



## **CITY OF BELL GARDENS**

### **PLANNING COMMISSION**

**City Council Chamber, 7100 Garfield Ave., Bell Gardens**

**WEDNESDAY, FEBRUARY 19, 2020, 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**

Jorgel Chavez, Commissioner  
Dianne Flores, Commissioner  
Alexander Villalobos, Commissioner  
Ernesto Ramirez, Vice Chairperson  
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 - SUBSTANDARD PROPERTY- (Item No. 1)**

##### **1. 6640-6644 GAGE AVE.**

The City Building Official has determined by inspection that the property located at 6640-6644 Gage Avenue is substandard as defined in Section 9904 and/or 9905 of the City of Bell Gardens Building laws.

##### **Recommendation:**

Staff hereby recommends that the Planning Commission find, except as noted in the attached report, that the substandard building and property conditions listed above exist, the subject property is substandard, and all conditions must be abated by March 19, 2020.

## **CONSENT CALENDAR (Item No. 2)**

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.

### **2. APPROVAL OF JANUARY 15, 2020 PLANNING COMMISSION MINUTES**

January 15, 2020 - Regular Meeting Minutes.

#### **Recommendation:**

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

## **DISCUSSION (Item No.3)**

### **3. TEMPORARY CANOPY STRUCTURES**

Discussion regarding the regulations and enforcement of temporary canopy structures citywide.

#### **Recommendation:**

It is staff's recommendation that the Planning Commission:

1. Direct staff to prepare an ordinance to amend Title 9 of the Bell Gardens Municipal Code (BGMC) related to Sections 9.46.050 (Location of other structures and projections into yards) and Section 16.20.020 (Condition of property) to clarify and further address development standards pertaining to temporary canopy structures in residential, commercial and industrial zones.

## **STAFF COMMENTS**

## **COMMISSIONER COMMENTS**

## **ADJOURNMENT**

Posted by: Erika Gutierrez\_\_ Date: \_2/13/20\_ Time: 1:00 p.m.\_\_\_\_



**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 1.

<b>TO:</b>	Planning Commissioners
<b>FROM:</b>	Gustavo Romo, Community Development Director
<b>BY:</b>	George Suarez, Building Services Supervisor
<b>SUBJECT:</b>	<b>6640-6644 GAGE AVE.</b>
<b>DATE:</b>	February 19, 2020

**RECOMMENDATION:**

Staff hereby recommends that the Planning Commission find, except as noted in the attached report, that the substandard building and property conditions listed above exist, the subject property is substandard, and all conditions must be abated by March 19, 2020.

**BACKGROUND:**

The case was initiated by the Community Development Department on May 28, 2019 after receiving a citizen complaint regarding 6640-6644 Gage Avenue. A certified 30-day Notice of Substandard Property with a list of defects was mailed to the property owner and interested parties on June 4, 2019. A follow-up inspection was conducted on July 9, 2019, which revealed no changes. A letter was received from the property owner on July 2, 2019 and July 25, 2019 requesting a hearing with the Planning Commission (Exhibit 6). A notice of hearing for the Planning Commission Meeting of November 20, 2019 was mailed and posted at the property on October 31, 2019, and all interested parties were notified (Exhibit 1).

**SITE DESCRIPTION:**

The subject site is located on the corner of Gage Avenue and Emil Avenue and is developed with a total of 6,102 SF of buildings consisting of an approximate 4,000 SF two-story commercial/residential building with two residential units on the second floor and two commercial units on the ground floor. Three other single-story residential detached buildings are located in the rear of the lot, which totals 11,273 SF in area. In all, the site is entitled with six (6) residential units and two (2) commercial suites.

**ANALYSIS:**

The issue that lead to this substandard finding pertains to the unpermitted conversion of the two commercial units to residential units. As noted in the attached report, the property owner has been notified on several occasions and has yet to abate the violations.

**FINDINGS:**

Since the preparation of this staff report is done approximately one and one-half weeks in advance of the actual meeting date, substandard conditions could be corrected by the date of the meeting. Therefore, a follow-up inspection will be conducted on the day of the Planning Commission meeting on February 19, 2020 to determine whether or not conditions have been corrected. During the public hearing, staff will report any changes that may be found on the property to the Planning Commission.

**CONCLUSION:**

Based on the property owner's failure to correct the property violations after several notices and opportunities to abate, staff is of the opinion that the subject property should be deemed substandard and all conditions be abated by March 19, 2020. Failure to do so will result in the recording of a substandard lien on the property.

**FISCAL IMPACT:**

No fiscal impacts.

**ATTACHMENTS:**

Exhibit 1- Notice of Hearing

Exhibit 2- Notice of Substandard Property

Exhibit 3- Courtesy Notice

Exhibit 4- Site Plan

Exhibit 5- Vicinity Map

Exhibit 6- Property Owner Letters

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

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

Carmen H. Morales, City Planner



February 5, 2020

**NOTICE OF HEARING**

**RE: 6640-6644 Gage Avenue, Bell Gardens**  
**HEARING: February 19, 2020 TIME: 6:00 PM**

Dear: Delecor Investments  
9309 Parrot Avenue  
Downey, CA 90240

The City Building Official has determined by inspection that the above structure is substandard, as defined in Section 9904 and/or 9905 of the City of Bell Gardens Building Laws, because of the defects listed on the attached letter.

