

AGENDA

**REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF BELL GARDENS
CITY COUNCIL CHAMBERS, 7100 GARFIELD AVENUE
BELL GARDENS, CALIFORNIA**

**WEDNESDAY, December 20, 2017
6:00 P.M.**

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.

COMPLETE AGENDA PACKETS ARE AVAILABLE FOR PUBLIC INSPECTION AT THE FOLLOWING LOCATIONS: City Hall, Ross Hall Auditorium, Police Department, and Public Works Department

PLANNING COMMISSION

Tony Rivera
Chairperson

Bartolome Carrillo
Vice- Chairperson

Jose Hernandez
Commissioner

Andrew Leon
Commissioner

CITY STAFF

Abel Avalos
Director of Community
Development

John W. Lam
Assistant City Attorney

Carmen Morales
City Planner

Elizabeth Jimenez
Senior Secretary

Hailes Soto
Associate Planner

I. OPENING CEREMONIES

- 1) Call to Order
- 2) Invocation
- 3) Pledge of Allegiance

II. ROLL CALL

III. APPROVAL OF MINUTES

November 15, 2017

IV. PUBLIC COMMENT

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 matter may appear as an item on a forthcoming agenda.

V. PUBLIC HEARING- CONTINUED ITEM

A. Planning Commission

- 1. **Zoning Code Amendment No. 2017-060 – Ordinance No. 884
Commercial Building Setbacks
(File No. 2017-060)**

Recommendation: Staff is requesting that the Commission continue the public hearing on this item until further notice. Staff will advertise a new public hearing notice once the analysis for the item is completed and a Planning Commission meeting date has been identified.

- 2. **Winchell’s Donut House
Site Plan Review No. 2017-076 and Variance No. 2017-076
8001 Eastern Avenue
(File No. 2017-076)**

Recommendation: It is staff’s recommendation that the Planning Commission adopt Planning Commission Resolution #PC 2017-11 approving:

- 1. Site Plan Review No. 2017-076 allowing the demolition of an existing 1,014 square foot tire shop to be replaced with a new 1,900 square foot Winchell’s Donut House at 8001 Eastern Avenue, Bell Gardens; and

2. Variance No. 2017-076 to allow the proposed 1,900 square foot Winchell's Donut House building to encroach 1'-8" of the required 10'-0" street side yard setback on the north property line fronting Jaboneria Road.

3. **Zoning Code Amendment No. 2017-086 – Ordinance No. 2017-087
Residential Planning Development District
(File No. 2017-086)**

Recommendation: It is recommended that the Planning Commission adopt Resolution #PC 2017-10 recommending the following actions to the City Council:

1. Approval of Zoning Code Amendment No. 2017-086 and adoption of Ordinance No. 887 amending the Bell Gardens Municipal Code Title 9, Zoning and Planning Regulations (Zoning Code) as follows:
 - a. Chapter 9.18, "Overlay Districts," Section 9.18.040, "Development Standards," (D) 'Residential Planned Development District Standards,' to revise certain existing RPDD development standards and to add new development standards in order to provide flexibility and innovation in the design of a residential planned development. (Zoning Code Amendment 2017-086).

Substandard Properties – None

VI. DISCUSSION ITEMS

VII. STAFF COMMENTS

VIII. COMMISSIONER COMMENTS

ADJOURNMENT

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

Wednesday, November 15, 2017

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.

City Planner, Carmen Morales led the Pledge of Allegiance.

ROLL CALL

Present: Commissioner Hernandez, Commissioner Leon, Vice-Chairperson Carrillo and Chairperson Rivera.

Absent: None

Staff Present: Abel Avalos, Director of Community Development, John W. Lam, Assistant City Attorney, Carmen H. Morales, City Planner, Erika Gutierrez, Planning Secretary and Samantha Lubrani, Translator

APPROVAL OF MINUTES

Chairperson Rivera asked for a motion on the minutes of September 20, 2017. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the minutes of September 20, 2017. 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. Zoning Code Amendment No. 2017-060 – Ordinance No. 884
Commercial Building Setbacks
(File No. 2017-060)**

Ms. Morales stated that it was requested the Commission continue the public hearing on this item to the next regularly scheduled meeting on Wednesday, December 20, 2017 to allow staff additional time to finalize the analysis requested by the Planning Commission on September 20, 2017.

With no questions from the Commission, Chairperson Rivera asked for a motion on this item.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to continue the public hearing item to the next regularly scheduled meeting. Motion carried by a 4-0.

**2. Zoning Code Amendment No. 2017-043 – Ordinance No. 886
Electronic Billboard Overlay Display
(File No. 2017-043)**

Mr. Avalos gave the presentation on Zoning Code Amendment No. 2017-043 – Ordinance No. 886.

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

Mr. Scott Sheldon representative of Terra Realty Advisors approached the podium stating that they are the Planning Consultants assisting the City in crafting this ordinance, as well as in any future digital sign projects in the City.

Chairperson Rivera asked Mr. Sheldon how much revenue the City could expect to receive with these types of electronic display signs. Mr. Sheldon stated it all depends on the exposure and quality of the traffic in the designated area where the sign would be located, but it would be somewhere in the hundred thousand dollar range. Chairperson Rivera stated he would like to make sure the City receives the maximum amount of revenue.

Chairperson Rivera asked Mr. Sheldon about the safety of these types of signs in terms of the illumination. Mr. Sheldon stated that the maximum brightness levels allowed cannot exceed 0.3 foot candles above ambient light measured by a foot candle meter. He further explained that in this case is the safety factor to regulate the lighting of these types of signs to ensure they are not distracting nor will cause a glare or safety problem. Mr. Sheldon also stated that there is no flashing allowed with these types of signs.

Mr. Sheldon advised the Commission that as part of the lease agreement with sign companies, they must participate in the Amber Alert program and any kind of emergency or natural disaster by automatically advertising the information. Also, if space is available the City would get public service announcements at no cost.

Chairperson Rivera asked Mr. Sheldon if the City would have any liability with the signs or would the liability lie on the sign companies. Mr. Sheldon stated that the City would be leasing a particular piece of the land to the sign company in which the sign company would be liable for property taxes, utilities and maintenance as well as generating revenue, which they would obtain by selling a certain amount of ads per year.

Commissioner Leon asked Mr. Sheldon with these electronic display signs in place, could there be an option to eliminate non-illuminated signs. Mr. Sheldon stated by doing this, it would create an economic impact due to the fact that one source of revenue would be removed to potentially create another one which sign companies would have to take into account the cost factor to see if it would be beneficial or not.

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

With no one wishing to speak and no further comments, Chairperson Rivera closed the public hearing item and asked for a motion on this item.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve Zoning Code Amendment No. 2017-043 – Ordinance No. 886. Motion carried by a 4-0.

B. Substandard Properties – None

DISCUSSION ITEMS

- 1. Extension of Site Plan Review No. 2016-043
Automobile General Repair Building
8110 Eastern Avenue
(File No. 2016-043)**

Mr. Soto gave the presentation on the Extension of Site Plan Review No. 2016-043.

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

With no questions from the Commission, Chairperson Rivera asked for a motion on this item.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the extension of Site Plan Review No. 2016-043. Motion carried by a 4-0.

STAFF INFORMATION ITEMS

Planning Commission Meeting December 20, 2017.

Ms. Morales advised the Commission that the next Planning Commission meeting was schedule on Wednesday, December 20, 2017, a week before Christmas. Ms. Morales confirmed the Commissioners attendance in order to ensure a quorum for the meeting.

COMMISSION INFORMATION ITEMS – None

ADJOURNMENT

Chairperson Rivera made a motion to adjourn the meeting at 6:53 p.m.

RECORDED BY:

ERIKA GUTIERREZ, PLANNING SECRETARY



CITY OF BELL GARDENS
COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA REPORT

TO: Planning Commissioners

FROM: Abel Avalos, Director of Community Development *AA*

BY: Carmen H. Morales, City Planner *CM*

SUBJECT: Zoning Code Amendment No. 2017-060 - Ordinance No. 884
Commercial Building Setbacks
(File No. 2017-060)

DATE: December 20, 2017

Staff is requesting that the Commission continue the public hearing on this item until further notice. Staff will advertise a new public hearing notice once the analysis for the item is completed and a Planning Commission meeting date has been identified.

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**CITY OF BELL GARDENS
COMMUNITY DEVELOPMENT DEPARTMENT**

AGENDA REPORT

TO: Planning Commissioners

FROM: Abel Avalos, Director of Community Development
Carmen H. Morales, City Planner *AM.*

BY: Hailes H. Soto, Associate Planner *H.S.*

SUBJECT: Winchell's Donut House
Site Plan Review No. 2017-076 and Variance No. 2017-076
8001 Eastern Avenue, Bell Gardens (File No. 2017-076)

DATE: December 20, 2017

RECOMMENDATION:

It is staff's recommendation that the Planning Commission adopt Planning Commission Resolution #PC 2017-11 (Exhibit A) approving:

1. Site Plan Review No. 2017-076 allowing the demolition of an existing 1,014 square foot tire shop to be replaced with a new 1,900 square foot Winchell's Donut House ("Project") at 8001 Eastern Avenue, Bell Gardens ("Subject Site"); and
2. Variance No. 2017-076 to allow the proposed 1,900 square foot Winchell's Donut House building to encroach 1'-8" of the required 10'-0" street side yard setback on the north property line fronting Jaboneria Road.

SITE DESCRIPTION:

The property located on the southwest corner of Eastern Avenue and Jaboneria Road at 8001 Eastern Avenue (APN 6227-028-001) is currently zoned C-M (Commercial Manufacturing), with a General Plan Land Use Designation of "General Commercial" (Exhibit B). The Subject Site is irregularly shaped and is approximately 10,790 square feet in area and the site is currently developed with an unoccupied tire shop (Exhibit C).

Surrounding properties are zoned as follows:

Table No. 1. Surrounding Land Uses

(See Table No. 1 on the next page)

North	
Zone	C-M (Commercial Manufacturing)
General Plan	Mixed Use (Commercial / Residential)
Use	Jaboneria Road, liquor store and multi-family residential

East	
Zone	C-M (Commercial Manufacturing)
General Plan	General Commercial
Use	Eastern Avenue, gas station and multi-family residential

South	
Zone	C-M (Commercial Manufacturing)
General Plan	General Commercial
Use	Parking lot and retail store

West	
Zone	R-3 (High Density Residential)
General Plan	High Density Residential
Use	Public alley and single-family residential

PROJECT DESCRIPTION:

The architect and applicant, John G. Deenihan of LR/Architecture on behalf of the Yum Yum Donut Shops, Inc. proposes to construct a new one-story 1,900 square foot Winchell’s Donut House building at 8001 Eastern Avenue. As part of the request, the Applicant is proposing for the new building to encroach 1’-8” of the required 10’-0” street side yard setback along the north property line fronting Jaboneria Road. The proposed Project will also include a new paved parking lot area with ten parking spaces, new landscaping along Eastern Avenue and Jaboneria Road, a new block wall along the south property line, a trash enclosure structure, and reconfigured driveway entrances on Eastern Avenue and Jaboneria Road.

