

AGENDA

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

**WEDNESDAY, July 18, 2018
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

Erika Gutierrez
Planning 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

June 20, 2018

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

A. Planning Commission

- 1. Twelve Month Extension and Modification of Site Plan Review No. 2017-022 and Variance No. 2017-022
7311 Jaboneria Road (File No. 2017-022)**

Recommendation It is staff's recommendation that the Planning Commission adopt Planning Commission Resolution #PC 2018-03 (Exhibit A) to:

1. Approve a 12 month extension for Site Plan Review No. 2017-022 and Variance No. 2017-022; and
2. Approve an amendment to Site Plan Review No. 2017-022 and Variance No. 2017-022 to modify the project site plan, floor plan and building elevations.

Substandard Properties – None

VI. DISCUSSION ITEMS

VII. STAFF COMMENTS

VIII. COMMISSIONER COMMENTS

ADJOURNMENT

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

Wednesday, June 20, 2018

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 December 20, 2017. A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the minutes of December 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. Twelve Month Extension and Modification of Conditional Use Permit No. 2017-017 for Chevron Gas Station 5703 Gage Avenue (File No. 2017-017)**

Mr. Soto gave the presentation on the twelve month extension and modification of Conditional Use Permit No. 2017-017.

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

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

Mr. Matthew Webb, son of the applicant, approached the podium stating that they have a new architect in addition to minor changes to the existing site plan and felt that the new proposed site plan would be a better fit for the project site.

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

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve the twelve month extension and modification of Conditional Use Permit No. 2017-017. Motion carried by a 4-0.

**2. Zoning Code Amendment No. 2018-047 – Ordinance No. 890
Marijuana Related Uses and Activities
(File No. 2018-047)**

Mr. Avalos gave the presentation on Zoning Code Amendment No. 2018-047 – Ordinance No. 890.

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

Commissioner Leon asked Mr. Avalos if he expected an opposition from residents in relation to the limitations of this proposed ordinance in addition to the limited indoor cultivation of no more than six marijuana plants for personal use. Mr. Avalos stated that staff did not anticipate there being a large opposition on the proposed Ordinance. Mr. Avalos further indicated that in terms of the indoor cultivation, staff looked at a number of other jurisdictions that took stronger approaches on this item, in terms of how and where it could be grown indoors, and from a more pragmatic standpoint, staff decided this option would be a better approach for the City. Lastly, Mr. Avalos stated that if future problems happen to arise, modifications could be made to the approved Ordinance.

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

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.

A motion was made by Vice-Chairperson Carrillo and seconded by Commissioner Hernandez to approve Zoning Code Amendment No. 2018-047 – Ordinance No. 890. Motion carried by a 4-0.

B. Substandard Properties – None

DISCUSSION ITEMS – None

STAFF INFORMATION ITEMS – None

COMMISSION INFORMATION ITEMS – None

ADJOURNMENT

Chairperson Rivera made a motion to adjourn the meeting at 6:29 p.m.

RECORDED BY:

ERIKA GUTIERREZ, PLANNING SECRETARY

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CITY OF BELL GARDENS
COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA REPORT

TO: Planning Commission

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

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

SUBJECT: Twelve Month Extension and Modification of Site Plan Review No. 2017-022 and Variance No. 2017-022;
7311 Jaboneria Road (File No. 2017-022)

DATE: July 18, 2018

RECOMMENDATION:

It is staff's recommendation that the Planning Commission adopt Planning Commission Resolution #PC 2018-03 (Exhibit A) to:

1. Approve a 12 month extension for Site Plan Review No. 2017-022 and Variance No. 2017-022; and
2. Approve an amendment to Site Plan Review No. 2017-022 and Variance No. 2017-022 to modify the project site plan, floor plan and building elevations.

BACKGROUND:

On May 17, 2017, the Planning Commission reviewed the project staff report (Exhibit B) and approved Planning Commission Resolution #PC 2017-02 (Exhibit C) to:

- (1) Site Plan Review No. 2017-022 to allow the development of eight apartment units at 7311 Jaboneria Road, Bell Gardens (Subject Site); and
- (2) Variance No. 2017-022 to allow less than 25% of the required common open space to be provided on the property.

Pursuant to Planning Commission Resolution #PC 2017-02, Site Plan Review No. 2017-022 and Variance No. 2017-022 shall terminate within one year of the effective date of approval (May 17, 2018), unless construction is commenced or a written time extension is granted by the Planning Commission. Any request for an extension must be submitted to the Community Development Department prior to the expiration of the 12 month period (May 17, 2018). On May 17, 2018, the Community Development Department received a written request from the property owner for a twelve month extension of Site Plan Review No. 2017-022 and Variance No. 2017-022 and approval of a modification to the project site plan (Exhibit D).

Pursuant to Bell Gardens Municipal Code Section 9.50.110 (Modification of a variance or conditional use permit), "a modification of an approved variance or conditional use permit shall be reviewed in the same manner as a new variance or conditional use permit application if conditions are proposed to be amended or the application is deemed by the Community Development Director as an intensification of the originally approved use."

DISCUSSION:

Proposed Site Plan and Variance Modifications

Last year the Planning Commission approved a project that consisted of two buildings two stories high that will be developed similar to a town home project. Both buildings consists of four attached apartment units each with a two-car garage. Following the Planning Commission approval of Site Plan Review No. 2017-022 and Variance No. 2017-022 the applicant submitted structural plans for Building and Safety plan check. On November 4, 2017, the construction drawings were approved by the City Engineers office. Following the approval, the applicant's Civil Engineer discovered an unrecorded sewer easement in the front portion of the Subject Site. The unrecorded sewer easement runs parallel to the existing storm drain easement which is located at the north east corner of the Subject Site. The building closer to Jaboneria Road was designed to be approximately two feet away from storm drain easement. A storm drain system is defined in the Bell Gardens Municipal Code as "any street, gutter, conduit, natural or artificial drain, channel, and watercourse, and/or other facility or any combination thereof, that is owned and/or operated by the city or the Los Angeles County Flood Control District and used for the purpose of collecting, storing, transporting, and/or disposing of runoff." Based on the original Site Plan submitted by the Applicant, the location of the storm drain easement would not impact the proposed project but the unrecorded sewer easement will. The location of the unrecorded sewer easement will be within the footprint of the front unit.

Since the applicant's civil engineer, architect and grading engineer were unaware of such unrecorded sewer easement, the building plans and grading plans had to be revised by reducing the foot print of the front unit. This slightly modified front structure will maintain a six foot setback from the sewer easement (Exhibit E, Exhibit F, Exhibit G, Exhibit H). The front unit will be reduced from a 1,891 square foot three bedrooms and two and a half bathrooms with an attached two-car garage to a 906 square foot studio with one bathroom and a single car garage. The second required parking space for the studio will be located in front of the unit over the sewer easement.

With the reduction in the footprint of the front dwelling unit, the lot coverage will be slightly reduced as well. Additionally, the applicant is proposing to provide an additional 150 square feet of private open space over the unrecorded sewer easement that will be used by the future residents of the front dwelling unit.

It should be noted that the revised grading plans were approved by the City Engineers Office on June 7, 2018 and the revised construction plans were approved by the City Engineers Office on June 19, 2018. Should the Planning Commission approve the proposed time extension and modifications to the site plan, floor plan, and building

elevations, the applicant will be ready to obtain construction permits and start construction upon the end of the required 15 day appeal period.

Modification to Conditions of Approval

The conditions of approval of Planning Commission Resolution #PC 2017-02 (Site Plan Review No. 2017-022 and Variance No. 2017-022) will remain in full force and effect. The proposed modifications to the project site plan, floor plan and building elevations approved with Site Plan Review No. 2017-022 and Variance No. 2017-022 do not trigger any changes to the original conditions of approval.

FINDINGS:

Site Plan Review No. 2017-022

Approval or disapproval of any site plan or modification to an approved site plan shall be used upon the following findings and principles and set forth in Section 9.58.060 of the Bell Gardens Municipal Code:

- 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 proposed use, development of land and application of development standards shall take place in compliance with all applicable provisions of this Ordinance because the Project continues to be consistent with the R-3 (High Density Residential) zone. Moreover, as mentioned in the analysis section of this staff report, the Project will be developed in accordance with all development standards located in Table 9.10A: Residential Land Use Matrix of the Zoning Ordinance including density, setbacks, lot coverage, and parking.

- 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: 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 because Staff has analyzed the proposed project and has determined that the project will continue to be consistent with the provisions of the R-3 Zone in which the Subject Site is located. All existing structures will be demolished in order to accommodate the proposed eight new units designed at the allowable density of no more than thirty units per acre. Adjacent uses to the south, west, and east are developed with similar uses. Directly to the north are commercially zoned properties. Moreover, the proposed Project is consistent with the General Plan Land Use designation of High Density Residential. Therefore, the subject site is suitable for the particular use/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 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, prevent adverse effects on neighboring property because the proposed modified project has been designed to ensure the proper on-site and off-site circulation and is consistent with the General Plan Land Use designation of "High Density Residential." To that end, access to the site is gained via a proposed 25 foot wide driveway and driveway approach off Jaboneria Road with sufficient parking for tenants and their guests designed to reduce the amount off-site parking. Jaboneria Road is designated as a Secondary Highway in the General Plan Circulation Element and is adequate in width to accommodate on-site and off-site circulation for forecasted traffic. Moreover, all agencies reviewed the proposed Project and, in certain cases, issued conditions of approval, all of which were incorporated into Planning Commission Resolution PC #2017-02.

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: Every use, development of land and application of development standards have been considered on the basis of suitable and functional development design for this project. Staff worked with the applicant to ensure every use, development of land and application of development standards is considered on the basis of suitable and functional development design. Specifically, staff worked with the architect to create a design that will not only enhance the overall appearance of the area but is consistent with the overall style of architecture within the City. Adjacent residential uses are similarly developed with multi-family dwelling units.

Variance No. 2017-022

Approval or disapproval of any Variance or modification to an approved Variance shall be based upon the factors and principles as set forth in Section 9.50.050 of the Bell Gardens Municipal Code.

