c. Is or will be the plaintiff in an action in eminent domain to acquire the premises involved, or any portion thereof; or

4. d. In the case of a public agency, is negotiating to acquire a portion of the premises involved.

C. 3. Location of subject property (address or vicinity).

D. 4. Legal description of property.

E. 5. Proposed facility or use.

F. 6. The use, location and size of all buildings and structures, yards, driveways, access and parking areas, landscaping, walls or fences, and other similar features.

G. 7. ~~Such~~ Any other supplemental information or material data as may be required to determined by the community development director to be necessary for the review of the application. compliance with the provisions of this title. (Ord. 806 § 1, 2007).

~~9.58.050~~ **D. Required content of plans and contents.**

All site plan review proposals must include a plot plan, floor plan, and elevations drawn to scale with the following information:

A. 1. All property lines and dimensions.

B. 2. Outline of all existing and proposed structures on the site.

C. 3. Location of all streets, alleys, and driveways.

D. 4. Location of existing electrical meter, electric line, and power pole.

E. 5. Distinction between landscaping and pavement.

F. 6. Property address.

G. 7. Name and telephone of applicant and/or property owner.

H. 8. North arrow and scale.

~~9.58.060~~ **E. Basis for approval of Type 3 site plans-review.**

Approval or disapproval of any Type 3 Site Plan Review shall be based upon the following findings:

A. 1. That every use, development of land and application of development standards shall take place in compliance with all applicable provisions of this title.

B. 2. That every use, development of land, and application of development standards shall be considered on the basis of the suitability of this site for the particular use or development intended.

C. 3. That the total development, including the application of prescribed development standards, shall be so arranged as to avoid traffic congestion, ensure the protection of public health, safety and general welfare, and prevent adverse effects on neighboring property and shall be in general accord with all elements of the general plan.

D. 4. That every use, development of land and application of development standards shall be considered on the basis of suitable and functional development design, but it is not intended that such approval be interpreted to require a particular style or type of architecture.

~~9.58.070~~ F. Action upon Type 3 site plans.

The planning commission, acting upon any Type 3 Site Plan Review ~~site plan offered for review as provided in this title~~, shall either:

A. 1. Approve; or

B. 2. Approve with conditions; or

C. 3. Deny the proposed use, development, or modification as requested in the application and as indicated in the required site plan.

~~9.58.080~~ G. Notice of action taken on a site plan.

A. 1. The planning commission shall notify the applicant requesting approval of a site plan ~~Type 3 Site Plan Review~~ approval of the action taken on the application.

B. 2. Said notification of action taken shall be made by first class mail, postage prepaid, or by other means deemed appropriate by the planning commission.

~~9.58.090~~ H. Appeal.

~~In the event the applicant is dissatisfied with the~~ Appeal of any action taken on a Type 3 Site Plan Review by the planning commission, ~~he may be appealed such decision to the city council. Such appeal shall be filed within 15 days following notification and reviewed per the provisions of BGMC Chapter 9.60 Appeals.~~ The decision of the city council shall be final.

~~9.58.050 100~~ Variances and conditional use permits not subject to site plan review.

Where a site plan is required ~~in~~ as part of an application for a variance or conditional use permit or zone change application, as provided in Chapters 9.50 and 9.52 BGMC, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this chapter.

9.58.110 Minor exceptions to code requirements through site plan review.

The following exceptions to the requirements of this title may be requested through the site plan review process. Said exceptions are subject to the approval of the community development director and/or his or her designee and do not require a public hearing. All

approved exceptions shall be reported quarterly to the planning commission for informational purposes only.

A. Residential additions may continue a nonconforming side yard setback subject to the following conditions:

1. Addition may not encroach any further than three feet into the setback;
2. Addition must not expand the nonconformity by more than 50 percent; and
3. All building division requirements must be complied with.

B. New residential units located on the same property with an existing nonconforming unit may be detached or attached to the nonconforming unit subject to the following conditions:

1. The detached or attached new unit must meet the provisions of BGMC Title [6](#) and this title; and
2. The addition of a new dwelling unit or units on a lot shall require the entire lot to conform to current parking standards, including the existing unit(s).