**THEREFORE, NOTICE IS HEARBY GIVEN THAT:** On the above noted hearing date and time at the Council Chambers, 7100 Garfield Ave, Bell Gardens, CA, a hearing will be conducted before the City of Bell Gardens Planning Commission on this matter.

All persons who desire to be heard shall appear before the above Commission at said time and place to show cause why the substandard conditions should not be ordered corrected.

Sincerely,

George Suarez  
Senior Building Inspector

POSTED BY VICAR Ovelas ON 02-05-2020

GR: vo



June 4, 2019

## NOTICE OF SUBSTANDARD PROPERTY

Re: 6640-44 Gage Avenue, Bell Gardens, CA 90201

Dear: Delecor Investments LLC  
9309 Parrot Avenue  
Downey, CA 90240

A recent inspection of the property at the above address found it to be substandard as defined by City of Bell Gardens Building Code, because of the defects enumerated on the attached list. Section 9908 of the Code declared all such substandard property a public nuisance and requires the abatement thereof by correction, if practical, or by removal of the substandard condition.

As owner of record, you are hereby notified to comply with the requirements of the above Code, and to correct or remove the substandard conditions listed. All such work shall be completed within thirty (30) days after receipt of this letter. Be advised if you are renting this property to others the City may file a Notice of Non-Compliance with the State Franchise Tax Board. Revenue and Taxation Code, Section 17274 states, "No deduction shall be allowed for interest, taxes, depreciation, or amortization...with respect to substandard (rental housing)".

***You have the right to request a public hearing and to appear before the Planning Commission regarding these matters. The request for hearing must be made within thirty (30) days after posting of this notice on the property (the property was posted on the same day this letter was written and mailed), must be in writing, and directed to the City of Bell Gardens Building Official, 7100 Garfield Avenue, Bell Gardens California, 90201. If you fail to correct the defect or formally request a hearing within the time allotted, this violation may be forwarded to the City Prosecutor for appropriate action.***

Once the corrections have been completed, please call for re-inspection or for further information; please contact the Inspector, **Victor Ornelas**, at **(562) 806-7739**. Office hours are 7:30 a.m. to 6:00 p.m., Monday through Thursday.

Sincerely,

CITY OF BELL GARDENS

George Suarez  
Building Services Supervisor

GS:eg



June 4, 2019

**PROPERTY ADDRESS – 6640-44 Gage Avenue, Bell Gardens, CA 90201**

**Section 106 of the Los Angeles County Building Code - Permits**

**ITEM #1     106.1     Permits Required.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, or equip any building, structure, or portion thereof, or automatic fire protection system regulated by Chapter 9, perform any grading, or perform landscaping, as regulated by Chapter 2.7, or cause the same to be done, without first obtaining a separate permit for each building, structure, automatic fire protection system, grading or landscaping from the building official. The two downstairs commercial suites on the property may not be utilized for living purposes and must be converted back to its original use or legalized (if allowed).



July 09, 2019

## Courtesy Notice

Re: 6640-44 Gage Avenue, Bell Gardens, CA 90201

Dear: Delecor Investments, LLC  
9309 Parrot Ave.  
Downey, CA 90240

We recently have updated our files in the Code Enforcement Department. This letter is to inform you that there is an open case on the subject property. The Code Enforcement Department is requesting your immediate attention in this matter. Failure to do so within 14 days will automatically move the case forward to the City Prosecutor's Office. The following items remain outstanding:

### **Section 106 of the Los Angeles County Building Code - Permits**

#### **ITEM #1 106.1**

**Permits Required.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, or equip any building, structure, or portion thereof, or automatic fire protection system regulated by Chapter 9, perform any grading, or perform landscaping, as regulated by Chapter 2.7, or cause the same to be done, without first obtaining a separate permit for each building, structure, automatic fire protection system, grading or landscaping from the building official. The two downstairs commercial suites on the property may not be utilized for living purposes and must be converted back to its original use or legalized (if allowed).

Our commitment to the community is to improve the City's ongoing effort to enhance the quality of life, property values, health and safety throughout the City of Bell Gardens. If you have any questions, please contact me at (562) 806-7700, extension 7739.