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 preservation of a substantial property right of the owner, and will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity.

Section 9.20.140 of the City of Bell Gardens Municipal Code establishes standards for the development of residential condominium projects in the City. Among the development standards, a minimum of 25 percent of the gross project area shall be set aside, developed and maintained as common open space for the benefit and use of all residents of the project. Based on the size of the subject site, a minimum of 5,090 square feet shall be designated as common open space. The project, as proposed by the Applicant, will continue to provide a total of 2,517 square feet, approximately 12.4 percent of the project area (2,573 square feet less than required by Code). The designated common open space will be provided with a barbeque area, as well as open greenbelt for the enjoyment of the residents of the project. Additionally, the site layout will provide seven of the eight dwelling units with 110 square feet of private open space. The modified front unit will provide 31 square feet of private open space on the second story balcony and an additional 150 square feet of private open space over the unrecorded sewer easement.

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

Finding: The Subject Site is approximately 20,360 square feet in size and irregular in shape as it widens at the rear of the project and then becomes narrow at the north property line. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. The Applicant proposes the development of eight apartment units on the Subject Site. Based on the lot size, the Applicant is theoretically able to build up to 10 units on the property. The Applicant has foregone to maximize the density on the property by only proposing eight units instead of 10. With the exception of the modified front dwelling unit, this has allowed the Applicant to propose larger units that are more spacious. Even though there are two less units, the Applicant is only able to provide approximately half of the required common open space. The requested variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zoning designation and immediate vicinity and does not represent the granting of a special privilege.

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

Finding: Granting the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject site is located. The proposed development continues to be consistent with all the development standards for the R-3 Zoning Designation with the exception of the percentage of common open space required for the project. Variance No. 2017-022 is requested to allow the development of the project with a reduction on the common open space

percentage from the required 25 percent to 12.4 percent. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. Based on the size of the Subject Site, a total of 10 dwelling units would be permitted. Instead, the Applicant chose to reduce the number of units in order to meet all the required development standards. Due to the irregular shape of the lot, the square footage of the common open space falls short by 2,573 square feet. The strict application of the Code will deprive this property from privileges enjoyed by other residential properties in the vicinity and under identical zoning designation.

- 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.**

Finding: The Bell Gardens Municipal Code designates the Subject Site R-3 (High Density Residential) which permits residential apartment units. The proposed project will not constitute a use or activity which is not otherwise authorized by the zoning district in which it is located.

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

Finding: There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; and in granting such variance, the spirit of the ordinance will be observed, public safety will be secured, and substantial justice will be done because the proposed eight unit apartment project will continue to be developed in accordance with all the required development standards for the R-3 Zoning Designation except for the percentage of the common open space required by Code. The project as proposed by the Applicant falls short of the required common open space area by 2,573 square feet. Therefore, approval of a variance is being requested for the relief from the strict application of the Code. If Variance No. 2017-022 is not granted, the only option available to the applicant would be to further reduce the density on the Subject Site. The proposed project will provide 2,517 square feet of common open space, 110 square feet for private open space for seven units, which is 35 square feet more than the minimum of 75 square feet.

ENVIRONMENTAL REVIEW:

In accordance with the provisions and guidelines of the California Environmental Quality Act ("CEQA"), the project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development) and a Class 3 Categorical Exemption pursuant to Section 15303(b) (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The proposed project is (1) consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations because the property is zoned R-3 and the proposed residential development is consistent with the R-3 zoning designation, the Land Use Element, and the Housing Element; (2) the proposed project occurs within the

City limits and the project site is only 20,360 square feet; (3) the project site is developed with two single family dwelling units, a detached two-car garage, a detached two-car carport, and a one-car garage attached to the existing front unit in a fully urbanized area and has no value as habitat or endangered, rare, or threatened species; (4) the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) the site can be adequately served by all required utilities and public services. The proposed project consists of only eight residential apartment units located on a site that is in an urbanized area.

CONCLUSION:

It is staff's recommendation the Planning Commission adopt Planning Commission Resolution #PC 2018-03 approving a 12 month time extension for Site Plan Review No. 2017-022 and Variance No. 2017-022 and approving modifications to the site plan, variance and related conditions of approval adopted as part Site Plan Review No. 2017-017 and Variance No. 2017-022. The conditions of approval of Site Plan Review No. 2017-022 and Variance No. 2017-022 will remain in full force and effect.

FISCAL IMPACT:

None

ATTACHMENTS:

- Exhibit A – Planning Commission Resolution #PC 2018-03
- Exhibit B – Planning Commission Staff Report from May 17, 2018
- Exhibit C – Planning Commission Approved Resolution #PC 2017-02
- Exhibit D – Request for Extension
- Exhibit E – Vicinity Map
- Exhibit F – Revised Site Plan
- Exhibit G – Revised Floor Plan
- Exhibit H – Revised Elevations
- Exhibit I – Public Hearing Notice

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EXHIBIT A

**Resolution
#PC 2018-03**

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RESOLUTION #PC 2018-03

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF BELL GARDENS APPROVING A
TWELVE MONTH EXTENSION AND MODIFICATION OF
SITE PLAN REVIEW NO. 2017-022 AND VARIANCE NO. 2017-022
(File No. 2017-022)**

WHEREAS, the Applicant and property owner, Steven Senemar of Jaboneria, LLC ("Applicant"), is requesting approval of a 12 month time extension and modification of Site Plan Review No. 2017-022 and Variance No. 2017-022 (originally approved by the Planning Commission on May 17, 2017) to reduce the size of one of the eight proposed dwelling units from 1,891 square feet to a 906 square feet ("Project") at 7311 Jaboneria Road, Bell Gardens ("Subject Site");

WHEREAS, the Subject Site is presently zoned R-3 (High Density Residential) with the current General Plan Land Use Designation of "High Density Residential" which allows the proposed project by the Applicant;

WHEREAS, Condition No. 3 of Planning Commission Resolution #PC 2017-02 states that Site Plan Review No. 2017-022 and Variance No. 2017-022 shall terminate within one year of the effective date of the Site Plan Review and Variance unless construction is commenced or a time extension is granted by the Planning Commission based upon a written request submitted to the Community Development Department prior to the expiration of the one year period (May 17, 2018);

WHEREAS, on May 17, 2018, Steven Senemar of Jaboneria, LLC submitted a written request for a 12 month extension for Site Plan Review No. 2017-022 and Variance No. 2017-022 with amendments to the Site Plan Review and Variance;

WHEREAS, Pursuant to BGMC Section 9.50.110 (Modification of a variance or conditional use permit), "a modification of an approved variance or conditional use permit shall be reviewed in the same manner as a new variance or conditional use permit application if conditions are proposed to be amended or the application is deemed by the Community Development Director as an intensification of the originally approved use;" and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on July 18, 2018, and reviewed all facts and evidence, both written and testimonial, pertaining to the extension and amendment to Site Plan Review No. 2017-022 and Variance No. 2017-022.

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. The Planning Commission hereby grants a 12 month extension for Site Plan Review No. 2017-022 and Variance No. 2017-022 to allow the development of to allow the development of an eight unit residential apartment project at 7311 Jaboneria Road, Bell Gardens, CA 90201.

Section 3. The Planning Commission also approves the modification to Site Plan Review No. 2017-022 and Variance No. 2017-022 as shown in the Revised Site Plan attached hereto as Exhibit "A" based upon the following findings:

- 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 proposed use, development of land and application of development standards shall take place in compliance with all applicable provisions of this Ordinance because the Project continues to be consistent with the R-3 (High Density Residential) zone. Moreover, as mentioned in the analysis section of this staff report, the Project will be developed in accordance with all development standards located in Table 9.10A: Residential Land Use Matrix of the Zoning Ordinance including density, setbacks, lot coverage, and parking.

- 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: 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 because Staff has analyzed the proposed project and has determined that the project will continue to be consistent with the provisions of the R-3 Zone in which the Subject Site is located. All existing structures will be demolished in order to accommodate the proposed eight new units designed at the allowable density of no more than thirty units per acre. Adjacent uses to the south, west, and east are developed with similar uses. Directly to the north are commercially zoned properties. Moreover, the proposed Project is consistent with the General Plan Land Use designation of High Density Residential. Therefore, the subject site is suitable for the particular use/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 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, prevent adverse effects on neighboring property because the proposed modified project has been designed to ensure the proper on-site and off-site circulation and is consistent with the General Plan Land Use designation of "High Density Residential." To that end, access to the site is gained via a proposed 25 foot wide driveway and driveway approach off Jaboneria Road with sufficient parking for tenants and their guests designed to reduce the amount off-site parking. Jaboneria Road is designated as a Secondary Highway in the General Plan Circulation Element and is adequate in width to accommodate on-site and off-site circulation for forecasted traffic. Moreover, all agencies reviewed the proposed Project and, in certain cases, issued conditions of approval, all of which were incorporated into Planning Commission Resolution PC #2017-02.

- 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: Every use, development of land and application of development standards have been considered on the basis of suitable and functional development design for this project. Staff worked with the applicant to ensure every use, development of land and application of development standards is considered on the basis of suitable and functional development design. Specifically, staff worked with the architect to create a design that will not only enhance the overall appearance of the area but is consistent with the overall style of architecture within the City. Adjacent residential uses are similarly developed with multi-family dwelling units.

Variance No. 2017-022

Approval or disapproval of any Variance or modification to an approved Variance shall be based upon the factors and principles as set forth in Section 9.50.050 of the Bell Gardens Municipal Code.

- 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 preservation of a substantial property right of the owner, and will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity. Section 9.20.140 of the City of Bell Gardens Municipal Code establishes standards for the development of residential condominium projects in the City. Among the development standards, a minimum of 25 percent of the gross project

Among the development standards, a minimum of 25 percent of the gross project area shall be set aside, developed and maintained as common open space for the benefit and use of all residents of the project. Based on the size of the subject site, a minimum of 5,090 square feet shall be designated as common open space. The project, as proposed by the Applicant, will continue to provide a total of 2,517 square feet, approximately 12.4 percent of the project area (2,573 square feet less than required by Code). The designated common open space will be provided with a barbeque area, as well as open greenbelt for the enjoyment of the residents of the project. Additionally, the site layout will provide seven of the eight dwelling units with 110 square feet of private open space. The modified front unit will provide 31 square feet of private open space on the second story balcony and an additional 150 square feet of private open space over the unrecorded sewer easement.