ANALYSIS:

In reviewing the Applicant’s request for Site Plan Review No. 2017-076 and Variance No. 2017-076, staff has conducted a thorough analysis of this matter and associated components which are set forth below.

Site Plan Review

Pursuant to Chapter 9.58 of the Bell Gardens Municipal Code (“BGMC”), a Site Plan Review is established to provide a visual and factual document that may be used to determine and control the physical layout, design or use of a lot or parcel of land, buildings or structures. A site plan is required to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in the BGMC or as prescribed by the Planning Commission.

Although all the issues to be considered under Site Plan Review No. 2017-076 are closely related to each other, to facilitate the analysis of the Project, the Applicant’s request will be analyzed under four major components: (1) Site Layout and Landscaping; (2) Floor Layout; (3) Traffic and Circulation; and (4) Architecture.

- Site Layout and Landscaping

The Subject Site consists of an irregularly shaped parcel with a flat topography and a total lot area of 10,790 square feet. The Subject Site is approximately 117 feet wide along the East property line fronting Eastern Avenue and 28.2 feet wide along the

West property line fronting the public alley. The Subject Site is 157.45 feet long along the North property line fronting Jaboneria Road and 150 long along the South property line. The proposed building will be located five feet from the East property line fronting Eastern Avenue and 8'-4" from the North property line fronting Jaboneria Road (Exhibit D). Both pedestrian and vehicular access to the Subject Site is located along Eastern Avenue and a secondary access will be gained from Jaboneria Road.

The BGMC requires a minimum of five percent of the Subject Site to be landscaped. Based on the aforementioned, a minimum of 539.5 square feet (10,790 sq. ft. x 5% = 539.5 sq. ft.) of landscaping area needs to be provided. The Applicant is proposing to provide a total of 2,223 square feet of landscape area which is approximately 20.6%. The Project fronts Eastern Avenue and will include a five foot wide landscape planter within the front yard setback. In addition, an 8'-4" wide landscape planter within the street side yard setback fronting Jaboneria Road will also be landscaped to meet the development standards for the C-M Zone. The Applicant's landscape and irrigation plan will be reviewed and approved under a separate permit and will be subject to drought resistant landscaping standards. A trash enclosure structure is also proposed on the southwest corner of the Subject Site.

- Floor Layout

The proposed building will contain 1,900 square feet that will consist of a dining area, service counter, a single ADA accessible restroom, kitchen, preparation area, staging area, office, preparation area, janitor area and entrance area (Exhibit E).

- Traffic and Circulation

The proposed paved parking lot area will accommodate a total of five parking spaces, including one American with Disabilities Act (ADA) accessible parking space. The ADA parking space will be located in front of the new building by Eastern Avenue. The remaining nine parking spaces will also be located in front of the new building between Eastern Avenue and the public alley.

Both public and vehicular access to the Subject Site is currently located on Eastern Avenue, Jaboneria Road and the public alley. The Applicant proposes to relocate the existing driveway approach located off Eastern Avenue by shifting it south to align with the drive aisle. The Applicant also proposes to relocate the existing driveway approach located off Jaboneria Road by shifting it east to also align with the drive aisle.

Staff at the City Engineers Office has indicated the proposed improvements place a driveway on Jaboneria Road, in-close proximity to the existing alley entrance. The Project site is also, cross corners from Bell Gardens Elementary School. The concern is peak hour traffic impacts with the proposed driveway on Jaboneria Road along with the school area traffic and its close proximity to the signalized intersection of Jaboneria Road and Eastern Avenue. It is foreseen, delays will occur with the southbound traffic on Jaboneria Road trying to enter the site driveway during peak hours.

Therefore, the City Engineers Office is requiring that the Applicant prepare and provide a Traffic Impact Study. The study must include circulation impacts for this

Project along with the additional traffic from the future development of a 48 unit residential condominium development on the vacant site located at 8000 Bell Gardens Avenue, west of Bell Gardens Elementary School to the City Traffic Engineer for review and approvals prior to issuance of building permits. The City Engineers Office also indicated that the Applicant will be required to construct the proposed mitigation measures determined by the Traffic Impact Study prior to building occupancy.

- Architecture

The construction of the irregularly-shaped, five-sided, one-story, commercial building has been designed in a contemporary style with a mixture of different colors, metal reveals and stone veneer material on the north, south, east, and west elevations of the building. The building will have a parapet roof that will hide any roof equipment proposed by the Applicant (Exhibit F). The roof drainage system will be integrated into the walls of the building so that there are no visible downspouts. The entrance to the building will be on the south elevation of the building and will be enhanced with a tower like element. The north, south and east elevations of the building will also feature a modern canopy and storefront windows that give the building a modern design to help accentuate the building (Exhibit G).

Variance

Pursuant to Chapter 9.50 of the Bell Gardens Municipal Code, the Variance procedure provides some flexibility in the application of development standards when special circumstances exist pertaining to the size, shape, topography, or location of a site which deprives the property of privileges enjoyed by other properties in the vicinity and in the same zoning district. Variances are intended to resolve practical difficulties caused by the physical characteristics of the property and are not intended to constitute a granting of special privileges. Variances may not be granted to allow uses not otherwise permitted in a zone, nor to allow exceptions to density standards, as such authority is precluded by State law. The Planning Commission may grant Variances from the development standards of the Bell Gardens Municipal Code pertaining to the regulations of site features such as parking, landscaping, setbacks, walls, building height, signs, open space, lot coverage and site area.

As previously discussed, the Applicant is proposing to demolish the existing unoccupied tire shop structure on the property and replace it with a new 1,900 square foot Winchell's Donut House building. The new building will encroach 1'-8" of the required 10'-0" street side yard setback on the north property line fronting Jaboneria Road. The proposed one-story Winchell's Donut House building will be designed with an unconventional building footprint. To optimize the location of the Winchell's Donut House building, the Applicant has proposed to construct the new building up to 8'-4" away from the north property line along Jaboneria Road. Bell Gardens Municipal Code Section 9.12.040 (Commercial Development Standards) requires that the minimum setback for any building shall not be less than 10 feet from the street side yard property line. The proposed building footprint is 1,900 square feet and approximately 80 square feet will encroach into the required setback area. Therefore, approximately 4.2% of the proposed building footprint will only encroach into the required setback. If the proposed building was to be setback 10 feet from the street side yard property line, then the building would be closer to the south property which would hinder adequate parking configuration on the Project Site.

Staff supports granting approval of Variance No. 2017-076 based on the fact that the Subject Site is an irregular shaped parcel of land. Additionally, the improvements proposed on the Subject Site, along with staff's recommendations, will facilitate on-site and off-site vehicular and pedestrian traffic circulation and will minimize any potential traffic impacts on Eastern Avenue and Jaboneria Road. Site Plan Review No. 2017-076 and Variance No. 2017-076 must both be approved by the Planning Commission since the Site Plan Review can only be in full compliance with all of the provisions of the Bell Gardens Municipal Code if the Variance is approved to allow the deviation from one subsection of BGMC Section 9.12.040.

FINDINGS:

Approval or disapproval of any Site Plan shall be used upon the following findings and principles and set forth in Section 9.58.060 of the BGMC:

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

Finding: The Zoning Designation on the Subject Site is C-M (Commercial Manufacturing) with the General Plan Land Use Designation of General Commercial. Pursuant to the provisions contained in Chapter 9.12 – Commercial Zones, “restaurants... and other eating establishments” are a permitted use in the C-M zoning designation as long as the development standards, pertaining to the establishment and operation of uses in this particular zoning designation, including providing the required number of parking spaces under Chapter 9.38 – Parking and Loading (Off-Street), are met. The Project meets the minimum parking requirements at the Subject Site. In addition, the Bell Gardens Municipal Code sets development standards to protect the public safety and mitigate potential adverse impacts on adjacent uses. The proposed doughnut shop will be constructed in compliance with the development standards specified in the BGMC. Thus, every use, development of land and application of development standards will take place in compliance with all applicable provisions of Title 9 of the Bell Gardens Municipal Code.

- 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.**

Finding: The development and uses of the new Winchell's Donut House building will be consistent with the C-M zone. The Applicant is proposing to construct a 1,900 square foot doughnut shop, which is a permitted use for a property that is on Eastern Avenue in a C-M zoned property. The location of the building in relationship to traffic flow to and from the site will not obstruct on-site pedestrians and vehicular traffic, as well as expected vehicular traffic on nearby public streets and sidewalks. The construction and use of the proposed structure will not be a detriment to the public health, safety and welfare because the Subject Site will now contain a total of ten parking spaces, which have been configured to minimize impacts to the nearby uses. Thus, every use, development of land, and application of development standards have been considered on the basis of the suitability of this site for the particular uses and development intended.

- 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.

Finding: The proposed use conforms to the current General Plan Land Use Designation for the Subject Site which is General Commercial. The General Commercial Land Use Designation encompasses the commercial corridor of the City along Eastern and Florence Avenues. Therefore, the development of the proposed structure represents an addition to an already existing major commercial corridor in Bell Gardens and therefore does not adversely impact neighboring properties or the public health, safety and general welfare of the surrounding community. The Project has been designed to ensure proper on-site and off-site circulation. Vehicular access to the Subject Site is gained off one driveway approach along Eastern Avenue and another driveway approach on Jaboneria Road. The new doughnut shop is proposed to infill an existing unoccupied commercial site, and will provide a new parking lot with ten parking stalls. The development including the application of prescribed development standards, is arranged to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and in general accordance with all elements of the General Plan.

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.

Finding: The proposed doughnut shop will be in compliance with all applicable development standards, including setbacks with the use of a Variance, building height, lot coverage, and parking requirements as specified in the BGMC. Furthermore, the use of the Project is consistent with the provisions of the C-M zoning designation. The Project will meet all applicable development standards, but the commercial location on Eastern Avenue is a suitable location for a doughnut shop such as the one proposed. The exterior treatment of the proposed doughnut shop building will enhance the architectural design of the commercial corridor along Eastern Avenue.