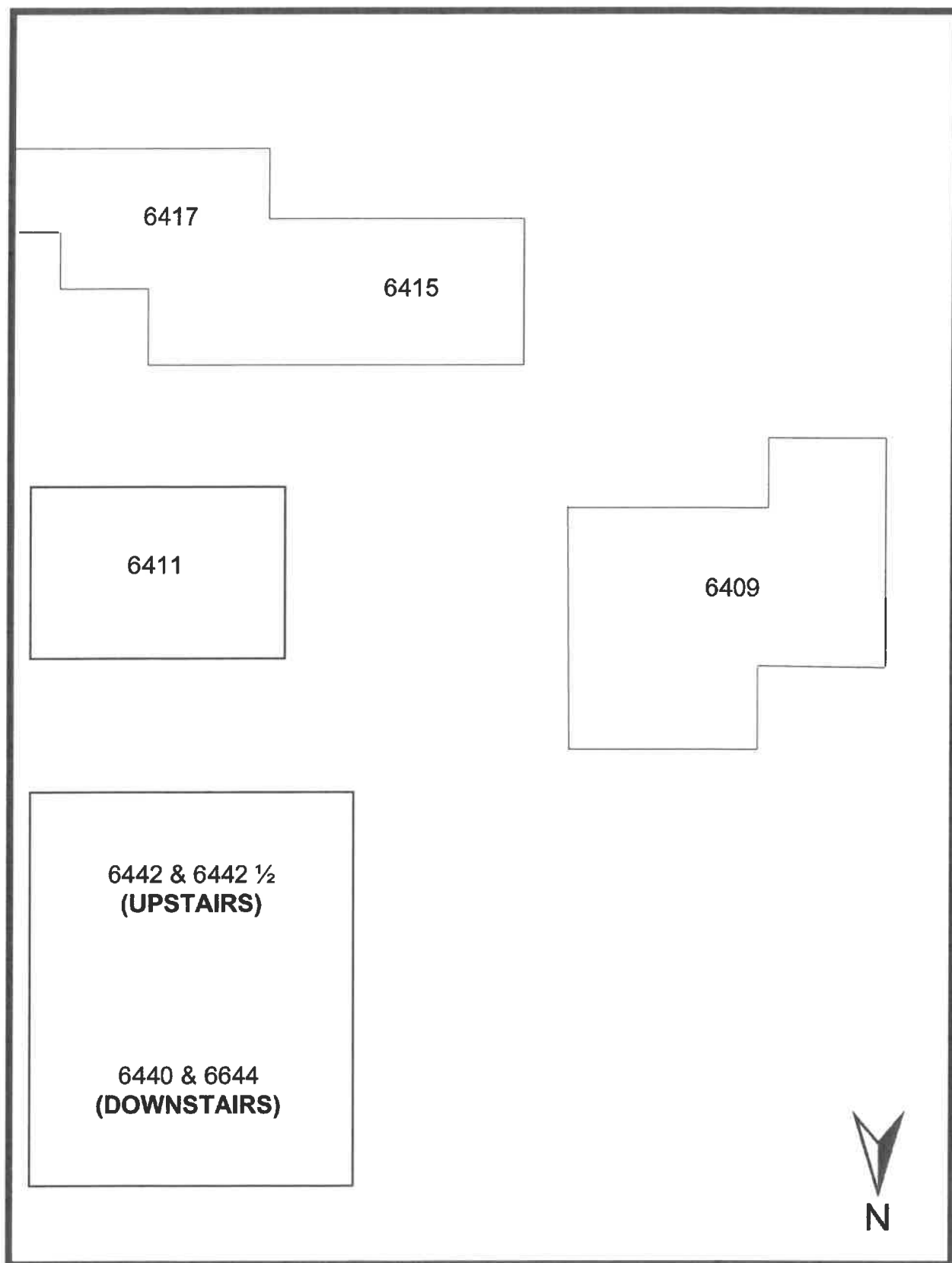
Sincerely,

CITY OF BELL GARDENS

Victor Ornelas  
Code Enforcement Officer



**EMIL AVENUE**



**6640 - 44 GAGE AVENUE**

357 29

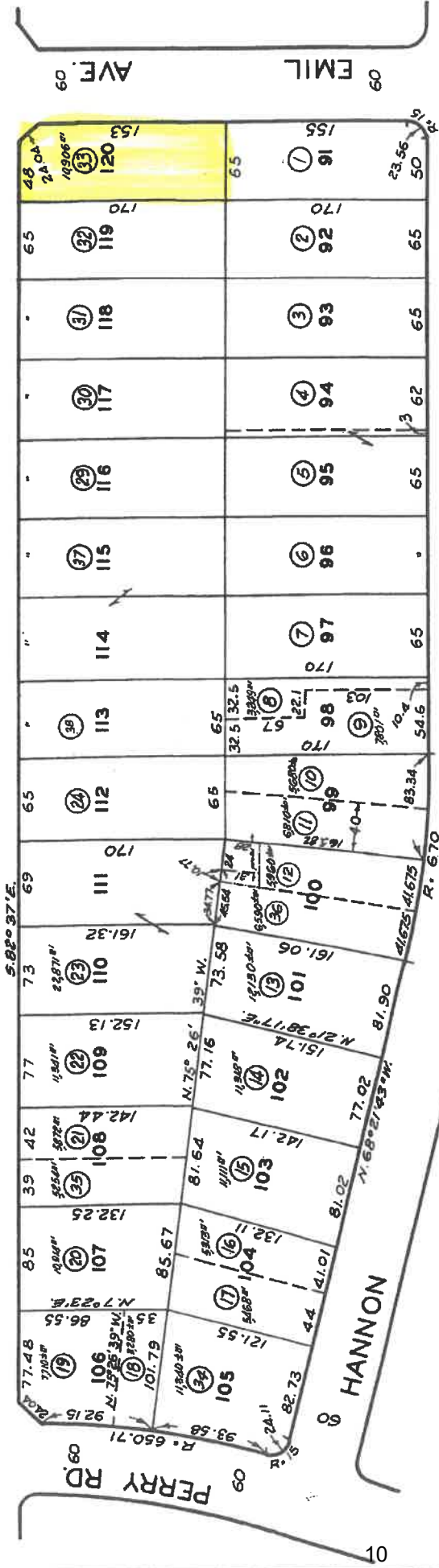
SCALE 1" = 80'

12-7-55  
12-16-57  
9-25-60  
11-28-61

GAGE

AVE.

9



ST.

KRESS  
AVE.

TRACT NO. 11547

M.B. 209-45-46

CODE  
6351

FOR PREV. ASSM'T. SEE 1493-32

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, CALIF.