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

Finding: The Subject Site is approximately 20,360 square feet in size and irregular in shape as it widens at the rear of the project and then becomes narrow at the north property line. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. The Applicant proposes the development of eight apartment units on the Subject Site. Based on the lot size, the Applicant is theoretically able to build up to 10 units on the property. The Applicant has foregone to maximize the density on the property by only proposing eight units instead of 10. With the exception of the modified front dwelling unit, this has allowed the Applicant to propose larger units that are more spacious. Even though there are two less units, the Applicant is only able to provide approximately half of the required common open space. The requested variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zoning designation and immediate vicinity and does not represent the granting of a special privilege.

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

Finding: Granting the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject site is located. The proposed development continues to be consistent with all the development standards for the R-3 Zoning Designation with the exception of the percentage of common open space

required for the project. Variance No. 2017-022 is requested to allow the development of the project with a reduction on the common open space percentage from the required 25 percent to 12.4 percent. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. Based on the size of the Subject Site, a total of 10 dwelling units would be permitted. Instead, the Applicant chose to reduce the number of units in order to meet all the required development standards. Due to the irregular shape of the lot, the square footage of the common open space falls short by 2,573 square feet. The strict application of the Code will deprive this property from privileges enjoyed by other residential properties in the vicinity and under identical zoning designation.

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.**

Finding: The Bell Gardens Municipal Code designates the Subject Site R-3 (High Density Residential) which permits residential apartment units. The proposed project will not constitute a use or activity which is not otherwise authorized by the zoning district in which it is located.

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

Finding: There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; and in granting such variance, the spirit of the ordinance will be observed, public safety will be secured, and substantial justice will be done because the proposed eight unit apartment project will continue to be developed in accordance with all the required development standards for the R-3 Zoning Designation except for the percentage of the common open space required by Code. The project as proposed by the Applicant falls short of the required common open space area by 2,573 square feet. Therefore, approval of a variance is being requested for the relief from the strict application of the Code. If Variance No. 2017-022 is not granted, the only option available to the applicant would be to further reduce the density on the Subject Site. The proposed project will provide 2,517 square feet of common open space, 110 square feet for private open space for seven units, which is 35 square feet more than the minimum of 75 square feet.

Section 4. All of the remaining original Conditions of Approval accepted and agreed to by the Applicant, with respect to Planning Commission Resolution #PC 2017-02 (Site Plan Review No. 2017-022 and Variance No. 2017-022) shall remain in full force and effect with the adoption of Planning Commission Resolution #PC 2018-03.

Section 5. In accordance with the provisions and guidelines of the California Environmental Quality Act ("CEQA"), the project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development) and a Class 3 Categorical Exemption pursuant to Section 15303(b) (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The proposed project is (1) consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations because the property is zoned R-3 and the proposed residential development is consistent with the R-3 zoning designation, the Land Use Element, and the Housing Element; (2) the proposed project occurs within the City limits and the project site is only 20,360 square feet; (3) the project site is developed with two single family dwelling units, a detached two-car garage, a detached two-car carport, and a one-car garage attached to the existing front unit in a fully urbanized area and has no value as habitat or endangered, rare, or threatened species; (4) the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) the site can be adequately served by all required utilities and public services. The proposed project consists of only eight residential apartment units located on a site that is in an urbanized area.

PASSED, APPROVED AND ADOPTED this 18th day of July 2018.

TONY RIVERA, CHAIRPERSON

ATTEST:

ERIKA GUTIERREZ, PLANNING SECRETARY

APPROVED AS TO FORM:

JOHN W. LAM, ASSISTANT CITY ATTORNEY

EXHIBIT B


Planning Commission Staff Report from May 17, 2017

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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 <i>H.S. For C.M.</i> 
BY:	Hailes H. Soto, Associate Planner <i>H.S.</i>
SUBJECT:	Eight Unit Apartment Development Site Plan Review No. 2017-022 and Variance No. 2017-022 7311 Jaboneria Road (File No. 2017-022)
DATE:	May 17, 2017

RECOMMENDATION:

It is recommended that the Planning Commission adopt Planning Commission Resolution #PC 2017-02 (Exhibit A) approving:

1. Site Plan Review No. 2017-022 to allow the development of eight apartment units at 7311 Jaboneria Road, Bell Gardens (Subject Site); and
2. Variance No. 2017-022 to allow less than 25% of the required common open space to be provided on the property.

SITE DESCRIPTION:

The Subject Site is located on the west side of Jaboneria Road (Exhibit B) with Florence Avenue to the north. The Subject Site is zoned R-3 (High Density Residential) with a General Plan Land Use designation of "High Density Residential." The Subject Site consists of one irregular-shaped parcel with a flat topography and a total land area of 20,360 square feet. Access to the Subject Site is gained via two existing driveways along Jaboneria Road. Currently the Subject Site is developed with two single family dwelling units, a detached two-car garage, a detached two-car carport, and a one-car garage attached to the existing front unit. The dwelling units are currently not occupied. Table No. 1 below summarizes the land uses for the Subject Site's surrounding properties.

Table No. 1. Surrounding Land Uses

North	
Zone	C-4 (Heavy Commercial)
General Plan	General Commercial
Use	Commercial

East	
Zone	R-3 (High Density Residential)
General Plan	Mixed Use
Use	Residential

South	
Zone	R-3 (High Density Residential)
General Plan	High Density Residential
Use	Residential

West	
Zone	R-3 (High Density Residential)
General Plan	Public/Institutional
Use	Bell Gardens Intermediate School

BACKGROUND:

On September 16, 2009, the Planning Commission approved Site Plan Review No. 2007-205 to allow the construction of eight new apartment units on the Subject Site. All existing structures were going to be demolished to accommodate the new development. The project consisted of two buildings, one containing seven attached units, each with a two-car garage and the other containing a detached single-family dwelling with an attached garage. Each unit was going to have three bedrooms and two and a half bathrooms. A total of 16 parking spaces and four guest parking spaces were going to be provided. Access to the Subject Site was going to be gained via a 26 foot wide driveway off Jaboneria Road to accommodate two-way traffic and provide the required backup distance for 90 degree angled parking.

In recognition of the difficulty developers were having in obtaining construction financing for entitled projects due to the worldwide economic downturn, on October 20, 2010, the Planning Commission granted a one year extension for Site Plan Review No. 2007-205. After the aforementioned project extension was approved, the previous Applicant was unable to continue the project and subsequently sold the project to the current Applicant. The current Applicant decided to slightly redesign the project as will be discussed below in the Analysis section of the agenda report.

Pursuant to Bell Gardens Municipal Code Section 9.50.160, Site Plan Review No. 2007-205 became null and void on October 20, 2011 since the project was not implemented within the allotted period of one year from the approval of the project extension on October 20, 2010. It should be noted that this current proposal now requires approval of a Variance since it does not comply with the BGMC as discussed below.

PROJECT DESCRIPTION:

The Project consists of the demolition of all existing structures on the Subject Site and the construction of eight apartment units at 7311 Jaboneria Road, Bell Gardens. Two detached, two-story buildings will be built and each building will have four apartment units which will be developed similar to a town home. The apartment units range in size from 1,891 to 1,970 square feet which includes an attached 2-car garage for each unit. Each unit will consist of three bedrooms and two and a half bathrooms. A total of 16 parking spaces will be provided inside the attached garages and four open guest parking spaces will be provided on the Subject Site. Access to the Subject Site will be gained via a 25 foot wide driveway off Jaboneria Road in order to accommodate two-way traffic and provide the required backup distance. The project also includes the construction of new block walls on the perimeter of the Subject Site along with the construction of a new driveway approach and new landscaping throughout the Subject Site and public parkway. Approval of Variance No. 2017-022 is being requested to allow less than 25% of the required common open space to be provided on the property.

ANALYSIS:

In reviewing the Applicant's request for Site Plan Review No. 2017-022 and Variance No. 2017-022, staff has conducted a thorough analysis of this matter and associated components which are set forth below.

Site Plan Review No. 2017-022

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. 2017-022 are closely related to each other, to facilitate the analysis of the Project, the Applicant's request will be analyzed under five major components: (1) Development Standards Compliance; (2) Site Layout; (3) Floor Plan Layout; (4) Building Design, Color, and Material; and (5) Traffic and Circulation.

1. Development Standards Compliance

The Project is consistent with the R-3 (High Density Residential) zone in which it is located. All development standards including but not limited to minimum dwelling unit size, setbacks, lot coverage, and parking are met. As part of this proposal, the Applicant is also providing each unit with private open space in the form of a balcony and is providing common open space situated at the southwest corner of the Subject Site. However, the Applicant is requesting approval of Variance No. 2017-022 to allow less than 25% of the required common open space to be provided on the property as will be analyzed below.

2. Site Layout

The Project consists of two buildings two stories high fronting Jaboneria Road and will be developed similar to a town home project (Exhibit C). Both buildings consists of four attached apartment units each with a two-car garage. Access to the site is gained off Jaboneria Road via a 25 foot wide driveway and driveway approach located at the southeast corner of the subject property. There are a total of 16 parking spaces to be provided inside the attached garage for each of the units. Four open guest parking spaces are positioned along the northeast corner at a 90 degree angle.

An eight foot by eight foot trash enclosure will be located directly to the north of the guest parking spaces. The Applicant will be required to construct a new six foot high block wall along the perimeter of the Subject Site. A condition has been included in Planning Commission Resolution #PC 2017-02 requiring the proposed new block wall to be constructed of split face block.

The Project is also adjacent to an existing storm drain easement which is located at the north east corner of the Subject Site approximately two feet away from the northeast corner of the building. A storm drain system is defined in the Bell Gardens Municipal Code as "any street, gutter, conduit, natural or artificial drain, channel, and watercourse, and/or other facility or any combination thereof, that is owned and/or operated by the city or the Los Angeles County Flood Control District and used for the purpose of collecting, storing, transporting, and/or disposing of runoff." Based on the Site Plan submitted by the Applicant, the location of the easement will not impact the proposed project.