C. A residential use with nonconforming parking may be expanded by up to 250 square feet without providing additional parking. Expansion beyond 250 square feet of cumulative addition per site shall require one additional conforming parking space, not to exceed two additional parking spaces per unit.

D. All uses may request a five percent increase in lot coverage, floor-to-area ratio, or height if the community development director finds, through the site plan review, that special circumstances exist to warrant such approval. Through a written statement placed in the case file, the director shall provide a minimum of three special circumstances not applicable to other property located in the same zoning district.

E. Front porches may encroach into the required front yard setback up to 20 percent of the required setback if the proposed encroachment is no wider than 20 feet.

F. Variations in fence and wall materials, setbacks, and heights (eight-foot maximum) may be granted for interior side property lines between a residential and commercial/industrial use.

G. No more than one exception may be granted during a one-year period. A request for more than one of the exceptions noted in subsections (A) through (D) of this section shall require the approval of a variance before the planning commission. (Ord. 813 § 5, 2009; Ord. 806 § 1, 2007).

SECTION 6. Bell Gardens Municipal Code Title 9, Planning and Zoning, Chapter 9.60 “Appeals,” is amended and enacted as follows:

Chapter 9.60 APPEALS

Sections:

9.60.010 Appeals from decision of ~~planning commission~~ director of community development to planning commission.

9.60.020 Appeals from decision of planning commission to city council.

9.60.0230 Points considered on appeal.

9.60.0340 Finality of decisions regarding appeals.

Sections:

9.60.010 Appeals from decision of community development director to the planning commission.

A. Within 15 days after community development director action on a discretionary or ministerial permit, any person dissatisfied with the action of the community development director may file with the city clerk an appeal in writing from such action upon depositing a filing fee established by city council resolution. The filing of such appeal within said time limit shall stay the effective date of the order of the community development director until such time as the planning commission has acted upon an appeal of the community development director as set forth herein.

B. Upon receipt of such appeal, the city clerk shall advise the secretary of the community development director and said secretary shall transmit to the city clerk the community development director's complete record of the case. Within 60 days following receipt of the written appeal, the planning commission shall conduct a public meeting to review the appeal. Upon the conclusion of the public meeting before the planning commission, the planning commission may affirm, reverse, or modify the decision of the original acting body.

C. In any case in which the planning commission sets the matter for review before itself, or receives the transcript or recording and all other evidence upon which the community development director made its decision, the planning commission decision on appeal need not be limited to the points appealed, but may cover all phases of the matter, including the addition or deletion of any condition. If the planning commission's decision on the appeal differs from that of the community development director the planning commission shall include written findings in their action.

9.60.020 Appeals of decision of Planning Commission to city council. ~~Decisions.~~

A. Within 15 days after planning commission action on any application, permit, or appeal of a decision of the community development director pursuant to Section 9.60.010, any person dissatisfied with the action of the planning commission may file with the city clerk an appeal in writing from such action upon depositing a filing fee established by city council resolution. The filing of such appeal within said time limit

shall stay the effective date of the order of the planning commission until such time as the city council has acted on the appeal of the planning commission as set forth herein.

B. Upon receipt of such appeal, the city clerk shall advise the secretary of the planning commission and said secretary shall transmit to the city clerk the planning commission's complete record of the case. Within 60 days following receipt of the written appeal, the city council shall conduct a public hearing in such matter and notice of such hearing shall be given in the same manner as was required for the original approval or public hearing for the project, or shall conduct a public meeting in such matter and notice of such meeting shall be given in the same manner as required for the original approval by the community development director. Upon the conclusion of the public hearing or the public meeting as applicable, before the city council, the city council may affirm, reverse, or modify the decision of the planning commission.

9.60.030 Points considered on appeal.

In any case in which the city council sets the matter of an appeal ~~for hearing~~ before itself, or receives the transcript or recording and all other evidence upon which the planning commission made its decision, the city council's decision on appeal need not be limited to the points appealed, but may cover all phases of the matter, including the addition or deletion of any condition. If the city council's decision on the appeal differs from that of the planning commission, the council shall include written findings in their action.

9.60.040 Finality of decisions regarding appeals.

The decision of the city council, upon an appeal from an action of the planning commission, is final and conclusive as to all things involved in the matter. Said decision shall set forth that the appeal is subject to the Code of Civil Procedure Section 1094.6. A copy of the decision shall be mailed to the applicant via certified mail.