June 26, 2019

To All Parties pertaining in the subject matter:

**ATTN:** The City of Bell Gardens, Building Supervisor/Inspector George Suarez and Victor Ornelas.

Address served in person and certified mail:

**The City of Bell Gardens and Building Official**  
**7100 Garfield Avenue,**  
**Bell Gardens, California 90201**



***Subject Property: 6640-6644 E. Gage Avenue, Bell Gardens, CA. 90201***

We find your letter to have been a mistake and improperly assessed. We request for you to withdrawal your improper notice dated, June 4th, 2019. We are further objecting to your letter in its entirety and request for a hearing with the Planning Commission and City Council of Bell Gardens regarding this matter.

Furthermore, in your letter you admit to conducting an inspection on our property. This inspection was conducted without our consent or being present, this is trespassing.

It is also stated in your notice you are citing a building code and adding addition verbiage to this code, which is improper.

Your notice further states we did not get permits for the work that was performed when we received the appropriate permits that were required for this property, Please see attachment, {EXHIBIT A}.

Correspondingly, we are surprised by this action you are trying to bring against our property. And to our knowledge, from all the permits we have obtained with the City of Bell Gardens, this property has always been residential and is Zoned R3 (residential zoning). Please see attachment {EXHIBIT B}. Even the water bills provided to us from the city of Bell Gardens states residential service for this address. In your letter we do not agree with your added verbiage to the code regarding permits required.

We would like the city of Bell Gardens to be aware that Delecor Investments, LLC has been a big part of the Bell Gardens community, Helping many people with housing and cleaning up this street ( Emil/Gage). Before we were the owners the city of Bell Gardens was always having to paint this property from the graffiti and vandalism people would do to this property. Leaving trash and the city having to come clean up.

We have improved this property and cleaned up this street and everyone in the community is very happy.

After speaking to our tenants that reside at this property, after we received this improper notice, Our tenants have expressed a great concern from the city building officials stepping on our property, trespassing in legal term, without us the owner giving them verbal or written authorization to do so. In the future, please do not trespass on this property, you are free to make an appointment with us and if appropriate we can show you the property after giving the tenants an appropriate 24 hour notice, but first you must give us a reasonable amount of time to do so.

We would greatly appreciate if you contact us before stepping foot on our property. This notice dated June 4, 2019 is inappropriate and we request for you to remove/ withdrawal this letter and please send us confirmation once you have removed. Otherwise, we will be retaining legal counsel to represent us in this matter and exercise all our rights, as this notice and action from you is improperly brought against us. We consider this improper conduct and harassment and we will not tolerate abuse from the building inspectors. They have been discriminating on this property and other properties we own in the area. This is a breach of there building inspector duties; citing our properties for items that do not require permits.

Once your notice dated, June 4th, 2019 has been withdrawn/ removed please send a confirmation of removal to:

**Delecor Investments**

9309 Parrot Avenue,  
Downey, CALIFORNIA 90240.

Thank you for your prompt and immediately cooperation,  
Best regards,

Delecor Investments, LLC



July 17, 2019

**NOTICE #2**

To All Parties pertaining in the subject matter:

**ATTN:** The City of Bell Gardens, Building Supervisor/inspector George Suarez and Victor Ornelas.

Address served in person and certified mail:

**The City of Bell Gardens and Building Official**  
**7100 Garfield Avenue,**  
**Bell Gardens, California 90201**

Subject Property: 6640-6644 E. Gage Avenue, Bell Gardens, CA. 90201

On June 4th, 2019 your office sent a letter and notice signed by George Suarez. We objected to this letter as it was inappropriate for the following reason, Please see attached **Exhibit A, The City of Bell Gardens** Letter dated June 4, 2019 and **Our response** Letter Dated and certified by City of Bell Gardens on June 26, 2019. In our letter dated June 26th, 2019, we requested a hearing with the Planning Commission and City Council of Bell Gardens regarding this inappropriate action.

Now, on July 11, 2019 another letter was sent ( this letter is dated July 9th, 2019 but on the envelope stamp it was sent on July 11th, 2019) you fail to give us our hearing as requested and continue to harass us. We object to this improper letter signed by Victor Ornelas. **Exhibit B.**

This is our right to prove what you are trying to bring against us is wrongful and misleading. We will not tolerate any kind of harassment as this would be your second letter of harassment.

We request for you to dismiss and withdraw your letters dated June 4, 2019 and July 9, 2019. If you fail to do so, WE are still in our time frame before you can give this inappropriate case to the city prosecutor and you must first give us our hearing with the Planning Commission and City Council of Bell Gardens.

This is your Second Notice to perform, please send us a hearing date as soon as possible to avoid further damages you are causing to us.



Once your letters dated, June 4th, 2019, and July 11, 2019 has been withdrawn/ removed  
please send a confirmation of removal to the address listed below, or if you have a hearing set  
please also send confirmation to the address listed below:

**Delecor Investments**

9309 Parrot Avenue,  
Downey, CALIFORNIA 90240.

*Thank you for your prompt Cooperation,  
Delecor Investments*

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**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 2.