3. Floor Plan Layout

Each unit is two stories high and consists of three bedrooms and two and a half bathrooms with an attached two-car garage (Exhibit D). The typical first floor consists of 528 square feet of living space including a kitchen, a dining area, and a living room, except for the front unit will consist of 607 square feet of living space. A total of 803 square feet is proposed for the second story consisting of two bedrooms, a bathroom, and a master suite with bathroom and walk-in closet. Each unit is designed with approximately 110 square feet of private open space in the form of a balcony.

4. Building Design, Color, and Material

The Applicant has worked closely with staff in creating a development that reflects the characteristics of the City and the existing adjacent developments. The proposed project has been designed to incorporate a combination of traditional architecture and Mediterranean Revival including the use of stucco-finished walls, tiled roofs, arches, and stone veneer (Exhibit E and Exhibit F). Balconies and window grills are fabricated out of wrought iron. The final

selection of colors and materials will be subject to review and approval by the Community Development Department.

5. Traffic and Circulation

The site accommodates a total of 20 parking spaces that are accessible from the primary drive aisle and driveway. A total of 16 parking spaces are provided in the form of garages attached to each apartment unit and four open parking spaces are provided for guest parking. Ingress and egress is gained to the property via a 25 foot wide driveway and driveway approach off Jaboneria Road.

Both the City Engineer and the Los Angeles County Fire Department have reviewed the proposed project and have issued comments relating to access of the site. Furthermore, the project will be required to meet all access and fire flow requirements.

Variance No. 2017-022

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, Variance No. 2017-022 is being requested to allow less than 25% of the required common open space to be provided on the property. The proposed development is consistent with the R-3 (High Density Residential) zone in which it is located. The Bell Gardens Municipal Code establishes development standards for every respective zone which includes density, height limits, maximum lot coverage, parking, common and private open space requirements, etc.

The Applicant is proposing to develop eight residential apartment units on the subject site with less than the minimum percentage of common open space. BGMC Section 9.10.040 requires common open space areas located within a residential project to be a minimum of 25 percent of the gross project area. The common open space area needs to be designed for the benefit and use of all residents of the project. Based on the total square footage of the subject site, 20,360 square feet, a minimum of 5,090 square feet, (25 percent) would have to be provided on the property as common open space for the use of the residents. The Applicant is proposing to provide 2,517 square feet (12.4 percent) which represents approximately 2,573 square feet less than required.

The Subject Site is irregular in shape as it widens at the rear of the project and then becomes narrow at the north property line. Based on the lot size, the Applicant is theoretically able to build up to 10 units on the property. The Applicant has foregone to maximize the density on the property by only proposing eight units instead of 10. This has allowed the Applicant to propose larger units that are more spacious. Even though there are two less units, the Applicant is only able to provide approximately half of the required common open space.

Bell Gardens Municipal Code Section 9.01.130 (Procedure Regarding Pending Proceedings) states the following: *"When prior to the effective date of this Ordinance and pursuant to Ordinance No. 1 adopting the Los Angeles County Zoning Ordinance No. 1949 (as amended to August 1, 1961), an action has been taken under any of the following conditions, such action shall be deemed to have been taken pursuant to the provisions of this Ordinance and shall be processed, in so far as possible, in accordance with the provisions of this Ordinance: (1) An application has been filed; (2) The Commission has determined on its own initiative to hold a hearing; (3) A hearing has been held; or (4) A recommendation has been made."* In 2007, the previous Applicant submitted architectural plans to the Planning Division. Over the course of several months, the previous Applicant and staff worked meticulously to go over all the design and site layout intricacies of the Project. After numerous revisions, the previous Applicant and staff agreed upon a project that met all of the City's development standards without the need of a variance at that time. Although the new Zoning Code was in effect, the Applicant was able to utilize the development standards of the previous Zoning Code under the aforementioned clause. Under the previous approval of this project, the common open space was not a requirement. Thus, the Applicant is now required to provide common open space. Within the common open space, the Applicant proposes to provide a picnic and barbeque area. The rest of the common open space will be landscaped for the use and enjoyment of the residents of the property.

In addition, the proposed site layout will provide each unit with approximately 110 square feet of private open space on the second floor balcony, which is 35 square feet more than the minimum of 75 square feet. The proposed project will be developed in accordance with all applicable development standards specified in the Bell Gardens Municipal Code.

The Applicant has requested approval of Site Plan Review No. 2017-022 which, if approved, will allow the proposed development on the Subject Site. After thorough analysis, staff finds that all applicable information required per Section 9.58.050 has been submitted and all standards of development per Section 9.10.040, Table 9.10B have been met. Staff supports granting approval of Variance No. 2017-022 based on the fact that the improvements proposed on the Subject Site will provide additional housing. Site Plan Review No. 2017-022 and Variance No. 2017-022 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 BGMC Section 9.10.040.

FINDINGS:

Site Plan Review No. 2017-022

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 Bell Gardens Municipal Code:

- 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 proposed use, development of land and application of development standards shall take place in compliance with all applicable provisions of this Ordinance because the Project is consistent with the R-3 (High Density Residential) zone. Moreover, as mentioned in the analysis section of this staff report, the Project will be developed in accordance with all development standards located in Table 9.10A: Residential Land Use Matrix of the Zoning Ordinance including density, setbacks, lot coverage, and parking.

- 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: 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 because Staff has analyzed the proposed project and has determined that the project is consistent with the provisions of the R-3 Zone in which the Subject Site is located. All existing structures will be demolished in order to accommodate the proposed eight new units designed at the allowable density of no more than thirty units per acre. Adjacent uses to the south, west, and east are developed with similar uses. Directly to the north are commercially zoned properties. Moreover, the proposed Project is consistent with the General Plan Land Use designation of High Density Residential. Therefore, the subject site is suitable for the particular use/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 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, prevent adverse effects on neighboring property because the proposed project has been

designed to ensure the proper on-site and off-site circulation and is consistent with the General Plan Land Use designation of "High Density Residential." To that end, access to the site is gained via a proposed 25 foot wide driveway and driveway approach off Jaboneria Road with sufficient parking for tenants and their guests designed to reduce the amount off-site parking. Jaboneria Road is designated as a Secondary Highway in the General Plan Circulation Element and is adequate in width to accommodate on-site and off-site circulation for forecasted traffic. Moreover, all agencies reviewed the proposed Project and, in certain cases, issued conditions of approval, all of which have been incorporated into Planning Commission Resolution PC #2017-02.

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: Every use, development of land and application of development standards have been considered on the basis of suitable and functional development design for this project. Staff worked with the applicant to ensure every use, development of land and application of development standards is considered on the basis of suitable and functional development design. Specifically, staff worked with the architect to create a design that will not only enhance the overall appearance of the area but is consistent with the overall style of architecture within the City. Adjacent residential uses are similarly developed with multi-family dwelling units.

Variance No. 2017-022

Approval or disapproval of any Variance shall be based upon the following factors and principles as set forth in Section 9.50.060 of the Bell Gardens Municipal Code:

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 preservation of a substantial property right of the owner, and will not be materially detrimental to the public welfare nor to the property of other persons located in the vicinity. Section 9.20.140 of the City of Bell Gardens Municipal Code establishes standards for the development of residential condominium projects in the City. Among the development standards, a minimum of 25 percent of the gross project area shall be set aside, developed and maintained as common open space for the benefit and use of all residents of the project. Based on the size of the subject site, a minimum of 5,090 square feet shall be designated as common open space. The project, as proposed by the Applicant, will provide a total of 2,517 square feet, approximately 12.4 percent of the project area (2,573 square

feet less than required by Code). The designated common open space will be provided with a barbeque area, as well as open greenbelt for the enjoyment of the residents of the project. Additionally, the site layout will provide each dwelling unit with 110 square feet of private open space.

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

Finding: The Subject Site is approximately 20,360 square feet in size and irregular in shape as it widens at the rear of the project and then becomes narrow at the north property line. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. The Applicant proposes the development of eight apartment units on the Subject Site. Based on the lot size, the Applicant is theoretically able to build up to 10 units on the property. The Applicant has foregone to maximize the density on the property by only proposing eight units instead of 10. This has allowed the Applicant to propose larger units that are more spacious. Even though there are two less units, the Applicant is only able to provide approximately half of the required common open space. The requested variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zoning designation and immediate vicinity and does not represent the granting of a special privilege.

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

Finding: Granting the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject site is located. The proposed development is consistent with all the development standards for the R-3 Zoning Designation with the exception of the percentage of common open space required for the project. Variance No. 2017-022 is requested to allow the development of the project with a reduction on the common open space percentage from the required 25 percent to 12.4 percent. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. Based on the size of the Subject Site, a total of 10 dwelling units would be permitted. Instead, the Applicant chose to reduce the number of units in order to meet all the required development standards. Due to the irregular shape of the lot, the square footage of the common open space falls short by 2,573 square feet. The strict application of

the Code will deprive this property from privileges enjoyed by other residential properties in the vicinity and under identical zoning designation.

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.

Finding: The Bell Gardens Municipal Code designates the Subject Site R-3 (High Density Residential) which permits residential apartment units. The proposed project will not constitute a use or activity which is not otherwise authorized by the zoning district in which it is located.

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

Finding: There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; and in granting such variance, the spirit of the ordinance will be observed, public safety will be secured, and substantial justice will be done because the proposed eight unit apartment project will be developed in accordance with all the required development standards for the R-3 Zoning Designation except for the percentage of the common open space required by Code. The project as proposed by the Applicant falls short of the required common open space area by 2,573 square feet. Therefore, approval of a variance is being requested for the relief from the strict application of the Code. If Variance No. 2017-022 is not granted, the only option available to the applicant would be to further reduce the density on the Subject Site. The proposed project will provide 2,517 square feet of common open space, 110 square feet for private open space for each unit, which is 35 square feet more than the minimum of 75 square feet.