SECTION 7. Bell Gardens Municipal Code Title 9, Planning and Zoning, Chapter 9.64, "Nonconforming Lots, Uses, and Structures," Section 9.64.060, "Nonconforming structures," is amended and enacted as follows:

9.64.060 Nonconforming structures.

Structures that do not meet the development standards set forth in BGMC Title [6](#) and this title are considered nonconforming structures and the following provisions shall apply:

A. Structures that are considered nonconforming due to building setbacks, building heights, distances between buildings, parking, and California Building Code requirements shall not be subject to the expansion limitations described in subsections (B) and (C) of this section as long as the following conditions apply:

1. The use is permitted in the zone in which it is located; and
2. Any new improvement complies with all current and applicable ordinances/regulations, including parking. ~~unless a minor exception can be made subject to the provisions of BGMC 9.58.110, Minor exceptions to code requirements through site plan review.~~

B. Nonconforming Residential Structures.

1. Nonconforming residential structures which are damaged or destroyed by fire, explosion, act of God, collapse, or any other casualty may be reconstructed, repaired, or restored. The following provisions shall apply:

a. Reconstruction shall be limited to the same square footage as the residential structure as of the effective date of the ordinance codified in this title plus an aggregate of 25 percent.

b. Reconstruction shall comply with all applicable provisions of BGMC Title 6 and this title and shall not include an increase in units from what existed at the time of damage or destruction.

c. Reconstruction shall commence within one year from the date of damage. Prior to the one-year expiration period, a property owner who can demonstrate progress towards reconstruction and financial hardship may apply in writing to the director of community development for a six-month extension. If reconstruction is not commenced within one year, or an extension has not been applied for, that property owner shall lose all reconstruction privileges.

d. If a hazardous condition existed or still exists on the property, any reconstruction shall not aggravate or continue the hazardous condition.

e. Reconstruction shall comply with current parking and open space standards. If current parking and open space standards cannot be met, the reconstruction shall provide at least the same amount of parking and open space that was existing on the property prior to any damage or destruction.

2. Nonconforming residential structures may be remodeled, renovated, or expanded up to an aggregate of 25 percent of the original square footage, provided the standards of the zoning district that best characterizes the use are complied with (e.g., one unit, R-1 zone; two units, R-2 zone; etc.). Any remodel, renovation, or addition shall comply with the current development standards of BGMC Title 6 and this title and shall not include an increase in units from what existed as of the effective date of the ordinance codified in this title. Any expansion beyond 25 percent of the original square footage of the dwelling unit shall require review and approval of a conditional use permit by the planning commission.

C. Nonconforming Nonresidential Structures.

1. Nonconforming nonresidential structures which are damaged or destroyed by fire, explosion, act of God, collapse, or any other casualty may be reconstructed, repaired, or restored subject to the following:

a. Reconstruction shall be limited to the same square footage as the nonresidential structure as of the effective date of the ordinance codified in this title plus an aggregate of 25 percent.

b. Reconstruction shall comply with all applicable provisions of BGMC Title 6 and this title.

c. Reconstruction shall commence within two years from the date of damage. Prior to the two-year expiration period, a property owner who can demonstrate progress towards reconstruction and financial hardship may apply in writing to the director of community development for a six-month extension. If reconstruction is not commenced within two years or an extension has not been applied for, that property owner shall lose all reconstruction privileges.

d. If a hazardous condition existed or still exists on the property, any reconstruction shall not aggravate or continue the hazardous condition.

e. Reconstruction shall comply with current parking standards. If current parking standards cannot be met, the reconstruction shall provide at least the same amount of parking and open space that was existing on the property prior to any damage or destruction.

2. Nonconforming nonresidential structures may be remodeled, renovated or expanded up to an aggregate of 25 percent of the existing square footage. Any remodel or renovation shall comply with the development standards of BGMC Title 6 and this title.

SECTION 8. CEQA. City Council approval of Zoning Code Amendment 2019-051 and adoption of Ordinance No. 893 are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

SECTION 9. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 10. To the extent the provisions of the Bell Gardens Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as

they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 11. The City Clerk shall certify to the adoption of this Ordinance and published or posted in accordance with the law. This Ordinance shall take effect thirty days following its final passage.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2019.