Variance No. 2017-076

Additionally, Bell Gardens Municipal Code Section 9.50.060 requires that before approving a Variance, the Planning Commission shall make the following findings:

1. That the Variance is necessary for the preservation of a substantial property right of the owners, and that such variance will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity thereof;

Finding: The requested Variance is necessary for the development of the new Winchell's Donut House building. The property is zoned C-M (Commercial/ Manufacturing) which permits restaurant type land uses such as the one proposed by the Applicant. Surrounding properties are also zoned C-M and R-3 and are developed with commercial and residential uses. The proposed Project will be constructed in compliance with all applicable development standards with the

exception of the proposed 1,900 square foot Winchell's Donut House building which will be constructed with an 8'-4" setback on the north property line. If the requested Variance is not approved, the potential for the construction of a restaurant type use on the Subject Site is reduced, and the property will most likely remain the same.

- 2. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, in which the strict application of this title deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification;**

Finding: The strict application of the Zoning Code to the property would constrain development of a functional commercial building likely causing the property to remain the same, thereby depriving the property owner of the same privileges enjoyed by other properties in the City and under similar commercial zoning.

- 3. That the Variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;**

Finding: The granting of a Variance for the proposed Project will allow the development of a Winchell's Donut House building which is a use principally permitted for the Subject Site pursuant to the Bell Gardens Zoning Code. The granting of the Variance will allow the development of a new eating establishment that is similar to other commercial uses in the City with similar zoning designations and will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the Subject Site is located.

- 4. That the Variance shall not be granted for a parcel or property that authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property; and**

Finding: The Bell Gardens Zoning Code designates the Subject Site C-M (Commercial/Manufacturing) which principally permits "restaurants, catering services, and other eating establishments, without live entertainment, alcoholic sales, and/or drive-through services." The proposed doughnut shop is a commercial use permitted on the Subject Site that will not constitute a use or activity which is not otherwise authorized by the zoning district.

- 5. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title; and in granting such variance, the spirit of this title will be observed, public safety will be secured, and substantial justice will be done.**

Finding: Carrying out the strict letter of the Zoning Code requirements for the development of the proposed commercial building will result in an unnecessary hardship on the Subject Site. The granting of Variance No. 2017-076 promotes the spirit of the Zoning Code by providing the Applicant the ability to develop a Winchell's Donut House shop consistent with the stated Zoning Code purpose and intent for commercial zoning districts. The granting of Variance No. 2017-076 will secure the public safety by allowing for the development of a doughnut shop on the Subject Site which, without the granting of the Variance, would likely remain in the same condition creating a public nuisance and blight. The granting of the Variance

ensures that substantial justice for the subject property owner is done by allowing for the development of a doughnut shop, which is a permitted use in the zone, and which would likely not be possible without the granting of the Variance thereby depriving the property owner of the same privileges enjoyed by other properties in the vicinity and under identical zoning. Furthermore, the granting of the Variance to construct the project with less than the required setbacks and allowance for the required trash enclosure to be provided off-site as required by the Zoning Code will not impact the public safety or adjacent properties.

ENVIRONMENTAL REVIEW:

In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Project is categorically exempt pursuant to Section 15332, Class 32: in-fill development of less than five (5) acres surrounded by urban uses. The Project is consistent with the applicable general plan designations and applicable general plan policies; the Project occurs within the City limits on a Project site of no more than five acres substantially surrounded by urban uses; the Project site has no value as habitat for endangered, rare or threatened special because it is located and surrounded by developed urban uses and contains no natural habitat; the Project does not result in any significant effects related to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities or public services.

CONCLUSION:

The proposed Project has been routed to all concerned City and County departments for review. The City Engineer requested certain conditions be included as part of the Conditions of Approval in Planning Commission Resolution #PC 2017-11.

Based on staff's analysis, staff recommends that the Planning Commission approve Site Plan Review No. 2017-076 and Variance No. 2017-076 which grants approval for the development of a 1,900 square foot Winchell's Donut House at 8001 Eastern Avenue. Heavy commercial uses such as the proposed Project are encouraged to locate within the General Commercial Land Use Designation due to the major thoroughfares, high visibility, and proximity of these properties to the I-710 Long Beach freeway. Furthermore, the Applicant's proposal will improve the overall appearance of the area by providing an aesthetically pleasing Project. The Applicant's request is consistent with the provisions included in Sections 9.12.030, 9.38.050, 9.50.060 and 9.58.060 of the BGMC. If the entitlement application is approved, the Applicant proposes to complete the overall improvements to the Subject Site.

FISCAL IMPACT:

None

ATTACHMENTS:

- Exhibit A – Resolution #PC 2017-11
- Exhibit B – Vicinity Map
- Exhibit C – Demolition Plan
- Exhibit D – Site Plan
- Exhibit E – Floor Plan
- Exhibit F – Roof Plan
- Exhibit G – Elevations
- Exhibit H – Public Hearing Notice

EXHIBIT A

**Resolution
#PC 2017-11**

RESOLUTION #PC 2017-11

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BELL GARDENS APPROVING
SITE PLAN REVIEW NO. 2017-076 AND VARIANCE NO. 2017-076
(File No. 2017-076)**

WHEREAS, the architect and applicant, John G. Deenihan of LR/Architecture on behalf of the Yum Yum Donut Shops, Inc. ("Applicant"), is requesting approval of Site Plan Review No. 2017-076 allowing the demolition of an existing 1,014 square foot tire shop to be replaced with a new 1,900 square foot Winchell's Donut House ("Project") at 8001 Eastern Avenue, Bell Gardens ("Subject Site"); and Variance No. 2017-076 to allow the proposed 1,900 square foot Winchell's Donut House building to encroach 1'-8" of the required 10'-0" street side yard setback on the north property line fronting Jaboneria Road.

WHEREAS, the proposal also includes the construction of a new trash enclosure, new landscaping, and construction of the parking lot;

WHEREAS, the Subject Site is presently zoned C-M (Commercial/Manufacturing) with the current General Plan Land Use Designation of "General Commercial" which allows the use and building construction proposed by the Applicant;

WHEREAS, the Site Plan Review process is established to provide a visual and factual document that may be used to determine and control the physical layout, design or use of a lot or parcel of land, buildings or structures;

WHEREAS, a Site Plan Review is required to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in the Bell Gardens Municipal Code or as prescribed by the Planning Commission; and

WHEREAS, the request includes a Variance to construct the project with less than the required setbacks as required by the Zoning Code;

WHEREAS, Site Plan Review No. 2017-076 and Variance No. 2017-076 must both be approved by the Planning Commission since the Site Plan Review can only be in full compliance with all of the provisions of the Bell Gardens Municipal Code if the Variance is approved to allow the deviation from one subsection of BGMC Section 9.12.040; and

WHEREAS, the Planning Commission held a public hearing on December 20, 2017, and reviewed all facts and evidence, both written and testimonial, pertaining to the requested Site Plan Review No. 2017-076 and Variance No. 2017-076.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein.

Section 2. Pursuant to Title 9, Section 9.58.060 (Basis for approval of site plans) of the Bell Gardens Municipal Code, which sets forth the findings necessary for approving a Site Plan Review, the Planning Commission finds:

- A. The Zoning Designation on the Subject Site is C-M (Commercial Manufacturing) with the General Plan Land Use Designation of General Commercial. Pursuant to the provisions contained in Chapter 9.12 – Commercial Zones, “restaurants... and other eating establishments” are a permitted use in the C-M zoning designation as long as the development standards, pertaining to the establishment and operation of uses in this particular zoning designation, including providing the required number of parking spaces under Chapter 9.38 – Parking and Loading (Off-Street), are met. The Project meets the minimum parking requirements at the Subject Site. In addition, the Bell Gardens Municipal Code sets development standards to protect the public safety and mitigate potential adverse impacts on adjacent uses. The proposed doughnut shop will be constructed in compliance with the development standards specified in the BGMC. Thus, every use, development of land and application of development standards will take place in compliance with all applicable provisions of Title 9 of the Bell Gardens Municipal Code.
- B. The development and uses of the new Winchell’s Donut House building will be consistent with the C-M zone. The Applicant is proposing to construct a 1,900 square foot doughnut shop, which is a permitted use for a property that is on Eastern Avenue in a C-M zoned property. The location of the building in relationship to traffic flow to and from the site will not obstruct on-site pedestrians and vehicular traffic, as well as expected vehicular traffic on nearby public streets and sidewalks. The construction and use of the proposed structure will not be a detriment to the public health, safety and welfare because the Subject Site will now contain a total of ten parking spaces, which have been configured to minimize impacts to the nearby uses. Thus, every use, development of land, and application of development standards have been considered on the basis of the suitability of this site for the particular uses and development intended.
- C. The proposed use conforms to the current General Plan Land Use Designation for the Subject Site which is General Commercial. The General Commercial Land Use Designation encompasses the commercial corridor of the City along Eastern and Florence Avenues. Therefore, the development of the proposed structure represents an addition to an already existing major commercial corridor in Bell Gardens and therefore does not adversely impact neighboring properties or the public health, safety and general welfare of the surrounding community. The Project has been designed to ensure proper on-site and off-site circulation. Vehicular access to the Subject Site is gained off one driveway approach along Eastern Avenue and another driveway approach on Jaboneria Road. The new doughnut shop is proposed to infill an existing unoccupied commercial site, and will provide a new parking lot with ten parking stalls. The development including the application of prescribed development standards, is arranged to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and in general accordance with all elements of the General Plan.

- D. The proposed doughnut shop will be in compliance with all applicable development standards, including setbacks with the use of a Variance, building height, lot coverage, and parking requirements as specified in the BGMC. Furthermore, the use of the Project is consistent with the provisions of the C-M zoning designation. The Project will meet all applicable development standards, but the commercial location on Eastern Avenue is a suitable location for a doughnut shop such as the one proposed. The exterior treatment of the proposed doughnut shop building will enhance the architectural design of the commercial corridor along Eastern Avenue.