ENVIRONMENTAL REVIEW:

In accordance with the provisions and guidelines of the California Environmental Quality Act ("CEQA"), the project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development) and a Class 3 Categorical Exemption pursuant to Section 15303(b) (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The proposed project is (1) consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations because the property is zoned R-3 and the proposed residential development is consistent with the R-3 zoning designation, the Land Use Element, and the Housing Element; (2) the proposed project occurs within the City limits and the project site is only 20,360 square feet; (3) the project site is developed with two single family dwelling units, a detached two-car garage, a detached two-car carport, and a one-car garage attached to the existing front unit in a fully urbanized area and has no value as habitat or endangered, rare, or threatened species; (4) the approval of the project would not result in any significant effects relating to traffic,

noise, air quality, or water quality; and (5) the site can be adequately served by all required utilities and public services. The proposed project consists of only eight residential apartment units located on a site that is in an urbanized area.

CONCLUSION:

The development of the Property will allow the City to achieve several objectives. First, the construction of the project will increase the amount of housing stock in the City and will also enhance the general appearance of the neighborhood. Second, the project will be developed in accordance to Section 9.10.040 (High Density Residential) of the Bell Gardens Municipal Code with respect to lot coverage, landscaping, density, building height, off-street parking and setbacks. Moreover, the Project will meet the communities need for multi-family housing.

The proposed project has been routed to all public agencies and City departments for review. The Building & Safety and Police Departments have commented that they have no objection to the proposed project. The Los Angeles County Fire Department has granted preliminary approval of the site plan layout. Planning Commission Resolution #PC 2017-02 contain conditions of approval that address any concerns from the various agencies and City departments.

FISCAL IMPACT:

None.

ATTACHMENTS:

- Exhibit A – Resolution #PC 2017-02
- Exhibit B – Vicinity Map (with 500-foot Radius Map)
- Exhibit C – Site Plan
- Exhibit D – Floor Plan
- Exhibit E – Elevations
- Exhibit F – Renditions
- Exhibit G – Public Hearing Notice

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EXHIBIT C

**Planning
Commission
Approved
Resolution #PC
2017-02**

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RESOLUTION #PC 2017-02

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF BELL GARDENS APPROVING SITE PLAN REVIEW NO. 2017-022
AND VARIANCE NO. 2017-022
(File No. 2017-022)**

WHEREAS, the applicant and property owner, Steven Senemar of Jaboneria LLC, has requested the approval of Site Plan Review No. 2017-022 and Variance No. 2017-022 to allow the development of eight apartment units at 7311 Jaboneria Road ("Property") in the City of Bell Gardens ("City");

WHEREAS, the Subject Site is presently zoned R-3 (High Density Residential) and the General Plan Land Use Designation is "High Density Residential";

WHEREAS, on September 16, 2009, the Planning Commission approved Site Plan Review No. 2007-205 to allow the construction of eight new apartment units on the Subject Site;

WHEREAS, in recognition of the difficulty developers were having in obtaining construction financing for entitled projects due to the worldwide economic downturn, on October 20, 2010, the Planning Commission granted a one year extension for Site Plan Review No. 2007-205 to allow the construction of eight new apartment units on the Subject Site;

WHEREAS, pursuant to Bell Gardens Municipal Code Section 9.50.160, Site Plan Review No. 2007-205 became null and void on October 20, 2011 since the project was not implemented within the allotted period of one year from the approval of the project extension on October 20, 2010;

WHEREAS, the previous Applicant was unable to continue the project and subsequently sold the project to the current Applicant;

WHEREAS, in 2016, the current Applicant resubmitted to the Community Development Department a slightly redesigned project that retained most of the approved elements;

WHEREAS, staff informed the Applicant that the slightly revised project was deficient since it was not providing 25% of the required open common open space;

WHEREAS, the lot is irregular in shape and thus it is difficult to accommodate all of the required development standards;

WHEREAS, on May 17, 2017, the Planning Commission held a public hearing and has fully reviewed and considered all facts and evidence, both written and testimonial, pertaining to Site Plan Review No. 2017-022 and Variance No. 2017-022.

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 of the Bell Gardens Municipal Code, the Planning Commission makes the following findings in support of the proposed Site Plan Review to allow for the development of eight apartment units on the Subject Site based on the following findings:

- a. **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 proposed use, development of land and application of development standards shall take place in compliance with all applicable provisions of this Ordinance because the Project is consistent with the R-3 (High Density Residential) zone. Moreover, as mentioned in the analysis section of this staff report, the Project will be developed in accordance with all development standards located in Table 9.10A: Residential Land Use Matrix of the Zoning Ordinance including density, setbacks, lot coverage, and parking.

- b. **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: 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 because Staff has analyzed the proposed project and has determined that the project is consistent with the provisions of the R-3 Zone in which the Subject Site is located. All existing structures will be demolished in order to accommodate the proposed eight new units designed at the allowable density of no more than thirty units per acre. Adjacent uses to the south, west, and east are developed with similar uses. Directly to the north are commercially zoned properties. Moreover, the proposed Project is consistent with the General Plan Land Use designation of High Density Residential. Therefore, the subject site is suitable for the particular use/development intended.

- c. **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 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, prevent adverse effects on neighboring property because the proposed project has been designed to ensure the proper on-site and off-site circulation and is consistent with the General Plan Land Use designation of "High Density Residential." To that end, access to the site is gained via a proposed 25 foot wide driveway and driveway approach off Jaboneria Road with sufficient parking for tenants and their guests designed to reduce the amount off-site parking. Jaboneria Road is designated as a Secondary Highway in the General Plan Circulation Element and is adequate in width to accommodate on-site and off-site circulation for forecasted traffic. Moreover, all agencies reviewed the proposed Project and, in certain cases, issued conditions of approval, all of which have been incorporated into Planning Commission Resolution PC #2017-02.

- d. **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: Every use, development of land and application of development standards have been considered on the basis of suitable and functional development design for this project. Staff worked with the applicant to ensure every use, development of land and application of development standards is considered on the basis of suitable and functional development design. Specifically, staff worked with the architect to create a design that will not only enhance the overall appearance of the area but is consistent with the overall style of architecture within the City. Adjacent residential uses are similarly developed with multi-family dwelling units.

SECTION 3. Pursuant to Title 9, Section 9.50.060 of the Bell Gardens Municipal Code, which sets forth the findings necessary for approving a Variance, the Planning Commission finds:

- a. **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 preservation of a substantial property right of the owner, and will not be materially detrimental to the public welfare nor to the property of other persons

located in the vicinity. Section 9.20.140 of the City of Bell Gardens Municipal Code establishes standards for the development of residential condominium projects in the City. Among the development standards, a minimum of 25 percent of the gross project area shall be set aside, developed and maintained as common open space for the benefit and use of all residents of the project. Based on the size of the subject site, a minimum of 5,090 square feet shall be designated as common open space. The project, as proposed by the Applicant, will provide a total of 2,517 square feet, approximately 12.4 percent of the project area (2,573 square feet less than required by Code). The designated common open space will be provided with a barbeque area, as well as open greenbelt for the enjoyment of the residents of the project. Additionally, the site layout will provide each dwelling unit with 110 square feet of private open space.

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

Finding: The Subject Site is approximately 20,360 square feet in size and irregular in shape as it widens at the rear of the project and then becomes narrow at the north property line. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. The Applicant proposes the development of eight apartment units on the Subject Site. Based on the lot size, the Applicant is theoretically able to build up to 10 units on the property. The Applicant has foregone to maximize the density on the property by only proposing eight units instead of 10. This has allowed the Applicant to propose larger units that are more spacious. Even though there are two less units, the Applicant is only able to provide approximately half of the required common open space. The requested variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other properties in the same zoning designation and immediate vicinity and does not represent the granting of a special privilege.

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

Finding: Granting the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject site is located. The proposed development is consistent with all the development standards for the R-3

Zoning Designation with the exception of the percentage of common open space required for the project. Variance No. 2017-022 is requested to allow the development of the project with a reduction on the common open space percentage from the required 25 percent to 12.4 percent. Residential lots located within the immediate vicinity of the subject site vary in size and density. Some of these properties do not comply with all the provisions contained in Section 9.10.040 of the City of Bell Gardens Municipal Code. Based on the size of the Subject Site, a total of 10 dwelling units would be permitted. Instead, the Applicant chose to reduce the number of units in order to meet all the required development standards. Due to the irregular shape of the lot, the square footage of the common open space falls short by 2,573 square feet. The strict application of the Code will deprive this property from privileges enjoyed by other residential properties in the vicinity and under identical zoning designation.

- d. **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.**

Finding: The Bell Gardens Municipal Code designates the Subject Site R-3 (High Density Residential) which permits residential apartment units. The proposed project will not constitute a use or activity which is not otherwise authorized by the zoning district in which it is located.

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

Finding: There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; and in granting such variance, the spirit of the ordinance will be observed, public safety will be secured, and substantial justice will be done because the proposed eight unit apartment project will be developed in accordance with all the required development standards for the R-3 Zoning Designation except for the percentage of the common open space required by Code. The project as proposed by the Applicant falls short of the required common open space area by 2,573 square feet. Therefore, approval of a variance is being requested for the relief from the strict application of the Code. If Variance No. 2017-022 is not granted, the only option available to the applicant would be to further reduce the density on the Subject Site. The proposed project will provide 2,517 square feet of common open space, 110 square feet for private open space for each unit, which is 35 square feet more than the minimum of 75 square feet.

SECTION 4. The Planning Commission hereby finds this project to be in compliance with the provisions and guidelines of the California Environmental Quality Act ("CEQA") and certifies that the project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-Fill Development) and a Class 3 Categorical Exemption pursuant to Section 15303(b) (New Construction or Conversion of Small Structures) of the State CEQA Guidelines. The proposed project is (1) consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations because the property is zoned R-3 and the proposed residential development is consistent with the R-3 zoning designation, the Land Use Element, and the Housing Element; (2) the proposed project occurs within the City limits and the project site is only 20,360 square feet; (3) the project site is developed with two single family dwelling units, a detached two-car garage, a detached two-car carport, and a one-car garage attached to the existing front unit in a fully urbanized area and has no value as habitat or endangered, rare, or threatened species; (4) the approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) the site can be adequately served by all required utilities and public services. The proposed project consists of only eight (8) residential apartment units located on a site that is in an urbanized area.