<b>TO:</b>	Planning Commissioners
<b>FROM:</b>	Gustavo Romo, Community Development Director
<b>BY:</b>	Erika Gutierrez, Planning Secretary
<b>SUBJECT:</b>	<b>APPROVAL OF JANUARY 15, 2020 PLANNING COMMISSION MINUTES</b>
<b>DATE:</b>	February 19, 2020

**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:**

None

**ATTACHMENTS:**

Exhibit 1- Minutes of January 15, 2020

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

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

Carmen H. Morales, City Planner

**CITY OF BELL GARDENS  
PLANNING COMMISSION REGULAR MEETING  
WEDNESDAY, JANUARY 15, 2020  
MINUTES**

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

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) 806-7706. Notification 48 business hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

**CALL TO ORDER** – Chairperson Rivera called the meeting to order at 6:00 p.m.

**INVOCATION** – was led by the Community Development Director, Gustavo Romo.

**PLEDGE OF ALLEGIANCE** – was led by Associate Planner, Yalini Siva.

**ROLL CALL OF PLANNING COMMISSIONERS**

Present: Commissioner Flores, Commissioner Villalobos, Vice-Chairperson Ramirez, and Chairperson Rivera

Absent: Commissioner Chavez

Staff Present: Marc Tran, Assistant City Attorney, Gustavo Romo, Community Development Director, Yalini Siva, Associate Planner, Erika Gutierrez, Planning Secretary, and Samantha Lubrani, Translator

Mrs. Gutierrez stated Commissioner Chavez arrived at 6:02 p.m.

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

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

**CONSENT CALENDAR (ITEM NO. 1)**

**1. APPROVAL OF NOVEMBER 20, 2019 PLANNING COMMISSION MINUTES**

Chairperson Rivera asked for a motion on the Minutes of November 20, 2019. A motion was made by Commissioner Villalobos and seconded by Commissioner Chavez to approve the Minutes of November 20, 2019. Motion carried by a vote of 5-0.



## **DISCUSSION ITEM**

### **2. 2019 HOUSING LEGISLATION**

Ms. Veronica Tam gave the presentation regarding the 2019 Housing Legislation.

Chairperson Rivera asked the Commission if there were any comments for staff on the presentation.

Chairperson Rivera asked Ms. Tam what the current medium income was in L.A. County. Ms. Tam indicated that it is adjusted annually and is based on the household size with the medium income being about \$75,000 for a household of 4.

Chairperson Rivera asked Ms. Tam for clarification in reference to Density Bonus projects located within a major transit stop. Ms. Tam indicated that a major transit stop would be defined as a bus stop.

Chairperson Rivera asked Ms. Tam for clarification in reference to the minimum size of an (ADU) Accessory Dwelling Unit. Ms. Tam indicated the minimum size of an ADU that would be allowed would be of 800 square feet.

There was no further discussion. Staff recommended the Planning Commission receive and file this report.

### **3. REQUEST FOR DIRECTION CONCERNING OUTDOOR EQUIPMENT AT WEI-CHUAN U.S.A. INC.**

Ms. Siva gave the presentation on the discussion item pertaining to the outdoor equipment at Wei-Chuan U.S.A. located at 6655 Garfield Ave.

Ms. Siva stated as written in the staff report, it is staff's recommendation that the Planning Commission concur with the Director's Determination to administratively review and take action on the replacement of a 35-foot high existing tower silo (identified as outdoor equipment) with a new 45-foot high tower silo; or alternative actions would be to request that the item be presented to the Planning Commission for action, or request that the item be presented to the Planning Commission for recommendation to the City Council for action.

Commissioner Flores asked if the tower silos were environmentally friendly.

Mr. Romo stated that tower silos are used to store grain and flour but stated the applicant was available to clarify if tower silos were environmentally friendly.

Commissioner Chavez asked staff if there were any downfalls with the proposed 45-foot tower silo. Ms. Siva stated that primarily this item was brought before the Planning

Commission to assess the visibility of the tower silo being that the property backs into a residential area.

Vice-Chairperson Ramirez asked staff if the nearby residents were notified of the proposed tower silo replacement. Mr. Romo stated that the original recommendation was based on the Director's Determination which would be himself, and looked at the additional height of 10' feet not being that much more intrusive than what is already existing, but also being that the property backs into a residential area. Furthermore, Mr. Romo stated for this reason this item was presented before the Planning Commission to ensure the Commission was in agreement with his determination. Lastly, Mr. Romo stated that during the administrative review process, adjacent residents would be receiving a courtesy notice advising them of the proposal to get their feedback.

Vice Chairperson Ramirez asked Mr. Romo if the adjacent neighbors would have the opportunity to oppose this proposal. Mr. Romo indicated that neighbors could present their concerns to the Commission, but knowing that they have lived next to an industrial use, and has been there for many years, staff does not know if they have had a problem with the silo or they may not have a problem at all.

Mr. Scott Swallow applicant for the project approached the podium and was available to answer any questions the Commissioners had.

Chairperson Rivera asked Mr. Swallow what would be stored in the silo. Mr. Swallow indicated all-purpose flour would be stored and also asked why they are proposing that size of silo. Mr. Swallow indicated the reason for this proposed size is to be able to store additional flour in the silo and reduce the number of deliveries.

Mr. Swallow stated in reference to the silo being environmentally friendly, he couldn't really answer that question in respect to silos but indicated he installed the existing silo in the 1980's. Mr. Swallow further stated that the regulations on the new silos, due to current codes, are firmer and requires additional safety built into them. Lastly, Mr. Swallow further indicated that they would be replacing the silo with stainless steel material.