Section 3. Pursuant to Section 9.50.060 (Basis for approval or denial of a variance) of the Bell Gardens Municipal Code, the Planning Commission also finds that:

- A. The requested Variance is necessary for the development of the new Winchell's Donut House building. The property is zoned C-M (Commercial/ Manufacturing) which permits restaurant type land uses such as the one proposed by the Applicant. Surrounding properties are also zoned C-M and R-3 and are developed with commercial and residential uses. The proposed Project will be constructed in compliance with all applicable development standards with the exception of the proposed 1,900 square foot Winchell's Donut House building which will be constructed with an 8'-4" setback on the north property line. If the requested Variance is not approved, the potential for the construction of a restaurant type use on the Subject Site is reduced, and the property will most likely remain the same.
- B. The strict application of the Zoning Code to the property would constrain development of a functional commercial building likely causing the property to remain the same, thereby depriving the property owner of the same privileges enjoyed by other properties in the City and under similar commercial zoning.
- C. The granting of a Variance for the proposed Project will allow the development of a Winchell's Donut House building which is a use principally permitted for the Subject Site pursuant to the Bell Gardens Zoning Code. The granting of the Variance will allow the development of a new eating establishment that is similar to other commercial uses in the City with similar zoning designations and will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the Subject Site is located.
- D. The Bell Gardens Zoning Code designates the Subject Site C-M (Commercial/Manufacturing) which principally permits "restaurants, catering services, and other eating establishments, without live entertainment, alcoholic sales, and/or drive-through services." The proposed doughnut shop is a commercial use permitted on the Subject Site that will not constitute a use or activity which is not otherwise authorized by the zoning district.
- E. Carrying out the strict letter of the Zoning Code requirements for the development of the proposed commercial building will result in an unnecessary hardship on the Subject Site. The granting of Variance No. 2017-076 promotes the spirit of the Zoning Code by providing the Applicant the ability to develop a

Winchell's Donut House shop consistent with the stated Zoning Code purpose and intent for commercial zoning districts. The granting of Variance No. 2017-076 will secure the public safety by allowing for the development of a doughnut shop on the Subject Site which, without the granting of the Variance, would likely remain in the same condition creating a public nuisance and blight. The granting of the Variance ensures that substantial justice for the subject property owner is done by allowing for the development of a doughnut shop, which is a permitted use in the zone, and which would likely not be possible without the granting of the Variance thereby depriving the property owner of the same privileges enjoyed by other properties in the vicinity and under identical zoning. Furthermore, the granting of the Variance to construct the project with less than the required setbacks and allowance for the required trash enclosure to be provided off-site as required by the Zoning Code will not impact the public safety or adjacent properties.

Section 4. In accordance with the California Environmental Quality Act (CEQA) Guidelines, the Project is categorically exempt pursuant to Section 15332, Class 32: in-fill development of less than five (5) acres surrounded by urban uses. The Project is consistent with the applicable general plan designations and applicable general plan policies; the Project occurs within the City limits on a project site of no more than five acres substantially surrounded by urban uses; the Project site has no value as habitat for endangered, rare or threatened special because it is located and surrounded by developed urban uses and contains no natural habitat; the Project does not result in any significant effects related to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities or public services.

Section 5. Site Plan Review No. 2017-076 and Variance No. 2017-076 is hereby approved to allow the demolition of an existing 1,014 square foot tire shop to be replaced with a new 1,900 square foot Winchell's Donut House at 8001 Eastern Avenue subject to the following Conditions of Approval:

1. The property shall be improved, maintained and operated at all times in accordance with the following :
 - a. The applications on file in the Community Development Department and Exhibits A through F included in the staff report which are attached and incorporated herein by this reference.
 - b. All applicable laws, including but not limited to, the Bell Gardens Municipal Code as may also be amended by the City from time to time.
 - c. All the Conditions of Approval as set forth in this Planning Commission Resolution for Site Plan Review No. 2017-076 and Variance No. 2017-076.
 - d. Failure to comply with the requirements as described herein shall be a basis for modification or revocation of this Site Plan Review and Variance.
2. All conditions stated herein shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of

certificates of occupancy and shall restrict and limit the construction, location, and use and maintenance of all land within the Subject Site.

3. This Site Plan Review No. 2017-076 and Variance No. 2017-076 and all rights hereunder shall terminate within one year of the effective date of the Site Plan Review and Variance, unless construction is commenced or a written time extension is granted by the Planning Commission. A written request to extend the time to comply with the Conditions of Approval stated in the Site Plan Review and Variance must be submitted to the Bell Gardens Community Development Department, at least 30 days prior to the expiration of the one (1) year period.
4. The abandonment or non-implementation of the conditions stated in the Site Plan Review and Variance for a period of one (1) year from the effective date of the Permit shall terminate the Permit, and any privileges granted thereunder shall become null and void.
5. In the event of a transfer of ownership of the property involved in this application, the new owner shall be fully informed that the new owner(s) is/are subject to the use and development of said property as set forth by this Site Plan Review and Variance together with all conditions which are stated herein.
6. Violation of any of the conditions of Site Plan Review No. 2017-076 and Variance No. 2017-076 shall be cause for revocation and termination of all rights hereunder.
7. The Applicant shall comply with all provisions of Chapter 5, "Business Licenses & Regulations," of the City of Bell Gardens Municipal Code.
8. The City has the right-of-entry at any time during normal business hours of operation to inspect the premise to verify compliance of the Conditions of this Approval and to determine compliance with all applicable sections of the Bell Gardens Municipal Code.
9. The Director of Community Development and his/her designee shall be authorized to make minor modifications to the approved Conditional Use Permit or any of the conditions specified herein if the modifications shall achieve substantially the same results as would strict compliance with the approved Conditional Use Permit and conditions.
10. Graffiti on buildings, walls or other private property shall be removed within forty-eight (48) hours. If painting is required, the paint shall be identical to the existing color as approved by the Community Development.
11. The property shall be developed, maintained, and used in a neat, quiet and orderly condition and uses on the lot shall be operated in a manner that will not disturb or be detrimental to adjacent properties, surrounding land uses or occupants.

12. Hours and days of exterior building construction and site improvements shall be as follows: Monday through Saturday, not before 8:00 A.M. and not after 7:00 P.M. of the same day. No construction or grading shall take place on Sundays and City observed holidays.
13. The Applicant shall ensure that the property is properly maintained at all times/phases of construction.
14. Prior to commencing the demolition of the existing structure and construction of the Project, the Applicant shall submit a site plan indicating on-site vehicular and pedestrian traffic circulation during all stages of construction to the Community Development Department for review and approval.

Building/Site Improvements

15. The proposed site improvements on the Subject Site shall be subject to review and approval by the Planning, as well as Building and Safety Divisions. All proposed improvements shall be completed in accordance with the provisions of the California Building Code as amended by Title 26 of the Los Angeles County Building Code. All required permits from the Building and Safety Division shall be secured prior to commencing the construction of the Project.
16. The Applicant shall comply with all Americans with Disabilities Act (ADA) requirements as part of the Building and Safety plan check process.
17. The Applicant shall be responsible for submitting plans for Building and Safety Plan Check and obtain permits for all the work proposed on the Subject Site.
18. Vehicles associated with the construction of the proposed project shall not be permitted to park in the public right-of-way. The Applicant shall submit to the Community Development Department for review and approval, a parking plan for construction vehicles to minimize impacts to patron parking.
19. Temporary storage of building materials shall be contained within the Project site and shall be properly secured and screened during all stages of construction.
20. The Applicant shall ensure that each construction phase of the Project is properly secured to protect both pedestrians and vehicular traffic. If chain-link fences and gates are used, the gates shall be closed and locked after construction hours.
21. Contractors and subcontractors engaged in the construction activities of the proposed project shall obtain a business license and all required permits from the City of Bell Gardens.
22. Prior to the installation of any new signs on the Subject Site, the Applicant shall submit three (3) sets of sign plans for review and approval to the Community Development Department. Sign plans shall include but not limited to, elevations, lettering, colors, dimensions, and installation methods.

23. The exterior of the Project building, including but not limited to, trims and wall surfaces, windows and moldings shall be painted of a color subject to review and approval by the Community Development Department.
24. The installation of security grilles on the exterior or interior storefront doors and windows shall be prohibited.
25. The roof drainage system shall be integrated into the walls of the building so that there are no visible downspouts.
26. All new roof mounted mechanical equipment, including any air compressor units, shall sit a minimum of six inches below the lowest parapet wall within the perimeter of the Project, and shall not be visible from the adjacent public right of way.
27. The following construction practices shall be implemented by all Project contractors to reduce construction noise levels:
 - a. Ensure that construction equipment is properly muffled according to industry standards. All power construction equipment shall utilize noise shielding and muffling devices.
 - b. Locate the construction staging area and noise-generating equipment away from adjacent residents as much as feasible.
28. Proposed and required on-site and off-site improvements shall be completed by the Applicant prior to a building permit final and issuance of a Certificate of Occupancy by the City on the Subject Site.
29. The Applicant shall submit a preliminary soils report to the City prior to the issuance of a grading or building permit, whichever permit is issued first, to determine if the proposed building will be exposed to unacceptable levels of liquefaction. If it is determined that the proposed building will be exposed to liquefaction, recommended measures in the soils report shall be incorporated into the Project to reduce liquefaction impacts to a level acceptable to the City Engineer.
30. All onsite cable television, telephone and telecommunications service connections to the Project, shall be installed underground. All cabling and connectors shall be screened completely from view and within the building served. Visible cabinets and boxes shall be treated to match the materials and colors of the buildings. The Applicant is responsible for contacting the cable, telephone and telecommunications companies and arranging installation at the appropriate stage of construction. Type and location of installation is subject to approval of the Community Development Department and the construction coordinator of the applicable company servicing the area.
31. All onsite electrical service connections to the Project shall be installed underground. All surface or ground mounted mechanical equipment including terminal boxes, pull boxes and electric meter cabinets shall be screened from public view and treated to

match the materials and colors of the adjacent building. Applicant is responsible for contacting Southern California Edison and arranging electrical service at the appropriate stage of construction. Installation is subject to approval by the Community Development Department and the customer service planner at the Southern California Edison Company.

32. All onsite gas service connections to the Project shall be installed underground. All surface or ground mounted gas meters and mechanical equipment shall be screened from public view and treated to match the materials and colors of the adjacent building. The installation is subject to approval by the Community Development Department and the Southern California Gas Company.
33. The new trash enclosure shall be constructed with a six foot high masonry split-face concrete block wall to match the building. A six foot high metal gate shall be installed and provided with a self-closing and self-latching mechanism. The top of the enclosure structure shall be protected with a decorative trellis and painted the same color as the building. The final location and design of the trash enclosure shall be subject to the approval of the Community Development Department.
34. Prior to final inspection, the Applicant shall submit to the Public Works Department a signed Authorization for Removal form for the removal of graffiti.
35. The Applicant shall ensure that at least a gallon of paint for each of the approved colors is available for the Public Works Department. The Applicant shall coordinate with the Public Works Department on the storage of the paint.

LA County Fire Department

36. The Applicant shall comply with all required conditions established by the Fire Department. The Applicant shall obtain all required Fire Department approvals and permits prior to commencing the construction of the proposed improvements on the Subject Site.
37. The Applicant shall ensure that fire protection facilities, including access, must be provided prior to and during construction.
38. Prior to the issuance of a building permit, the Applicant shall conduct a fire flow test to determine if the existing water line serving the Project has adequate capacity for both potable water and fire flow and submit the results to the City of Bell Gardens. Additional water system requirements may be required upon review of the completed Fire Flow Form #196, and/or when this land is further subdivided and/or during the building permit process.