SECTION 5. Site Plan Review No. 2017-022 and Variance No. 2017-022 are hereby approved to allow for the development of eight apartment units on the Subject Site, subject to the following Conditions of Approval:

1. The property shall be improved and maintained in accordance with;
 - a. All application material on file in the Planning Division and Exhibits A through G included in the staff report and incorporated herein by this reference.
 - b. All applicable laws, including but not limited to the Bell Gardens Municipal Code and the Bell Gardens Zoning Ordinance.
 - c. All conditions of approval as set forth in this Planning Commission Resolution for Site Plan Review No. 2017-022 and Variance No. 2017-022.
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, use and maintenance of all land and structures adjacent to or within the subject property.
3. Site Plan Review No. 2017-022 and Variance No. 2017-022 and all rights hereunder shall terminate within one (1) year of the effective date of the permit,

unless operations are commenced or a written time extension is granted by the Planning Commission based on a written request submitted to the Bell Gardens Community Development Department prior to the expiration of the one (1) year period as provided in Section 9.50.160 of the Bell Gardens Municipal Code.

4. The abandonment or non-implementation of the conditions stated in the Conditional Use Permit and Variance for a consecutive period of one (1) year shall terminate the Permit, and any privileges granted thereunder shall become null and void.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed in writing of this use and development of said property as set forth by this permit together with all conditions, which are a part thereof.
6. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights hereunder.
7. The Director of Community Development and/or his/her designee are hereby authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same result as would strict compliance with said plans and conditions.
8. The property shall be developed and maintained in a neat, quiet and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
9. Graffiti on buildings, walls, and other associated equipment or other private property shall be removed within 48 hours of its discovery. If painting is required, the paint shall match existing color.
10. Hours and days of construction and grading 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 of the site shall take place on Sundays and holidays.
11. The construction activities within the portion of the development site shall comply with the City's noise control regulations.
12. Vehicles associated with the construction of the proposed project shall not be permitted to park on the public right-of-way.
13. The construction of the project shall conform to the provisions contained in the California Building Code.
14. The Applicant shall obtain all required permits from the City of Bell Gardens Building and Safety Division prior to commencing construction of the project.

15. Storage of building materials related to construction activities shall be contained within the project site.
16. Contractors and subcontractors engaged in the construction activities of the project shall obtain a business license and all required permits from the City of Bell Gardens.
17. A six foot high chain link fence and gate shall be installed around the perimeter of the property during the entire construction and demolition of existing structures on the project. The gate shall be closed and locked after construction hours.
18. All on-site electrical service connections to the proposed development shall be installed underground. If transformers are required, they shall be placed in underground vaults. The Applicant is responsible for contacting Southern California Edison and arranging electrical service at the appropriate stage of construction. Installation is subject to approval of the Customer Service Planner at Southern California Edison Company.
19. All on-site cable television service connections to each apartment unit shall be installed underground. Cable shall be provided at a minimum of three locations within the dwelling units. All cable and connectors shall be screened completely from view within the building served. Visible cabinet and boxes shall be treated to match the materials and colors of the building. The Applicant is responsible for contacting the cable provider and arranging cable installation at the appropriate stage of construction. Type and location of cable installation is subject to approval of the Construction Coordinator of the City's Cable Franchisee.
20. All on-site gas service connections to each apartment unit 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 building. The installation is subject to approval of the Southern California Gas Company.
21. Prior to the issuance of a building permit, the Applicant shall be responsible for contacting, and complying with the conditions imposed by Southern California Edison, Golden State Water Company, L.A. County Sanitation District and the Los Angeles County Fire Department.
22. The applicant shall conform to all specifications and standards from the Los Angeles County Fire Department and shall secure all required approvals and permits prior to commencing the construction of the project.
23. Prior to commencing construction of the project, the Applicant shall obtain approval for the connection to the Sanitary Sewer System.

24. The Applicant shall comply with all requirements according to the NPDES rules.
25. The Applicant shall submit to the Public Works Department detailed engineering plans indicating all on-site and off-site improvements. The off-site improvements shall include the construction the removal and replacement of standard sidewalks, driveways, ADA ramps, curbs and gutters.
26. Any damage to existing sidewalk, curb, gutter, and adjacent pavement along the front of the property shall be reconstructed per City standards and subject to the approval by the Public Works Department.
27. A new driveway and driveway approach shall be constructed with a minimum of six inch concrete in accordance to City Standards. Removal of the existing driveway approach and the construction of new driveway and driveway approach shall conform to City standards and shall be subject to permits and approval by the Public Works Department.
28. The Applicant shall obtain permits from the Department of Public Works/Engineering prior to all off-site improvement work.
29. Prior to the issuance of any building permits, the Applicant shall submit to the Community Development Department three sets of landscaping and irrigation plans prepared by a licensed landscape architect.
30. The Applicant shall be responsible for the payment of all landscaping and irrigation plan check fees. Payment of said fees shall be made to the City at the time of plan submittal to the Community Development Department.
31. A permanent automatic landscaping irrigation system shall be installed for all landscaped areas. Details of the proposed irrigation system shall be included as part of the plans to be submitted for review to the Community Development Department.
32. All designated landscaped areas shall be fully planted prior to the issuance of a building final and Certificate of Occupancy by the City. The type, number, size, and location of all planting material, including but not limited to trees, shrubs, groundcover and sod shall be subject to review and approval of the Community Development.
33. Two twenty four inch (24") box trees shall be planted in the parkway area located in front of the subject site as per City standards. The tree specimen shall be approved by the Public Works Department.
34. A six foot high double side split face block wall fence shall be constructed along both sides and rear property lines of the site. The height of the wall shall be decreased to 42 inches in height if located within the required front yard setback area. The Applicant shall work closely with staff in the design of any

fences proposed along the front property line of the Subject Site. The new walls shall be provided with a concrete cap of the same color and material as the block walls. The type and color of the block and wrought iron fencing material shall be subject to review and approval by the Community Development Department. The block wall shall be constructed in accordance to the Bell Gardens Municipal Code. The height of all new walls shall be measured from the highest finished grade level on either side of the property line.

35. The Applicant shall work closely with the Community Development Department staff to address any finished grade differences between the Subject Site and the public right-of-way in order to determine the final height of all fences.
36. The Applicant shall submit three sets of fence plans to the Community Development Department for review and approval. The plans shall include details on the construction of all block wall fences and gates proposed on the property.
37. The Applicant shall obtain all permits from the City prior to the construction of all new fences and gates. The height of the all new fences shall be measured from the highest finished grade level on either side of the property line.
38. Guest parking spaces shall be striped in accordance to City Standards. The new driveway and guest parking space area shall be constructed of concrete. Guest parking spaces shall be provided with a concrete wheel stop at the front of the stall.
39. Decorative colored concrete bands shall be placed at different locations along the driveway for accents. The final design selection layout and material selection to be utilized on the driveway surface shall be subject to review and approval by the Community Development Department.
40. All outdoor lighting shall be shielded, directed downward, and have sharp cutoff qualities at property lines, in order to minimize light spillover effects and glare onto neighboring properties. The Applicant shall submit copies of manufacturer's brochure to the Community Development Department for review and approval prior to the issuance of building permits by the City.
41. The exterior elevations of the building shall be provided with stucco finish, stone veneer, s-type tile roofs, wrought iron accent, and foam moldings. Final selection of color and material to be use on the building shall be subject to review and approval by the Community Development Department.
42. The second floor balconies proposed on all units shall be restricted to serve as private open space for the residents of these units and shall not be utilized for outdoor storage at any time.

43. Any outside utility equipment such as gas meters, water heater, etc. shall be screened from public view and shall not be visible from the public right-of-way. If the utility equipment is enclosed, the structure shall be painted to match the exterior color of the new dwelling units on the property.
44. Vents, flashing, pipes and water heater enclosures shall be painted with the same color as the surface to which they are attached to and in accordance with the approved color and material sample board.
45. The doors to be installed on the proposed garages shall be of a "Sectional" type and provided with an automatic door opening mechanism. The design of the doors shall compliment the overall architectural design of the new dwelling units proposed on the subject site.
46. All trash enclosures shall be constructed with a six foot high masonry concrete block wall and shall be provided with a stucco finish to match the building. A six foot high solid 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 solid metal 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.
47. The Applicant shall work closely with the United State Postal Office and the Community Development Department in developing the exact location and type of mailboxes to be installed on the property. The location and type of mailboxes shall be subject to the approval of the Community Development Department.
48. All required site improvements indicated on the approved plans and this Resolution shall be completed prior to final inspection by the City.
49. The project site shall be cleared of all debris prior to the issuance of a final building inspection by the City.
50. 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.

51. The Applicant shall sign, notarize, and return to the Community Development Department an affidavit accepting all Conditions of Approval on Conditional Use Permit No. 2017-022 within 15 days from the date of approval of the Planning Commission Resolution #PC 2017-02. 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 Conditional Use Permit non-binding as against the City and shall confer the Applicant no legal rights under the law.

SECTION 5. The Commission Secretary shall certify to the passage and adoption of this Resolution and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2017.


TONY RIVERA, CHAIRPERSON

ATTEST:


ERIKA GUTIERREZ, SECRETARY

APPROVED AS TO FORM:


JOHN LAM, ASSISTANT CITY ATTORNEY

N:\Planning\pc2017\0517\SPR VAR 2017-022 - 7311 Jabonera Rd - Exhibit A - PC Reso 2017-02.doc

EXHIBIT D

Request for Extension

Steven Senemar

05/16/2018

MR ABEL AVALOS
PLANNING DEPT CITY OF BELL GARDENS
7100 GARFIELD AVE
BELL GARDENS, CA 90201



MR AVALOS;

I am requesting an extension for Site Plan Review and Variance No 2017-022 due to an unrecorded sewer easement in front portion our property located at 7311 Jaboneria Rd Bell Gardens, CA .