Chairperson Rivera asked staff if this approval could be done quickly.

Commissioner Flores indicated her only concern with the silos are the nitrogen tanks installed within them and are only enclosed by a fence.

Mr. Romo indicated that federal and state law have certain requirements in regards to the location of the silos, and stated that during the plan check process, staff would ensure that the applicant abides by all the requirements.

Mr. Tran also spoke in reference to Commissioner Flores concern and indicated that DOT (Department of Transportation) also does routine checks of their equipment to make sure they are in compliance.

Commissioner Chavez advised staff to take into consideration that when the installation of the silo takes place, added traffic could be created. Commissioner Chavez also asked if security would be on-site 24 hours during the installation. Mr. Romo indicated that, as part of the site plan review, a condition would be added that an oversize transportation permit must be obtained.

Chairperson Rivera asked for a motion on the discussion item pertaining to the outdoor equipment at Wei-Chuan U.S.A. located at 6655 Garfield Ave.

A motion was made by Vice-Chairperson Ramirez and seconded by Commissioner Villalobos to concur with the Director's determination to administratively review and take action on the replacement of 35-foot high existing tower silo (identified as outdoor equipment) with a new 45-foot high tower silo at 6655 Garfield Avenue. Motion carried by a vote of 5-0.

**COMMISSION INFORMATION ITEMS** – Commissioner Chavez wished everyone a Happy New Year and indicated he attended a meeting for the construction of the Ford Park infiltration system project.

**ADJOURNMENT** – Chairperson Rivera moved to adjourn the meeting and was seconded by Commissioner Villalobos at 6:58 p.m.

***RECORDED BY:***

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ERIKA GUTIERREZ, PLANNING SECRETARY



**CITY OF BELL GARDENS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**AGENDA REPORT**

Item 3.

<b>TO:</b>	Planning Commissioners
<b>FROM:</b>	Gustavo Romo, Community Development Director; and Carmen Morales, City Planner
<b>BY:</b>	Yalini Siva, Associate Planner
<b>SUBJECT:</b>	<b>TEMPORARY CANOPY STRUCTURES</b>
<b>DATE:</b>	February 19, 2020

**RECOMMENDATION:**

It is staff's recommendation that the Planning Commission:

1. Direct staff to prepare an ordinance to amend Title 9 of the Bell Gardens Municipal Code (BGMC) related to Sections 9.46.050 (Location of other structures and projections into yards) and Section 16.20.020 (Condition of property) to clarify and further address development standards pertaining to temporary canopy structures in residential, commercial and industrial zones.

**BACKGROUND:**

The Code Enforcement Division of the Community Development Department has been reviewing open code enforcement cases regarding pre-manufactured canopies and has received inquiries and concerns regarding location and maintenance of canopies throughout the City. Residents have expressed specific concerns regarding preventative constrictions in the BGMC regarding temporary canopy structures in residential zones. The BGMC places restrictions on the use and placement of temporary canopy structures in Chapter 9.46 Yard Provisions, Section 9.46.050 and Chapter 16.20 Maintenance of Property, Section 16.20.020. The restrictions under these two sections have caused confusion among City staff and residents regarding what is permissible and the enforcement standards that apply, since they appear to conflict with one another.

**PROJECT/SITE DESCRIPTION:**

Section 9.46.050(C) of Title 9 of the BGMC (Refer to Exhibit 1) does not allow "pre-manufactured canopies" in the front yard of any property. The front yard setback area refers to the first fifteen feet (15') of a property, starting at a property line on a residentially zoned lot and first five feet (5') on properties zoned commercial and industrial. Temporary canopies are not to be located in this front setback area but may be located in the rear and side yard setback areas of a property.

Section 16.20.020(A)(16) of Title 16 of the BGMC, Exhibit 2, allows the Code Enforcement Division to issue Notices of Violation for properties that have erected "unsightly structures or coverings, viewable from a public-right-of-way".

The code sections mentioned above are conflicting where Title 9 allows pre-manufactured canopies to be located anywhere on a property, except for the front yard area. Title 16, however, allows staff to enforce maintenance rules that prohibit canopies, tarps, etc. from being visible from

a street, regardless of their location, which may include rear or side yards.

Exhibit 3, City Canopy Survey Matrix, provides information regarding temporary canopy structures in other cities throughout Los Angeles County. The survey identifies locations on a property a temporary canopy may or may not be placed, what purpose a canopy may or may not be used for, regulations regarding the size and height of canopies, how a canopy should be maintained and whether or not there is a time frame for temporary canopy structure since they are not intended to be permanent structures.

**CONCLUSION:**

Based on the current regulations pertaining to temporary canopy structures, it is challenging for residents to have a clear understanding of what they can and cannot erect on their property. It also makes it difficult for staff to enforce the provisions contained in the Code. Therefore, staff recommends that these code sections be amended according to the direction provided by the Planning Commission with regard to these types of structures. A slide presentation will be provided at the meeting to illustrate the structure types and locations permitted and prohibited within the City as well as surrounding communities.

**FISCAL IMPACT:**

No impact.