Landscaping

39. Prior to the issuance of any building permits for the improvements proposed on the Subject Site, the Applicant shall submit four (4) sets of landscaping and automatic

irrigation plans prepared by a licensed landscape architect for review and approval by the Community Development Department.

40. A permanent automatic landscape irrigation system shall be installed for all new landscaped areas and shall be subject to review and approval by the Public Works Department. An automatic drip irrigation system shall be utilized whenever possible.
41. All designated landscaping areas shall be fully planted prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City. Landscaped areas shall be maintained by the Applicant at all times.
42. The Applicant shall work closely with staff in the Community Development to determine the type, size, number and location of all required planting material. The planting material shall be drought resistant.
43. All new planter and landscaped areas, unless otherwise specified on the plans, shall be protected with a six (6) inch high and wide concrete curb.

Public Works Department

44. The Applicant shall obtain all required approval and permits from the City's Public Works Department prior to commencing any work that may encroach on the City's public right of way.
45. Prior to the issuance of a grading permit, the applicant shall prepare a Standard Urban Storm water Mitigation Plan (SUSMP) specifically identifying the Best Management Practices (BMP's) and Low impact Development (LID) that will be used on site to control predictable pollutant runoff. The plan shall identify the types of structural and non-structural measures to be used and also comply with the City of Bell Gardens Ordinance 853. Particular attention should be addressed to the appendix section "Best Management Practices and LID for Redevelopment." The SUSMP shall clearly show the locations of LID, structural BMP's, and assignment of long term maintenance responsibilities (which shall also be included in the Maintenance Agreement). The plan shall be prepared to the general form and content shown in the Los Angeles County SUSMP template and shall be submitted to the City Engineer for review and approval.
46. Prior to the issuance of a certificate of occupancy, the developer shall demonstrate that all structural Best Management Practices (SUSMP) and Low Impact Development (LID) described in the project's SUSMP and LID have been constructed and installed. In addition, the developer is prepared to implement all non-structural BMP's described in the project's SUSMP. Two (2) copies of the SUSMP shall be available on-site. Prior to the issuance of a certificate of occupancy, all equipment shall be in place and in good working order as indicated in the SUSMP.
47. The objectives of the Standard Redevelopment/Development Project LID requirements are to detain and filter runoff using natural features. Storm water retention for storm water reuse represents a potential added benefit of LID facilities,

but is not specifically required as part of Standard Redevelopment/Development Project LID requirements. The applicability of Standard LID and BMP requirements varies depending on project characteristics such as redevelopment/development type, site location, or other land use issues. Certain landscaping features may be incorporated into LID requirement for detached commercial/Industrial project. Additional information regarding LID design approaches can be found in the LA Countywide Model SUSMP and the City's LID Design Manual (see Suggested Resources in the City, Public Works Website).

The Applicant prepare and provide a Traffic Impact Study. The study must include circulation impacts for this Project along with the additional traffic from the future development of a 48 unit residential condominium development on the vacant site located at 8000 Bell Gardens Avenue, west of Bell Gardens Elementary School to the City Traffic Engineer for review and approvals prior to issuance of building permits.

48. The Applicant will be required to construct the proposed mitigation measures determined by the Traffic Impact Study prior to building occupancy.
49. Applicant shall replace the existing damaged concrete sidewalk, driveways and access ramps not in compliance with ADA Standards. Sidewalks are to have a cross slope less than 2% and driveways will have an accessible path with 2% cross slope. The applicant is to confirm the ADA access ramp at the corner of Eastern and Jaboneria is ADA compliant with current standard, if not, reconstruction as required.
50. Remove and replace all damaged curb and gutter as required by the City.
51. The Applicant shall be responsible for the cost of modifying the driveway approach off Eastern Avenue and Jaboneria Road, including full height curb, gutter, sidewalk and pavements, as shown on the architectural plans in accordance with City standards to the satisfaction of the Public Works Department.
52. The Applicant shall be responsible for the cost of replacing any sidewalks, curbs and pavements that may be damaged during the construction of the Project in accordance with City standards to the satisfaction of the Public Works Department.
53. The Applicant shall be responsible for the cost of replacement and/or installation of any new street trees. Replacement and/or installation of street trees shall be completed in accordance with City standards and to the satisfaction of the Public Works Department.

Parking Lot/Site Maintenance

54. The Subject Site shall be cleared of all construction debris prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City.
55. The parking area in the Project shall be resurfaced in accordance with the Bell Gardens Municipal Code prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City.

56. The parking spaces shall be striped in accordance with the Bell Gardens Municipal Code prior to the issuance of a building final and issuance of a Certificate of Occupancy by the City.
57. Concrete wheel stops shall be installed at the front of each designated parking space adjacent to a pedestrian walkway in accordance with adopted City standards.
58. Any required ADA truncated domes shall be composed of stamped concrete and shall be of a dark gray color.
59. Parking lot and sidewalk areas located within the immediate area of the Project shall be pressure washed quarterly to remove oil stains and maintained clear of trash, debris and outside storage at all times.

Miscellaneous

60. The Applicant shall obtain all necessary permits and licenses from the State, City and County agencies, including but not limited to, Fire, Industrial Waste, and Health Department for the proposed improvements and business operations on the Subject Site.
61. Any new light fixtures and building security lights shall be shielded to prevent any light and glare impacts on nearby properties. The final selection of all light fixtures shall be subject to review and approval by the Community Development Department.
62. There shall be no outdoor events/sidewalk sales permitted at any time, unless approved by the Community Development Department through a Special Event Permit and in accordance with Section 9.42.030 of the Bell Gardens Municipal Code.
63. No outside public telephones shall be installed on the Subject Site or on the public right-of-way.
64. The installation of flags and pennants at the Subject Site shall be prohibited at all times, except for signs which are exempt pursuant to Bell Gardens Municipal Code Section 9.40.110 – Exempt Signs.
65. The Applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding (collectively referred to as “Proceedings”) brought against the City, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant’s project or application. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney’s fees, and other costs, liabilities, and expenses incurred in connection with the Proceedings whether incurred by the applicant, the City and/or the parties initiating or bringing such Proceedings. This indemnity provision shall include the Applicant’s obligation to indemnify the City for all the City’s costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth herein.

The City shall have the right to choose its own legal counsel to represent the City's interest in the Proceedings.

66. The Applicant shall sign, notarize, and return to the Community Development Department an affidavit accepting all Conditions of Approval on Site Plan Review No. 2017-076 and Variance No. 2017-076 within 15 days from receipt of acknowledgement of approval of the Planning Commission Resolution. The Applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the Commission's grant of approval and failure to comply with any condition contained herein shall render this Site Plan Review and Variance non-binding as against the City and shall confer the Applicant no legal rights under the law. This Site Plan Review and Variance shall not become effective unless and until the Applicants return the fully executed affidavit.

PASSED, APPROVED AND ADOPTED this 20th day of December 2017.

TONY RIVERA, CHAIRPERSON

ATTEST:

ELIZABETH JIMENEZ, SENIOR SECRETARY

APPROVED AS TO FORM:

JOHN W. LAM, ASSISTANT CITY ATTORNEY

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EXHIBIT B

Vicinity Map

VICINITY MAP

Site Plan Review No. 2017-076 & Variance No. 2017-076 8001 Eastern Avenue (File No. 2017-076)

Subject Site

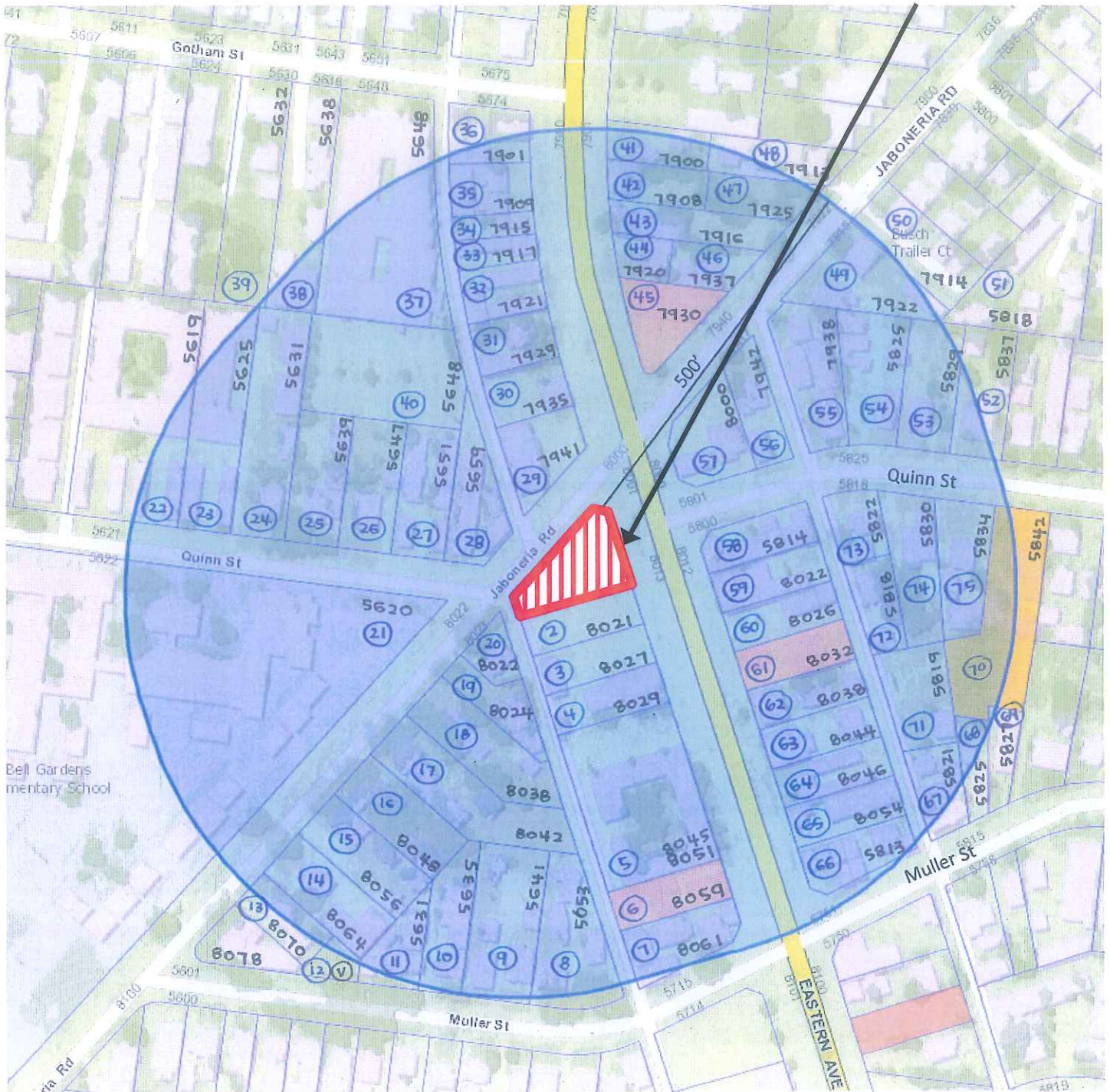


EXHIBIT C

Demolition Plan

EXHIBIT D

Site Plan

LR/A
 LR/A ARCHITECTURE
 Architecture
 Planning
 Interior Design
 Construction Management
 272 N. Inglewood Avenue, Suite 203
 Bell Gardens, CA 90201
 (562) 506-2344
 (562) 506-2344