Due to this unknown easement to our Civil engineers and architect and grading engineers, Our building plan and grading plan needed to be revised reducing unit 1.

This revision has taken time,therefor this extension of time is requested.
I thank you in advance for all of your help and efforts in this matter.

Sincerely

A handwritten signature in blue ink, appearing to read "Steven Senemar". The signature is fluid and cursive.

Steven Senemar/Jabneria LLC

18543 Yorba Linda Blvd., Suite #354 Yorba Linda, CA 92886
Ph: (714)-693-1200 Fax: (714)-693-4700

EXHIBIT E

Vicinity Map

VICINITY MAP

Twelve Month Extension and Modification of Site Plan Review No. 2017-022 and Variance No. 2017-022 7311 Jaboneria Road (File No. 2017-022)

Subject Site

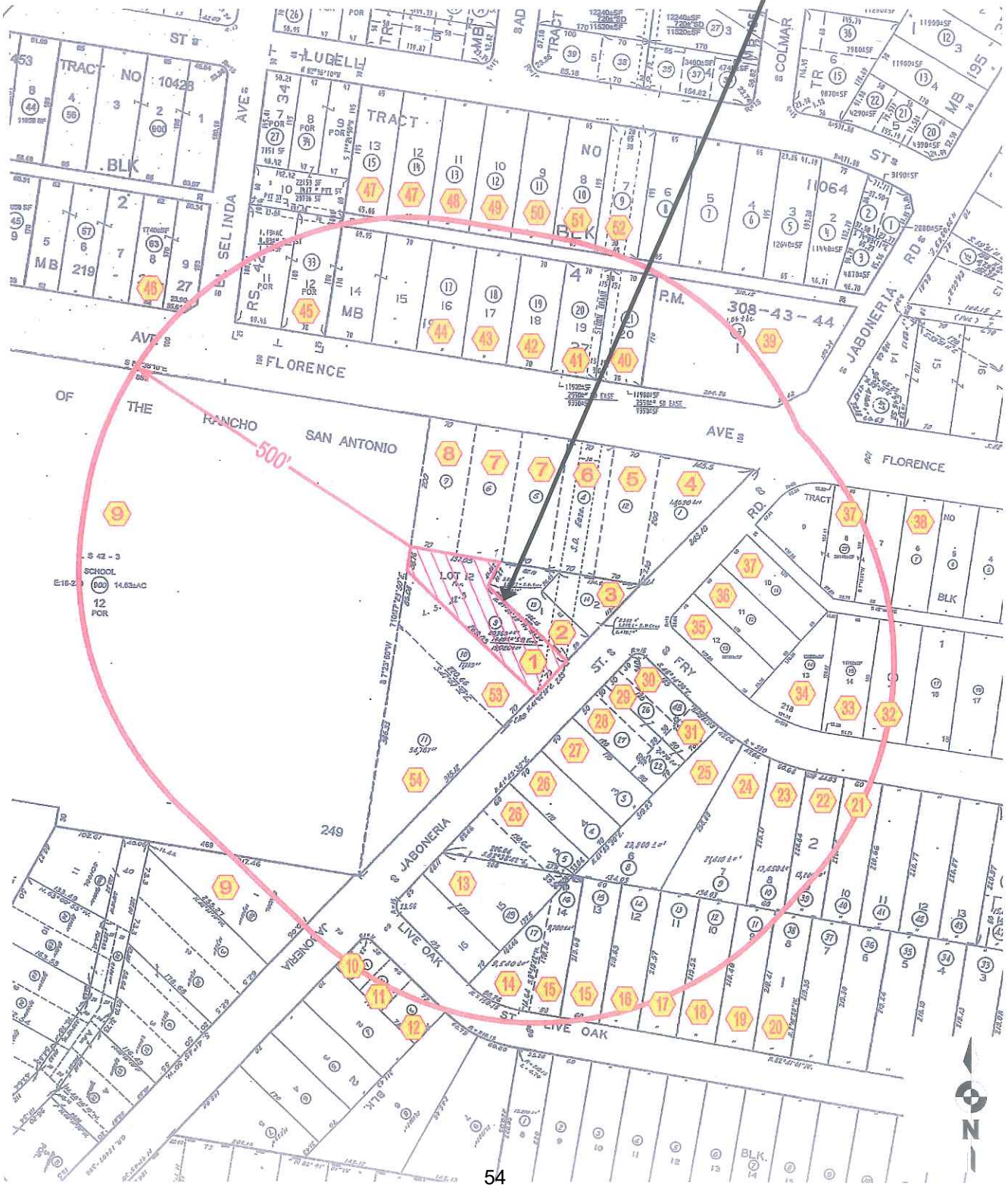
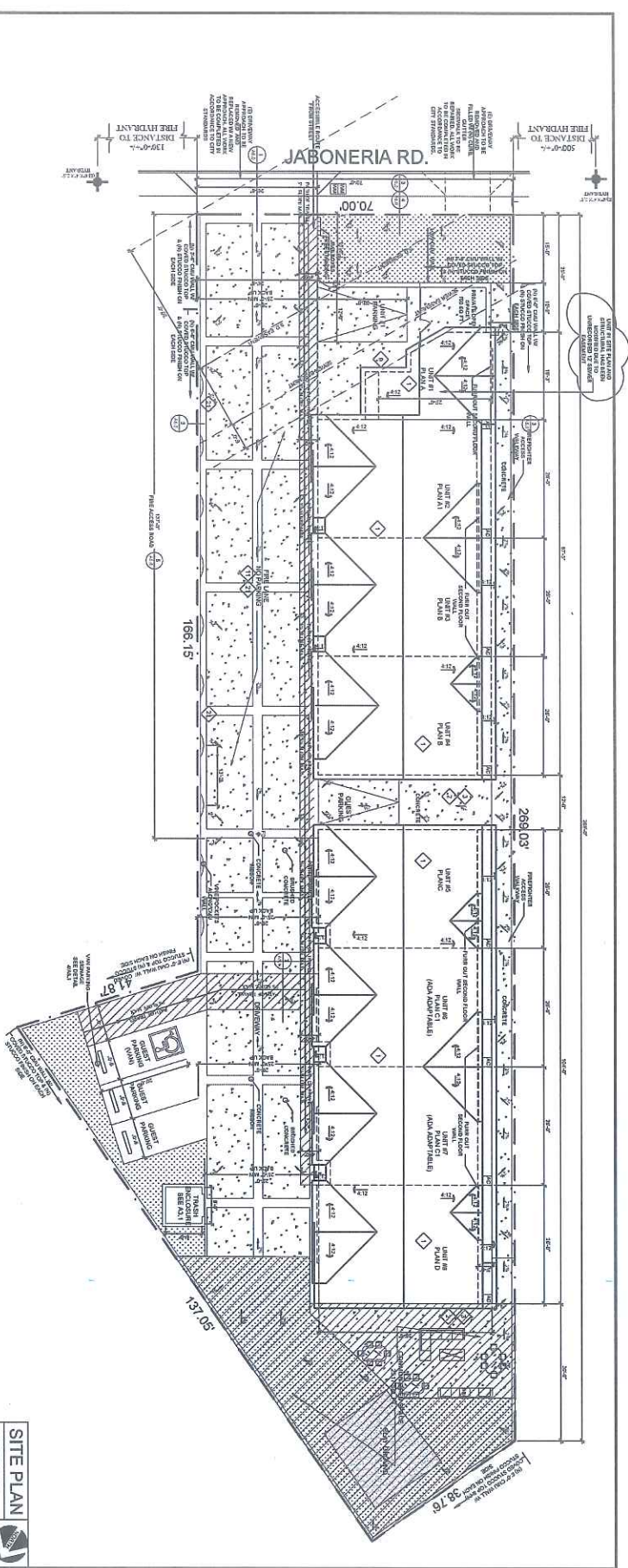


EXHIBIT F

Revised Site Plan



ARCHITECTURAL KEY NOTES

- 1. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES UNIFORM BUILDING ORDINANCES AND ALL APPLICABLE ORDINANCES.
- 2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES ELECTRICAL CODE (LACED).
- 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES MECHANICAL CODE (LACMC).
- 4. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES PLUMBING CODE (LAPC).
- 5. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES FIRE SAFETY CODE (LAFSC).
- 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES LAND DEVELOPMENT CODE (LADC).
- 7. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES CIVIL ENGINEERING CODE (LACE).
- 8. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES PUBLIC WORKS CODE (LAPWC).
- 9. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES HEALTH ORDINANCES (LAHO).
- 10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES ENVIRONMENTAL HEALTH SAFETY CODE (LAEHSC).
- 11. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES COMMUNITY DEVELOPMENT CODE (LACDC).
- 12. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES HOUSING CODE (LAHC).
- 13. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES HISTORIC PRESERVATION CODE (LAPHC).
- 14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SIGNAGE ORDINANCES (LASO).
- 15. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES TRAFFIC ORDINANCES (LATR).
- 16. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES PUBLIC SAFETY CODE (LAPSC).
- 17. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SOCIAL SERVICES CODE (LASSC).
- 18. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES PUBLIC UTILITIES CODE (LAPUC).
- 19. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES COMMUNITY SERVICES CODE (LACSC).
- 20. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF LOS ANGELES GENERAL ORDINANCES (LAGO).

PROJECT DATA

LEVEL	AREA	AREA (SQ. FT.)	PERCENT
GROUND FLOOR	25,000	25,000	25.00%
FIRST FLOOR	75,000	75,000	75.00%
TOTAL	100,000	100,000	100.00%

LOT DATA

LOT NO.	AREA (SQ. FT.)	PERCENT
1	25,000	25.00%
2	75,000	75.00%
TOTAL	100,000	100.00%

SITE PLAN

NO.	DATE	DESCRIPTION
1	02/14/17	PLANNING REVIEW
2	05/17/17	PLANNING HEARING
3	07/12/17	PLAN CHECK COR.

LOT DATA

LOT NO.	AREA (SQ. FT.)	PERCENT
1	25,000	25.00%
2	75,000	75.00%
TOTAL	100,000	100.00%

VICINITY MAP



CODE INFO.