**ATTACHMENTS:**

Exhibit 1 – Bell Gardens Municipal Code Section 9.46.050(C)

Exhibit 2 – Bell Gardens Municipal Code Section 16.20.020(A)

Exhibit 3 – Cities Canopy Survey Matrix

**APPROVED ELECTRONICALLY BY:**

Gustavo Romo, Director of Community Development

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

Carmen H. Morales, City Planner

## **Chapter 9.46 YARD PROVISIONS**

### Sections:

9.46.010 Specialized front yard requirements.

9.46.020 Specialized side yard requirements.

9.46.030 Specialized rear yard requirements.

9.46.040 Location of accessory buildings in residential yards.

### **9.46.050 Location of other structures and projections into yards.**

9.46.060 Special setback or building lines.

9.46.070 Property adjoining a street or highway.

9.46.080 Corner cut-offs.

9.46.090 Underwidth streets.

9.46.100 Use of yards.

9.46.110 Modification of yard requirements.

### **9.46.050 Location of other structures and projections into yards.**

A. In addition to accessory buildings permitted by BGMC 9.46.040, Location of accessory buildings in residential yards, the following structures may be erected or projected into any required yard of any zone:

1. Fences and walls as provided in Chapter 9.32 BGMC.
2. Signs as provided in Chapter 9.40 BGMC.
3. Landscape elements including trees, shrubs, and other plants.

B. The following projections may extend into a required front or rear yard a distance not to exceed six feet, provided such projections do not approach within two and one-half feet of any front, side or rear property line:

1. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.
2. Fireplace structures and bays, not wider than eight feet measured in the general direction of the wall of which it is a part, provided said fireplace or bay does not project more than three

feet into any required front or rear yard setback.

3. Open and unclosed fire escapes, balconies, stairways and door stoops.

4. Awnings.

5. Planting boxes or masonry planters, not to exceed a height of 42 inches.

C. The following improvements shall not be permitted in the front yard of any property:

1. Pools and spas;

2. Pre-manufactured canopies/carports and storage sheds;

3. Mechanical equipment; and

4. Any other improvement determined by the community development director to be detrimental to the aesthetics of the neighborhood.

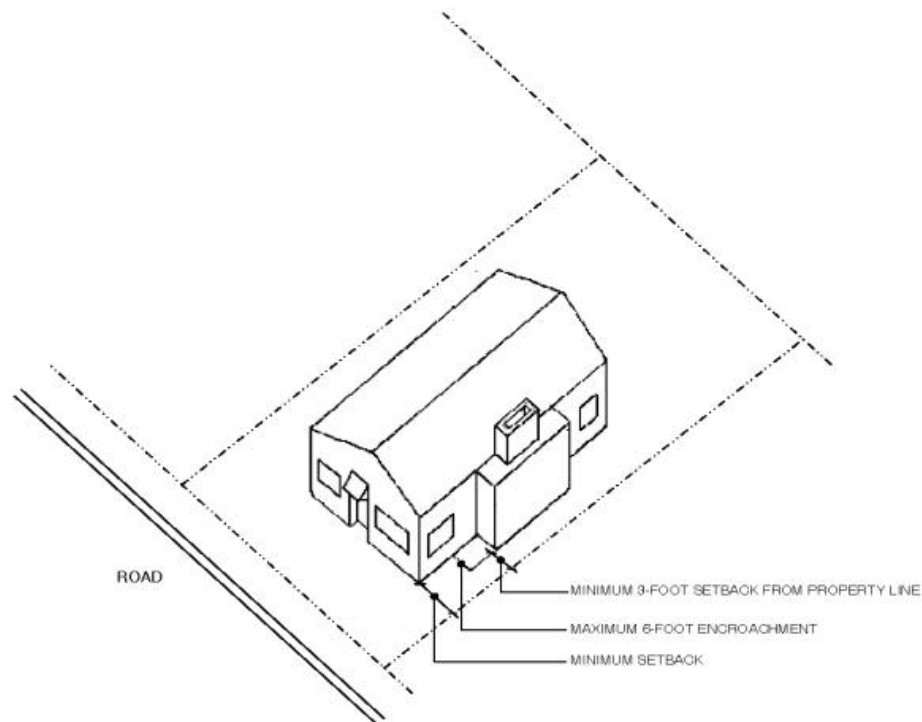


FIGURE 9.46  
Illustration of Projection into Setback Area

(Ord. 806 § 1, 2007).





**Chapter 16.20  
MAINTENANCE OF PROPERTY\***

Sections:

16.20.010 Enforcement officers.

**16.20.020 Condition of property.**

16.20.030 Notice of violation – Remedies.

16.20.040 Penalty for violation.

\* Prior legislation: Prior code § 4262.

**16.20.020 Condition of property.**

A. No person who owns, occupies, leases, rents, manages, or otherwise controls and/or possesses any real property shall allow, cause, create, suffer, maintain or permit to exist on any part of the real property any of the following conditions:

1. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, causes or tends to cause unsightly and/or unsafe property erosion or subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare, or to adjacent properties;

2. Overgrown vegetation, weeds, or dead, decayed or diseased trees or other vegetation which constitute an unsightly appearance, or which are dangerous to public safety or welfare, or which are detrimental to nearby property or property values.

a. "Overgrown vegetation" includes, but is not limited to, any one of the following: (i) vegetation likely to harbor, or promote the presence of, rats, vermin and/or insects; (ii) vegetation causing or tending to cause detriment to neighboring properties, or that is out of conformity with neighboring community standards to such an extent as to result in, or contribute to, a diminution of property values, including, but not limited to: (A) lawns with grass in excess of six inches; (B) hedges, trees, or other plant material that are not maintained in a neat, orderly, and healthy manner as a result of lack of adequate mowing, grooming, trimming, pruning, and/or watering; (iii) vegetation that creates, or promotes, the existence of a fire hazard; (iv) vegetation that overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right-of-way, so as to cause an obstruction to any person or vehicle using such public property; or (v) tree branches or other vegetation within five feet of the

rooftop of a structure so as to facilitate rodent or animal access thereto.