Alejandra Cortez, Mayor

ATTEST:

Kristina Santana
City Clerk

APPROVED AS TO FORM:

OLIVAREZ MADRUGA LEMIEUX ONEILL, LLP
City Attorney

**CITY OF BELL GARDENS
NOTICE OF PUBLIC HEARING**

POSTED
6/6/2019
H.S.

**ZONING CODE AMENDMENT NO. 2019-051 – ORDINANCE NO. 893
AMENDING BELL GARDENS MUNICIPAL CODE TITLE 9, ZONING AND
PLANNING REGULATIONS, CHAPTER 9.04, "DEFINITIONS," SECTION
9.04.020 "'L' DEFINITIONS," CHAPTER 9.10 "RESIDENTIAL ZONES,"
SECTION 9.10.040 "DEVELOPMENT STANDARDS, TABLE 9.10B:
RESIDENTIAL DEVELOPMENT STANDARDS MATRIX," CHAPTER 9.38,
"PARKING AND LOADING (OFF-STREET)," SECTION 9.38.050,
"REQUIRED PARKING AND LOADING SPACES," CHAPTER 9.58, "SITE
PLAN REVIEW," CHAPTER 9.60 "APPEALS," AND CHAPTER 9.64, "NON
CONFORMING LOTS, USES, AND STRUCTURES," SECTION 9.64.060,
"NONCONFORMING STRUCTURES" (FILE NO. 2019-051)**

Notice is hereby given that the Planning Commission of the City of Bell Gardens will conduct a public hearing to consider recommending Zoning Code Amendment No. 2019-051 to the City Council for the adoption of Ordinance No. 893 amending Bell Gardens Municipal Code Title 9, Zoning and Planning Regulations, Chapter 9.04, "Definitions," Section 9.04.020 "'L' Definitions," Chapter 9.10 "Residential Zones," Section 9.10.040 "Development Standards, Table 9.10B: Residential Development Standards Matrix," Chapter 9.38, "Parking and Loading (Off-Street)," Section 9.38.050, "Required Parking and Loading Spaces," Chapter 9.58, "Site Plan Review," Chapter 9.60 "Appeals," and Chapter 9.64, "Nonconforming Lots, Uses, and Structures," Section 9.64.060, "Nonconforming Structures"

Zoning Code Amendment No. 2019-051 recommending City Council adoption of Ordinance No. 893 is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), constituting an activity that will not result in a direct or reasonably foreseeable indirect physical change in the environment, and pursuant to Section 15060(c)(3) constituting an activity that is not a project as defined in Section 15378.

The public hearing will be held at the regular Planning Commission meeting of the City of Bell Gardens, in Council Chambers at City Hall, 7100 Garfield Avenue, Bell Gardens, CA 90201, on Wednesday, June 19, 2019 at 6:00 P.M., at which time proponents and opponents of the proposed Zoning Code Amendment No. 2019-051 and Ordinance No. 893 may be heard. Questions may be directed to the Community Development Department at (562) 806-7700, extension 7722.

Per Government Code Section 65009, if you challenge this Zoning Code Amendment No. 2019-051 and Ordinance No. 893 in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at or prior to the public hearing.

THE PLANNING COMMISSION

Tony Rivera, Chairperson

Posted: Thursday June 6, 2019
Bell Gardens City Hall
Bell Gardens John Anson Ford Park
Bell Gardens Veterans Park - Ross Hall Auditorium
Bell Gardens Department of Public Works



**CITY OF BELL GARDENS
COMMUNITY DEVELOPMENT DEPARTMENT**

AGENDA REPORT

Item 3.

TO:	Planning Commissioners
BY:	Erika Gutierrez, Planning Secretary
FROM:	Carmen H. Morales, Acting Director of Community Development
SUBJECT:	APPROVAL OF MAY 15, 2019 PLANNING COMMISSION MINUTES
DATE:	June 19, 2019

RECOMMENDATION:

It is recommended that the Planning Commission approve the attached minutes.

BACKGROUND:

Every Planning Commission Meeting, the staff liaison summarizes the actions and comments made by the Planning Commission.