DATE	DESCRIPTION
10/10/2017	PLANNING RESUBMITTAL



PROJECT
 NEW CONSTRUCTION
 8501 EASTERN AVE
 BELL GARDENS, CA 90201

CLIENT
 YUM YUM DONUT SHOPS, INC.
 10335 E. SHELBY AVE
 CITY OF INDUSTRY, CA 91748

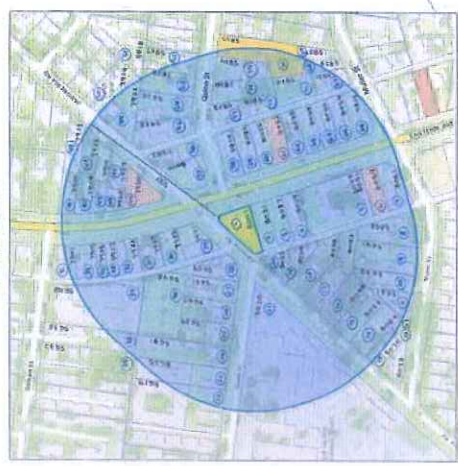
DATE	REVISION

DATE	DESCRIPTION
10/10/2017	PLANNING RESUBMITTAL

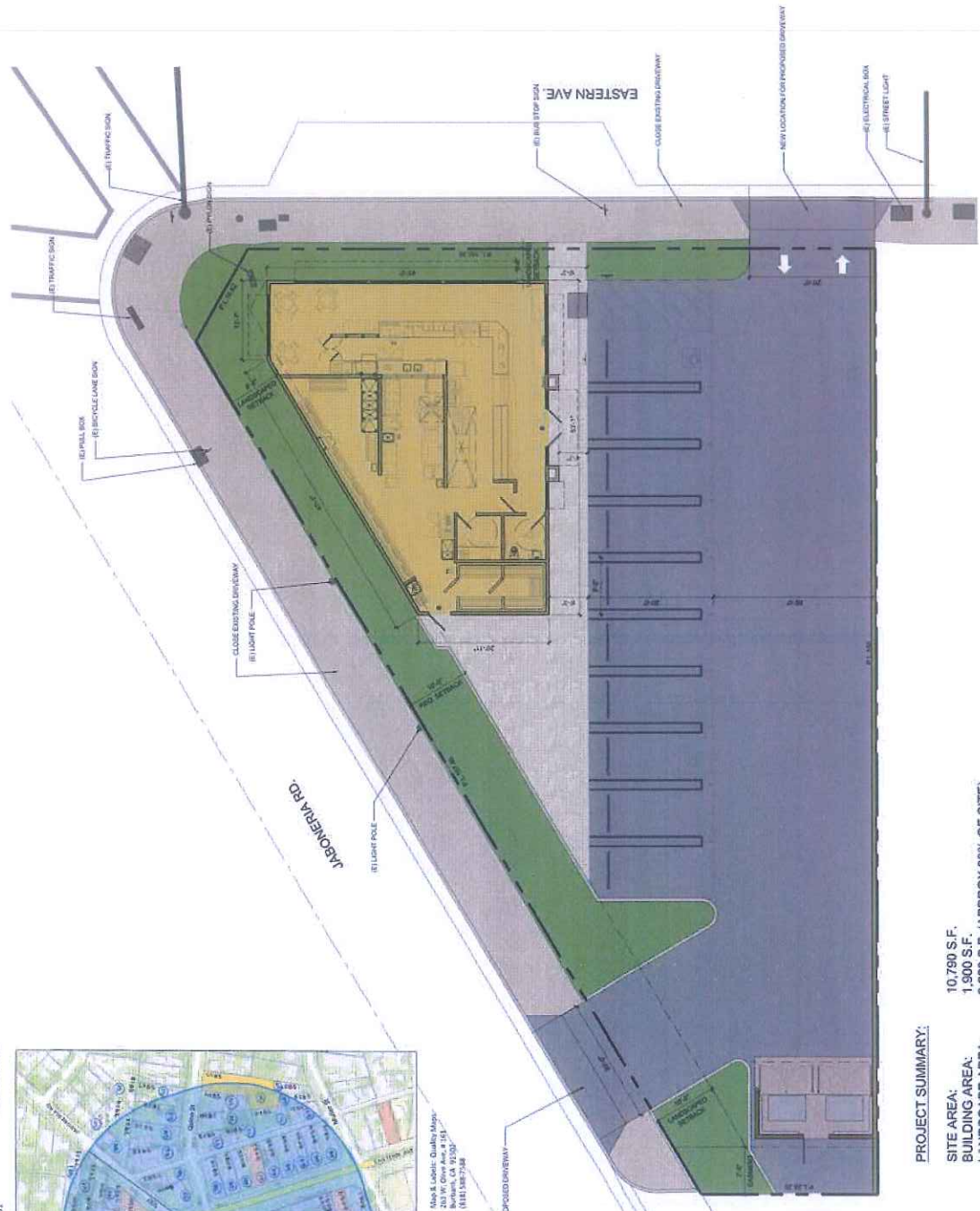
TITLE
 SITE PLAN

A-1

RADIUS MAP
 8501 Eastern Ave.
 Bell Gardens, CA 90201



Black & Veatch, Quality Maps, Inc.
 203 W. Covina Ave. # 151
 Burbank, CA 91502
 (818) 340-7348



PROJECT SUMMARY:
 SITE AREA: 10,780 S.F.
 BUILDING AREA: 1,900 S.F.
 LANDSCAPE AREA: 2,223 S.F. (APPROX 20% OF SITE)
 PARKING PROVIDED: 10 SPACES

SITE PLAN
 1

EXHIBIT E

Floor Plan

EXHIBIT F

Roof Plan

EXHIBIT G

Elevations

LR/A

LR/ARCHITECTURE
 Architecture
 Planning
 Interior Design
 Construction Management
 272 W. Hancock Avenue, Suite 203
 Redwood City, CA 94061
 (650) 962-1000 Fax: (650) 962-1044

REVISIONS	DATE	DESCRIPTION



PROJECT
NEW CONSTRUCTION
 11740 E. JABONERIA RD
 BELL GARDENS, CA 90001

CLIENT
YUM YUM DONUT SHOPS, INC.
 1880 E. SAN JOSE AVE
 CITY OF INDUSTRY, CA 91746

REVISIONS	DATE	DESCRIPTION

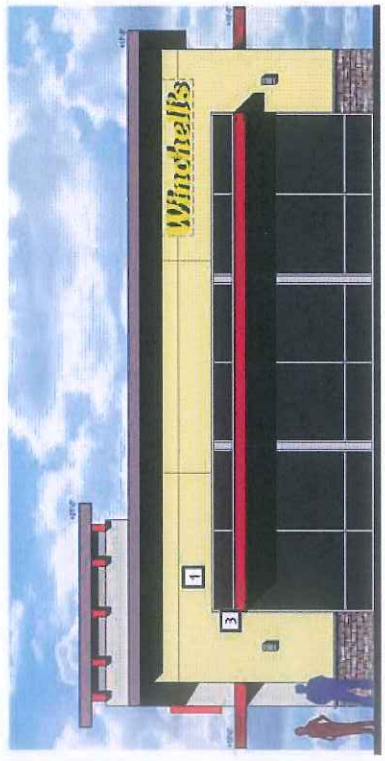
OWNER
 CHECKED
 ET
 RY/ RM

DATE
 11-14-00

SCALE
 AS SHOWN

TITLE
BUILDING ELEVATIONS

SHEET
A-4



EAST (EASTERN AVE) ELEVATION



SOUTH (ENTRY) ELEVATION



WEST ELEVATION



NORTH (JABONERIA RD) ELEVATION

- FINISHES**
- 1 LIGHT SAND TEXTURE STUCCO
 - 2 STONE VENEER
 - 3 METAL FASCIA - PAINTED

EXHIBIT H

Public Hearing Notice

**CITY OF BELL GARDENS
NOTICE OF PUBLIC HEARING
SITE PLAN REVIEW NO. 2017-076
VARIANCE NO. 2017-076
(File No. 2017-076)**

POSTED
12/7/17
EG

Notice is hereby given that the Planning Commission of the City of Bell Gardens will hold a public hearing to consider Site Plan Review No. 2017-076 to allow the development of a new 1,900 square foot Winchell's Donut House at 8001 Eastern Avenue, Bell Gardens, CA. The Planning Commission will also consider Variance No. 2017-076 to allow the proposed 1,900 square foot Winchell's building to encroach 1'-8" of the required 10'-0" street side yard setback on the north property line fronting Jaboneria Road. The project involves the demolition of the existing unoccupied tire shop structure on the property. The project will also include a new paved parking lot area with ten parking spaces, new landscaping along Eastern Avenue and Jaboneria Road, a new block wall along the south property line, a trash enclosure structure, and reconfigured driveway entrances on Eastern Avenue and Jaboneria Road. The subject property is presently zoned C-M (Commercial/Manufacturing) with a General Plan Land Use designation of "General Commercial."

In accordance with the California Environmental Quality Act (CEQA) Guidelines, Site Plan Review and Variance No. 2017-076 is categorically exempt pursuant to Section 15332, Class 32: in-fill development of less than five (5) acres surrounded by urban uses.

The public hearing will be held before the Planning Commission of the City of Bell Gardens, in Council Chambers at City Hall, 7100 Garfield Avenue, Bell Gardens, CA 90201, on Wednesday, December 20, 2017 at 6:00 P.M., at which time proponents and opponents of the proposed Site Plan Review and Variance will 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 Site Plan Review and Variance 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 prior to the public hearing.