b. For purposes of this subsection, the term “weeds” is defined pursuant to Section 39561.5 of the California Government Code.

c. “Dead, decayed or diseased trees or other vegetation” includes dry or dead ground cover or other vegetation, or the absence of healthful vegetation, that causes, contributes to, or promotes, any one of the following conditions or consequences: (i) the creation or promotion of dust or soil erosion; (ii) a fire hazard; (iii) a diminution in property values; or (iv) a detriment to public health, safety or welfare;

3. Storage or accumulation of debris, rubbish and trash visible from the public right-of-way for a period of more than 24 hours;

4. Storage or accumulation of broken, discarded or inoperable household furnishings, appliances, tools or machinery, play equipment or other similar items when visible from the public right-of-way;

5. Materials or items of any kind stored on rooftops when visible from the public right-of-way or from neighboring properties;

6. Clothes lines in front yard areas, or clothing, laundry or merchandise draped over walls or fences;

7. Garbage or trash cans or containers, and yard waste and recycling containers (a) stored in front or side-yard areas which are visible from the public right-of-way, except at times that solid, yard waste, or recyclables are scheduled for collection by the city or its permitted collector(s) or (b) emitting offensive odors to adjacent properties;

8. Fences or walls which are unsightly, unsafe, in a state of disrepair or which hinder or obstruct access to public sidewalks;

9. Attractive nuisances, including, but not limited to, unsecured and/or hazardous pools, ponds, excavations, refrigerators, washing machines, clothes dryers, or stoves;

10. On-site and off-site signs, as those terms are defined in BGMC 9.40.020, which advertise uses no longer conducted, or products no longer sold, if such signs are not removed within the time prescribed by Chapter 9.40 BGMC;

11. Temporary signs, including temporary “banner signs” and “real estate signs” as defined in BGMC 9.40.020, not removed within the time prescribed by Chapter 9.40 BGMC;

12. Abandoned, wrecked, dismantled or inoperative automobiles, trailers, campers, boats or similar vehicles, unless kept, placed, parked or stored within a completely enclosed, lawfully

constructed structure. "Inoperative automobiles or vehicles" shall mean and include, without limitation, any vehicle that is immobilized or mechanically incapable of being driven on a highway. Factors that may be used to determine this condition include, without limitation, vehicles that have a "nonoperational" status with the California Department of Motor Vehicles, or that are lacking a current and valid registration, a working engine, transmission, wheels, inflated tires, doors, windshield or any other part of equipment necessary for its legal and safe operation on a highway or any other public right-of-way;

13. Parking of motor vehicles on unpaved portions of the property, or on areas not in conformance with the Bell Gardens zoning ordinance, within view of the public right-of-way;

14. Swimming pools maintained or operated in such a manner that are likely to harbor mosquitoes, insects or other vectors. The likelihood of insect harborage is evidenced by any of the following conditions: water which is unclear, murky, clouded or green; water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or, bodies of water which are abandoned, neglected, unfiltered or otherwise improperly maintained;

15. Displaying of merchandise items "for sale" outside an approved establishment;

16. Erecting an unsightly structure or covering, viewable from a public right-of-way;

17. Causing, permitting, aiding, abetting or suffering any graffiti (including defacement due to any writing, inscription, figure, scratches, or other markings) that is visible from any real property, public street, sidewalk, alley or other public right-of-way or other area open to the public to remain on: any building or structure exteriors, or portions thereof; walls; fences; trees; driveways; walkways; or any vehicle owned, possessed, or within the custody or control of such person. (Ord. 876 § 2, 2016; Ord. 763 § 1, 2002; Ord. 704 § 1, 1998).

City	Location	Use	Size	Maintenance	Timeframe
Bell Gardens	Not Permitted in Front yard.	N/A	N/A	N/A	N/A
Baldwin Park	Not permitted within the view of public-right-away.	N/A	Max. 200sf, & 8ft in height.	Shall be maintained in good condition.	72 hours
Costa Mesa	Not permitted within the view of public-right-away. Shall be screened.	N/A	N/A	Shall be maintained in good condition.	N/A
Downey	Only permitted in the rear of the main building.	N/A	Max. 120 sf, & 7ft in height.	N/A	N/A
Hawaiian Gardens	Not permitted in the front yard. Permitted in the side & rear with a 3ft setback.	May be used for parking or temporary events.	Max. 180sf, & 10ft in height.	Shall be maintained in good condition.	Temporary event canopies: 48 Hours
Long Beach	Not permitted in driveway, front, side, or rear yard.	May not be used for parking	N/A	Shall be maintained in a manner that is not defective, unsightly or in a condition of deterioration.	180 Days
Lynwood	Not permitted in driveways, front yard setback areas or side yard setback areas.	May not be used for parking or storage.	Max. 150sf, & 7ft in height.	N/A	72 hours
Monterey Park	Only permitted in the side or at the rear of a residential unit.	N/A	Max. 240sf, & 15ft in height.	Properly maintained to present a neat and orderly appearance.	N/A