CONCLUSION:

If approved, the minutes of the Regular Planning Commission will be archived in the City Clerk's Office.

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

Exhibit 1- Minutes of May 15, 2019

APPROVED ELECTRONICALLY BY:

Carmen H. Morales, Acting Community Development Director

Marc Tran, Interim Assistant City Attorney for Rick R. Olivarez, Interim City Attorney

Carmen H. Morales, Acting Community Development Director

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BELL GARDENS
7100 GARFIELD AVENUE, BELL GARDENS, CA 90201**

Wednesday, May 15, 2019

CALL TO ORDER

The meeting was called to order in City Hall Council Chambers by Chairperson Rivera at 6:00 p.m.

INVOCATION & PLEDGE OF ALLEGIANCE

Associate Planner, Hailes Soto gave the invocation.

Acting Director of Community Development, Carmen Morales led the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Villalobos, Commissioner Ramirez, Commissioner Flores, Chairperson Rivera.

Absent: None

Staff Present: Carmen Morales, Acting Director of Community Development, Marc Tran, Assistant City Attorney, Hailes Soto, Associate Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

APPROVAL OF MINUTES

Chairperson Rivera asked for a motion on the minutes of March 20, 2019. A motion was made by Commissioner Villalobos and seconded by Commissioner Ramirez to approve the minutes of March 20, 2019. Motion carried by a vote of 4-0.

PUBLIC COMMENT

With no one wishing to speak, Chairperson Rivera closed public comment.

PUBLIC HEARING

A. Planning Commission

- 1. Conditional Use Permit No. 2019-014
Delicias de Mexico Restaurant**

7110 Eastern Avenue (File No. 2019-014)

Mr. Soto gave the presentation on Conditional Use Permit No. 2019-014.

Chairperson Rivera asked the Commission if there were any comments for staff on the Public Hearing Item.

Chairperson Rivera asked staff how many approved alcohol licenses should there be within this subject site. Mr. Soto stated that based on the census tract and the ratio provided by the Alcoholic Beverage Control (ABC), a maximum of six licenses with this request being the sixth one.

With no questions from the Commission, Chairperson Rivera opened the public hearing.

Mr. Jaime Alvarez, owner of Delicias Mexico approached the podium stating he was available to answer any questions from the Commissioners.

Commissioner Rivera asked Mr. Alvarez if he had read and accepted all the conditions of Resolution #PC 2019-02. Mr. Alvarez stated he had and that he was in agreement with all the conditions of approval.

With no further questions from the Commission, Chairperson Rivera closed the public hearing.

A motion was made by Commissioner Ramirez and seconded by Commissioner Flores to approve Conditional Use Permit No. 2019-014 by adopting Resolution #PC 2019-02. Motion carried by a 4-0.

**2. Zoning Code Amendment No. 2018-046
Ordinance No. 893
(File No. 2018-046)**

Chairperson Rivera stated that it was staff' recommendation that the Planning Commission continue the public hearing on this item to the June 19, 2019 Planning Commission meeting.

Chairperson Rivera stated that all the Commissioners were in favor to have this item continued.

B. Substandard Properties – None

DISCUSSION ITEMS

1. Planning Commission Reorganization

Ms. Morales stated that based on the bylaws which dictate how the Planning Commission conducts business, the Planning Commission is required to reorganize at their regular meeting in the month of May to elect a Chairperson and Vice Chairperson. Ms. Morales asked the Commission if they would like to reorganize now or postpone until the fifth Commissioner is appointed.

Discussion was held among staff and the Commissioners. The Commission agreed to postpone the reorganization for two more months.

A motion was made by Commissioner Villalobos and seconded by Commissioner Flores to postpone the Planning Commission reorganization for another two months. Motion carried by a 4-0.

STAFF INFORMATION ITEMS

Ms. Morales welcomed Commissioner Flores, Commissioner Villalobos and Commissioner Ramirez to the Planning Commission.

Chairperson Rivera also welcomed all three new Commissioners.

COMMISSION INFORMATION ITEMS – None

ADJOURNMENT

Chairperson Rivera made a motion to adjourn the meeting at 6:25 p.m.

RECORDED BY:

ERIKA GUTIERREZ, PLANNING SECRETARY