THE PLANNING COMMISSION

Tony Rivera, Chairperson

Published: Bell Gardens Sun, December 7, 2017

Posted: December 7, 2017

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

TO: Planning Commissioners

FROM: Abel Avalos, Director of Community Development *Ah*

BY: Carmen H. Morales, City Planner *CM*

SUBJECT: Zoning Code Amendment No. 2017-086 - Ordinance No. 887 (File No. 2017-086)

DATE: December 20, 2017

RECOMMENDATION:

It is recommended that the Planning Commission adopt Resolution #PC 2017-10 (Exhibit A) recommending the following actions to the City Council:

1. Approval of Zoning Code Amendment No. 2017-086 and adoption of Ordinance No. 887 (Exhibit B) amending the Bell Gardens Municipal Code Title 9, Zoning and Planning Regulations (Zoning Code) as follows:
 - a. Chapter 9.18, "Overlay Districts," Section 9.18.040, "Development Standards," (D) 'Residential Planned Development District Standards,' to revise certain existing RPDD development standards and to add new development standards in order to provide flexibility and innovation in the design of a residential planned development. (Zoning Code Amendment 2017-086).

BACKGROUND:

The City of Bell Gardens Zoning Code contains land use and development regulations establishing Low Density Residential (R-1), Medium Density Residential (R-2), and High Density Residential (R-3) zoning districts in the City and associated development standards for each of these base residential zoning districts. The Zoning Code also establishes a Residential Planned Development District overlay zone (RPDD) to provide a means of achieving greater flexibility in comprehensively planned residential projects on relatively large tracts of land and which provide a cohesive design of private streets, open space, and recreational opportunities and uniform property maintenance. The RPDD can be utilized as an overlay zone for any underlying base residential zone and establishes supplemental development regulations over and above the development regulations established for the underlying base residential zone. All residential planned

development projects zoned RPDD require approval by the Planning Commission of a Conditional Use Permit.

The RPDD supplemental development standards address minimum site area, building height, site coverage, parking, and landscaping. The RPDD development standards provide for Planning Commission discretion in the application of certain development standards including the type of permitted ancillary non-residential uses, such as recreational facilities or assembly facilities, the number and design of required parking spaces, and the requirement for undergrounding of utilities.

City staff has identified certain clarifications to the existing RPDD development standards that are necessary to facilitate the implementation of existing RPDD requirements. Staff has also identified certain new development standards that should be added to existing RPDD requirements for the purpose of furthering the objective of the RPDD to encourage innovative planned residential development in the City.

ANALYSIS:

Zoning Code Amendment No. 2017-086 proposes to amend Chapter 9.18, "Overlay Districts," Section 9.18.040, "Development Standards," (D) 'Residential Planned Development District Standards,' to revise certain existing RPDD development standards and to add new development standards in order to provide flexibility and innovation in the design of a residential planned development. The following summarizes the proposed changes to the RPDD proposed as part of Zoning Code Amendment 2017-086.

Proposed revisions to existing RPDD development standards:

1. The minimum site area for RPDD zoning is currently 5 acres. Sites for new residential development in the City are limited. The minimum site area is proposed to be changed to 2 acres in order to provide more opportunities for suitable sites to be available for residential planned development.
2. The maximum allowable density for a project zoned RPDD is currently the same density as established for the underlying base zone. Provisions are proposed to clarify that a density greater than the underlying base zoning is permitted if the development project receives approval of a density bonus pursuant to BGMC 9.59, "Affordable Housing Density Bonus and Incentives."
3. The existing RPDD development standards allow for the Planning Commission to approve nonresidential uses including recreational buildings and places of assembly that are primarily for use by the residents of a planned residential development. Day care centers are proposed to be added to the list of nonresidential uses that can be approved by the Planning Commission.
4. The maximum site coverage currently allowed in the RPDD for a development project is 30%. The maximum site coverage allowance is proposed to be changed to 45% which is consistent with the maximum site coverage allowance per the underlying base zoning development standards of all residential zoning districts.
5. Current RPDD parking development standards allow the Planning Commission to modify the number or design of parking required for a project. Provisions are proposed to be added listing tandem spaces within a garage and variations in parking space layout and dimensions as specific design modifications that the Planning Commission may approve.

Proposed new RPDD development standards:

1. Existing building height regulations for the RPDD are those established for the underlying base residential zone of 35 feet, or 2 stories, whichever is less. A new maximum building height standard is proposed for the RPDD of 40 feet or 3 stories, whichever is less. Increasing the height limit as proposed would allow for more flexibility in project site design.
2. New development standards are proposed to regulate building massing and design. New development standards would require variation in building forms and shape, vertical and horizontal modulation of building wall design, and incorporation of architectural elements to break up the building mass.
3. New development standards are proposed to assure that roof materials and forms are consistent with and reinforce a building design. The new development standards also would prohibit the use of asphalt composition tiles for roofing materials.
4. Standards are proposed to regulate the design and color of architectural features such as window treatments, eaves, and doors and a requirement is proposed that all colors and materials be approved by the Planning Commission.
5. New lighting standards are proposed to address outdoor lighting for private facilities such as streets, open space, and other common areas. The proposed new lighting standards would require all lighting fixtures to include shielding devices designed to reflect light downward to minimize light and glare onto adjacent residential properties.

ENVIRONMENTAL REVIEW:

Zoning Code Amendment 2017-086 recommending the City Council adoption of Ordinance No. 887 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.

CONCLUSION:

Staff recommends that the Planning Commission adopt Resolution #PC 2017-10 recommending to the City Council approval of Zoning Code Amendment No. 2017-086 to adopt Ordinance No. 887 amending the Zoning Code to clarify and expand the Residential Planned Development District supplemental development regulations.

FISCAL IMPACT:

None

ATTACHMENTS:

- Exhibit A - Planning Commission Resolution #PC 2017-10
- Exhibit B - Ordinance No. 887
- Exhibit C - Public Hearing Notice

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EXHIBIT A

Resolution #PC 2017-10

RESOLUTION #PC 2017-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELL GARDENS RECOMMENDING CITY COUNCIL APPROVAL OF ZONING CODE AMENDMENT NO. 2017-086 AMENDING THE CITY OF BELL GARDENS MUNICIPAL CODE, TITLE 9, ZONING AND PLANNING REGULATIONS, CHAPTER 9.18, "OVERLAY DISTRICTS," SECTION 9.18.040, "DEVELOPMENT STANDARDS," (D) "RESIDENTIAL PLANNED DEVELOPMENT DISTRICT STANDARDS," (ZONING CODE AMENDMENT NO. 2017-086)

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 update to the Bell Gardens Municipal Code Title 9, Zoning and Planning Regulations (Zoning Code), establishing land use and development regulations in the City including the establishment of Low Density Residential (R-1), Medium Density Residential (R-2), and High Density Residential (R-3) zoning districts in the City and associated development standards;

WHEREAS, the Zoning Code defines a "Planned Development" as the planning, construction or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project;

WHEREAS, the Zoning Code establishes a Residential Planned Development District overlay zoning district (RPDD) as a means of governing planned development projects by requiring additional development standards over and above the underlying residential zoning development standards to achieve greater flexibility in residential development on relatively large tracts of land by encouraging designs that are more self-sustaining with their own private streets, common space, recreational opportunities, and property maintenance;

WHEREAS, City staff has identified certain modifications to existing RPDD development standards as necessary in order to further the objectives of the RPDD;

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing and conducted the public hearing at on this matter on December 20, 2017 and adopted Planning Commission Resolution #2017-10 recommending to the City Council approval of Zoning Code Amendment No. 2017-086 and adoption of Ordinance No. 887.

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

SECTION 1. Zoning Code Amendment 2017-086 recommending the City Council adoption of Ordinance No. 887 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 2. In recommending approval of Zoning Code Amendment No. 2017-086 and adoption of Ordinance No. 887 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. 887 serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.*

Ordinance No. 887 serves the public health, safety, and welfare of the residents and businesses within the City by amending the Zoning Code to clarify and expand the RPDD supplemental development regulations governing larger residential development projects providing further land use regulatory authority over land use in the City.

- iii. Ordinance No. 887 is consistent with the City's General Plan.*

Ordinance No. 887 furthers General Plan Land Use Element policies and programs to promote compatible residential development, ensure safe housing, emphasize neighborhood identity, and increase pride in neighborhoods by expanding the RPDD supplemental development regulations which provide a mechanism to promote the development of well planned, cohesive residential development in the City.

- iv. Ordinance No. 887 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.*

Ordinance No. 887 includes requirements that residential planned development projects provide adequate public infrastructure, underground utilities, and adequate off-street parking as a condition of the City's approving a project. Furthermore, Ordinance No. 887 regulates densities, building height, building massing, and architectural design for a proposed project to ensure consistency with adjacent development.

SECTION 3. The Planning Commission hereby adopts this Resolution recommending to the City Council the approval of Zoning Code Amendment No. 2017-086 adopting Ordinance No. 887.

SECTION 4. The Planning Commission of the City of Bell Gardens hereby transmits and recommends to the City Council approval of Zoning Code Amendment No. 2017-086 adopting Ordinance No. 887 amending the Bell Gardens Municipal Code (Zoning and Planning).

PASSED, APPROVED AND ADOPTED this 20th day of December 2017.

TONY RIVERA, *CHAIRPERSON*

ATTEST:

ELIZABETH JIMENEZ, PLANNING SECRETARY

APPROVED AS TO FORM:

ALVAREZ-GLASMAN & COLVIN

JOHN LAM, ASSISTANT CITY ATTORNEY

EXHIBIT B

Ordinance No. 887

ORDINANCE NO. 887

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS AMENDING BELL GARDENS MUNICIPAL CODE TITLE 9, ZONING AND PLANNING REGULATIONS, CHAPTER 9.18, "OVERLAY DISTRICTS," SECTION 9.18.040, " DEVELOPMENT STANDARDS," (D) "RESIDENTIAL PLANNED DEVELOPMENT DISTRICT STANDARDS,"(ZONING CODE AMENDMENT NO. 2017-086)

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 update to the Bell Gardens Municipal Code Title 9, Zoning and Planning Regulations (Zoning Code), establishing land use and development regulations in the City including the establishment of Low Density Residential (R-1), Medium Density Residential (R-2), and High Density Residential (R-3) zoning districts in the City and associated development standards;

WHEREAS, the Zoning Code defines a "Planned Development" as the planning, construction or implementation and operation of any use or structure, or a combination of uses and structures, on a single parcel of land based on a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project;

WHEREAS, the Zoning Code establishes a Residential Planned Development District overlay zoning district (RPDD) as a means of governing planned development projects by requiring additional development standards over and above the underlying residential zoning development standards to achieve greater flexibility in residential development on relatively large tracts of land by encouraging designs that are more self-sustaining with their own private streets, common space, recreational opportunities, and property maintenance;

WHEREAS, City staff has identified certain modifications to existing RPDD development standards as necessary in order to further the objectives of the RPDD;

WHEREAS, on December 20, 2017 after conducting a properly noticed public hearing, the Bell Gardens Planning Commission adopted Resolution #PC 2017-10 recommending that the City Council approve Zoning Code Amendment No. 2017-086 and adopt Ordinance No. 887 to amend the Bell Gardens Municipal Code (Zoning) changing the RPDD development regulations;

WHEREAS, on _____ 2018, the City Council conducted a duly noticed public hearing, received public testimony, and considered Zoning Code Amendment No. 2017-086 and Ordinance No. 887 to amend the Bell Gardens Municipal Code (Zoning) changing the RPDD regulations in the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL GARDENS DOES ORDAIN AS FOLLOWS:

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

- i. *The above recitals are true and correct and hereby incorporates them herein by this reference.*
- ii. *Ordinance No. 887 serves the public health, safety, and welfare of the residents and businesses within the City to regulate land use within the City.*

Ordinance No. 887 serves the public health, safety, and welfare of the residents and businesses within the City by amending the Zoning Code to clarify and expand the RPDD supplemental development regulations governing larger residential development projects providing further land use regulatory authority over land use in the City.

- iii. *Ordinance No. 887 is consistent with the City's General Plan.*

Ordinance No. 887 furthers General Plan Land Use Element policies and programs to promote compatible residential development, ensure safe housing, emphasize neighborhood identity, and increase pride in neighborhoods by expanding the RPDD supplemental development regulations which provide a mechanism to promote the development of well planned, cohesive residential development in the City.

- iv. *Ordinance No. 887 amending the City of Bell Gardens Municipal Code, will not present any risk to the public health and safety.*

Ordinance No. 887 includes requirements that residential planned development projects provide adequate public infrastructure, underground utilities, and adequate off-street parking as a condition of the City's approving a project. Furthermore, Ordinance No. 887 regulates densities, building height, building massing, and architectural design for a proposed project to ensure consistency with adjacent development.

SECTION 2. Chapter 9.18, "Overlay Districts," Section 9.18.040, "Development Standards," D. "Residential Planned Development District Standards," is hereby amended and enacted as follows:

D. Residential Planned Development District Standards. In addition to compliance with all other applicable statutes, ordinances and regulations, the following regulations

shall apply to residential planned developments where they are permitted by conditional use permit. Where the following regulations are in conflict with any other applicable Zoning Code development regulations, the regulations herein shall prevail.

1. Site Area

The proposed development shall include a parcel of land containing not less than five two acres. ~~A development may be considered on a parcel of land less than five acres in area when such property is in the RPDD overlay district and has a common boundary with property which has been developed under an approved plan pursuant to Chapter 9.50 BGMC, Variances and Conditional Use Permits. In this case, the plan shall indicate that the proposed development will constitute an orderly extension in arrangement of buildings, facilities and open space throughout the combined parcels of land in addition to all the other requirements for approval of a conditional use permit.~~

2. Density/Ancillary Uses

~~When A property developed within in overlay zone RPDD is developed pursuant to Chapter 9.50 BGMC, Variances and Conditional Use Permits, the number of units for each acre of the net area shall be no greater than not exceed the maximum density permitted by the underlying zoning district unless the development has been approved for a density bonus pursuant to BGMC 9.59, "Affordable Housing Density Bonus and Incentives."~~

~~Dwelling units may be in one-family detached structures or multiple dwelling structures. depending upon adjacent development and the compensating features of the development plan. The commission may approve places of public assembly, day care centers, recreational buildings, and accessory buildings if for the primary use of persons residing within the planned development project. and located so as not to be detrimental to adjacent properties.~~

3. Common Open Space

~~Common open space shall comprise not less than 25 percent of the net site area. Common open space shall be that portion of the total land area developed for recreational purposes and designated for the use and enjoyment of all of the occupants of the housing tract, but shall not include streets, highways or utility easements where the ground surface is not available or usable for open space, yards, patios, or other areas primarily designed to serve other functions. The applicant shall submit to the commission, and it shall be made a condition of approval, satisfactory evidence to assure continued retention of open space and for perpetual maintenance of common areas.~~

4. Site Coverage

~~Buildings shall not occupy more than 30 45 percent of the net site area., except that ~~e~~ Common recreational buildings are excluded from this building coverage~~

limitation. Distance between buildings shall be not less than 10 feet for one- and two-story structures, plus two feet additional for each story above two.

5. Building Height

Buildings shall not exceed 40 feet, or 3 stories whichever is less, as measured from finish grade around the perimeter of the structure to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. For purposes of this chapter roof top decks and other forms of roof top recreational facilities open to the sky shall not be considered in the calculation of building height.

6. Parking

Parking shall be provided as required in Chapter 9.38 BGMC, Parking and Loading (Off-Street), relating to dwellings, places of public assembly, and other similar uses, except that the commission may modify the location, or the number, or design of parking spaces permitted within required for individual uses structures. Modifications of parking space design may include the use of tandem parking spaces for parking spaces located within a residential garage, and modifications to parking space dimensions and layout. The commission may modify the required number of parking spaces for recreational facilities where circumstances justify and may require additional off-street parking for guests.

7. Building Massing

Front, side, and rear elevations of buildings over one story in height shall comply with the following building massing requirements:

- a. Building forms shall avoid repetitious elements such as similar building profiles and continuous gable ends.
- b. Vertical and horizontal projections and offsets shall be incorporated into the front wall, both side walls, and any street side walls to break up the building mass. The projections and offsets shall extend from the main wall line consistent with the architectural style of the building.
- c. Front and side building walls shall incorporate balconies and/or terraces where appropriate. Uncovered balconies projecting from the side of the building are not permitted.
- d. Window recesses shall be incorporated in keeping with the architectural style of the building.
- e. Window details shall be provided on all windows. Window detail features shall include, but not be limited to, shutters, trim surrounds, window boxes, juliette balconies, and decorative railings incorporated into window design in keeping with the architectural style of the building.
- f. Door and window size and scale shall be in proportion to the overall massing of the building.

8. Building Roofs

Roof materials and forms shall reinforce the architectural style of the building. Primary roof forms shall be predominantly gable or hip design and characteristic of the represented building architectural style. Changes in the primary roof ridge orientation shall be incorporated into roof design wherever possible. Flat roof elements shall be incorporated only if appropriate to the architectural style of the building. Asphalt composition shingles are prohibited for use as roofing material.

9. Architectural Features

Building architectural features shall comply with the following:

- a. The design, color, material, and treatment of windows, including garage door windows, shall be consistent with the architectural style of the building.
- b. All window trim elements such as moldings, sills, etc. shall be precast design.
- c. Highly reflective glazing is not permitted.
- d. Wood fascias, rakes, and rafters shall be painted or stained to reinforce the style of the building. Stuccoed fascias, rakes and rafters shall be painted to match the primary wall color of the building.
- e. The design, color, material, and treatment of all doors, including garage doors, shall be consistent with the architectural style of the building.
- f. All colors and materials shall be approved by the commission.

10. Outdoor Lighting

Lighting fixtures shall be of uniform design and unobtrusive. Shielded fixtures are required to prevent up lighting and to shield the lighting source from adjacent residential areas. Private street lighting fixtures shall be on sensors for automatic nighttime lighting. Private street lights shall include shielding devices and shall direct or reflect light downward. Lighting within common area open space shall be low "pedestrian" level lighting installed at selected locations within common area open space. Bollard lighting is recommended along all walkways. All private street and parking lot lighting fixtures shall include shielding devices for "dark sky" purposes and shall direct or reflect light downward.

11. Utilities

The applicant shall submit to the commission, and it shall be made a condition of approval, satisfactory evidence that the applicant has made arrangements with the serving utilities to install underground all new facilities necessary to furnish service in the development. This requirement may be waived where it would cause undue hardship or constitute an unreasonable requirement. For the purposes of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted

terminal boxes and meter cabinets and concealed ducts in an underground system may be placed aboveground.

12. Project Phasing

The applicant shall submit for commission review and approval shall approve a project phasing plan progress schedule indicating the schedule for development to include a schedule of development of common open space related relative to the construction of residential dwelling units, which shall become a condition of approval. The commission may modify, without public hearing, the condition pertaining to the ~~development schedule~~ project phasing plan based upon an affirmative showing, in writing, of hardship.

13. Private Infrastructure

A tentative map shall be filed when required by Division 6 of this title, Subdivision Regulations. Where a tentative map is not required, the site plan shall include the precise location, width and type of improvements for private streets and pedestrian walks.

14. Landscape plan

Submittal by the applicant of a A plan for landscaping all common areas subject to for review and approval by the commission shall be submitted and made a condition of approval of all projects by the commission.

~~15. The site plan required by Chapter 9.50 BGMC, Variances and Conditional Use Permits, in addition to other requirements, shall indicate compliance with the provisions of this section.~~

SECTION 3. City Council approval of Zoning Code Amendment 2017-086 and adoption of Ordinance No. 887 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 4. 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 5. 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 6. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be published in the manner prescribed by law.

SECTION 7. 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 ___ 2018.

Maria Pulido, Mayor

ATTEST:

Kristina Santana, City Clerk

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman
City Attorney

EXHIBIT C

Public Hearing Notice

POSTED
12/7/17
ES

**CITY OF BELL GARDENS
NOTICE OF PUBLIC HEARING
ZONING CODE AMENDMENT NO. 2017-086 – ORDINANCE NO. 887 RELATING TO
RESIDENTIAL PLANNED DEVELOPMENT DISTRICT
DEVELOPMENT STANDARDS (FILE NO. 2017-086)**

Notice is hereby given that the Planning Commission of the City of Bell Gardens will conduct a public hearing to consider recommending approval of Zoning Code Amendment No. 2017-086 to the City Council for the adoption of Ordinance No. 887 amending Bell Gardens Municipal Code Title 9, Zoning and Planning Regulations, Chapter 9.18, "Overlay Districts," Section 9.18.040, "Development Standards," (D) 'Residential Planned Development District Standards,' (Zoning Code Amendment 2017-086).

Zoning Code Amendment No. 2017-086 recommending City Council adoption of Ordinance No. 887 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, December 20, 2017 at 6:00 P.M., at which time proponents and opponents of the proposed Zoning Code Amendment No. 2017-086 and Ordinance No. 887 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. 2017-086 and Ordinance No. 887 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

Published: Bell Gardens Sun, December 7, 2017

Posted: December 7, 2017

Bell Gardens City Hall

Bell Gardens John Anson Ford Park

Bell Gardens Veterans Park - Ross Hall Auditorium

Bell Gardens Department of Public Works