CITY OF BELL GARDENS, REGULATORY DEPARTMENT
 RESIDENTIAL CODE 2011 CITY OF BELL GARDENS RESIDENTIAL CODE
 BUILDING CODE 2011 CITY OF BELL GARDENS BUILDING CODE
 PLUMBING CODE 2011 CITY OF BELL GARDENS PLUMBING CODE
 ELECTRICAL CODE 2011 CITY OF BELL GARDENS ELECTRICAL CODE
 MECHANICAL CODE 2011 CITY OF BELL GARDENS MECHANICAL CODE
 FIRE SAFETY CODE 2011 CITY OF BELL GARDENS FIRE SAFETY CODE

SHEET INDEX

SHEET NO.	SHEET DESCRIPTION
1	ARCHITECTURAL
2	STRUCTURAL
3	METEOROLOGICAL
4	MECHANICAL
5	ELECTRICAL
6	PLUMBING

REVISIONS

NO.	DATE	DESCRIPTION
1	02/14/17	PLANNING REVIEW
2	05/17/17	PLANNING HEARING
3	07/12/17	PLAN CHECK COR.

SITE PLAN PROJECT INFO & SHEET INDEX

A0.0

7311 JABONERIA RD. BELL GARDENS, CA 90201
(8) NEW TWO STORY S.F.D.W ATTACHED
2 CAR GARAGE

CONTRACTOR: STEVE SENEMAR
P.O. BOX 577
YORBA LINDA, CA 92585
213-220-9564

CONSULTANTS: AS ENGINEERING
ALVARO SALTO, P.E.
LIC. #C63838
P.O. BOX 431606
LOS ANGELES, CA 90043
PH. 323.559.3981
mailto_enginering@yahoo.com

R.D.C.S. INC.
RESIDENTIAL DESIGN & CONSTRUCTION SOLUTIONS
3006 S. VERMONT AVE. # 190
LOS ANGELES, CA 90007
TEL: 323.246.4815 & 323.854.7863
EMAIL: RDCS_INC@YAHOO.COM

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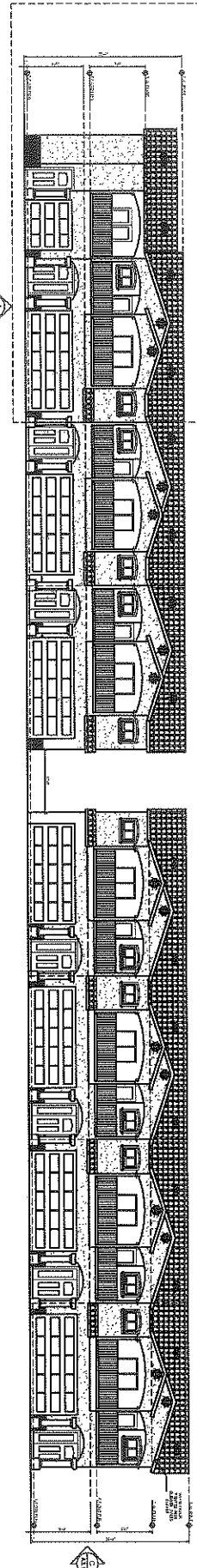
EXHIBIT G

Revised Floor Plan

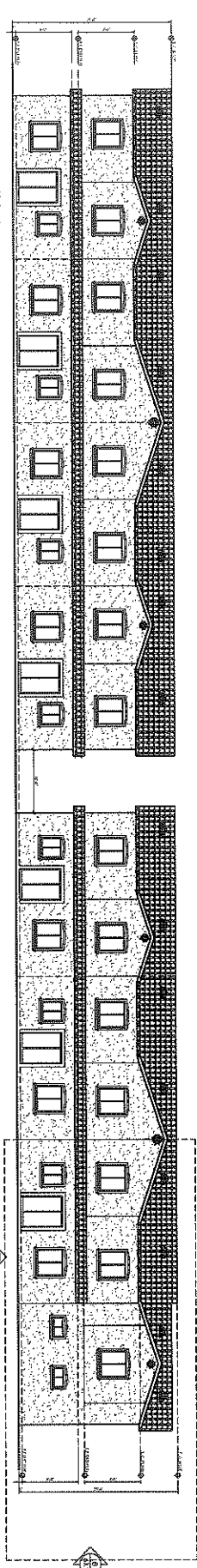
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EXHIBIT H

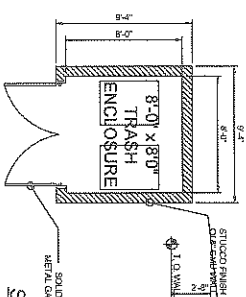
Revised Elevations



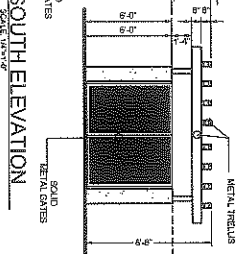
NORTH ELEVATION
SCALE: 1/8" = 1'-0"
SEE PLAN FOR DIMANDED ELEVATIONS



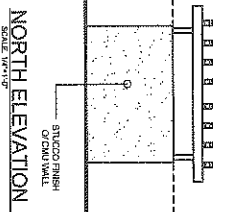
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"
SEE PLAN FOR DIMANDED ELEVATIONS



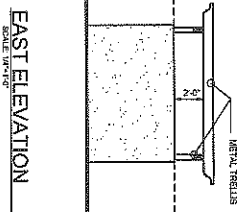
TRASH ENCLOSURE PLAN
SCALE: 1/8" = 1'-0"



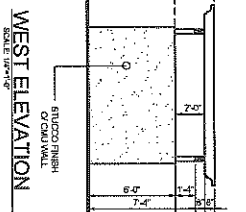
SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

NOTES:
 1. CONTRACTOR SHALL VERIFY CONDITIONS OF EXISTING WORK AND REPORT TO ARCHITECT IMMEDIATELY UPON DISCOVERY.
 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
 3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 8. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
 10. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
 12. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 14. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ARCHITECT.
 15. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
 16. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES AND UTILITIES.
 18. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

DATE: 05/17/17
 SHEET NO: 64
 PROJECT: 2 CAR GARAGE
 SCALE: 1/8" = 1'-0"
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

NO.	DATE	DESCRIPTION
1	05/17/17	PLANNING REVIEW
2	05/17/17	PLANNING HEARING
3	05/17/17	PLAN CHECK COR.

7311 JABONERIA RD. BELL GARDENS, CA 92011
 (8) NEW TWO STORY S.F.D W/ ATTACHED
 2 CAR GARAGE

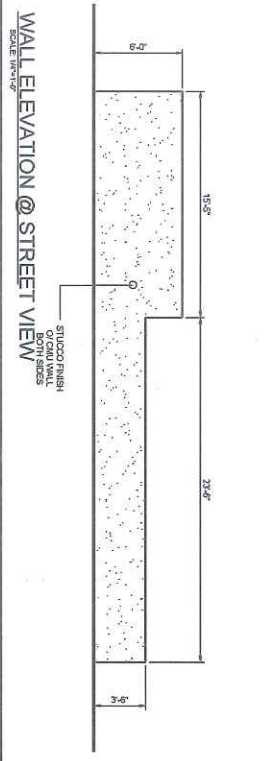
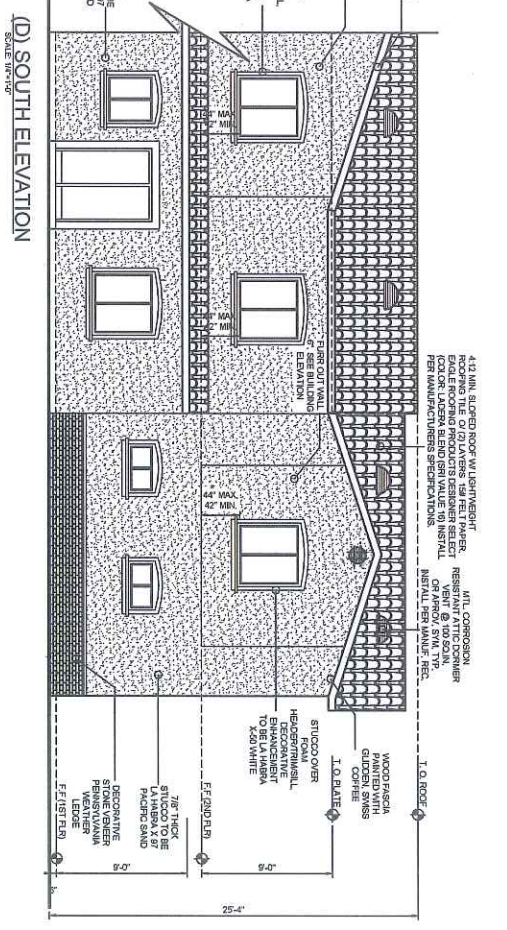
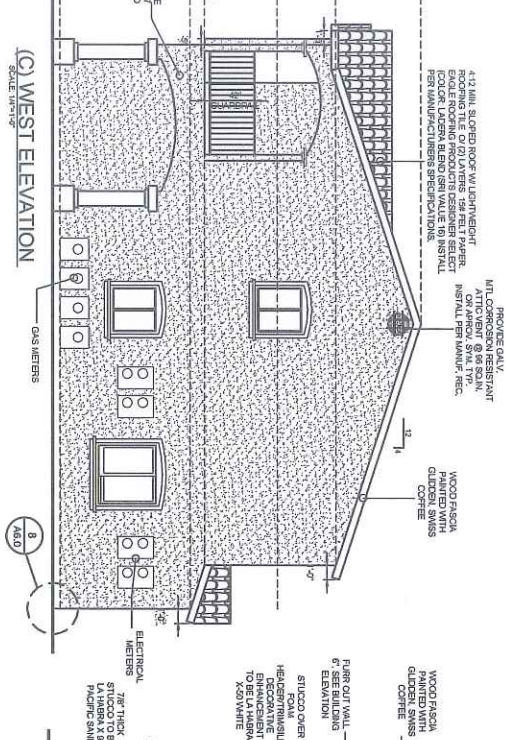
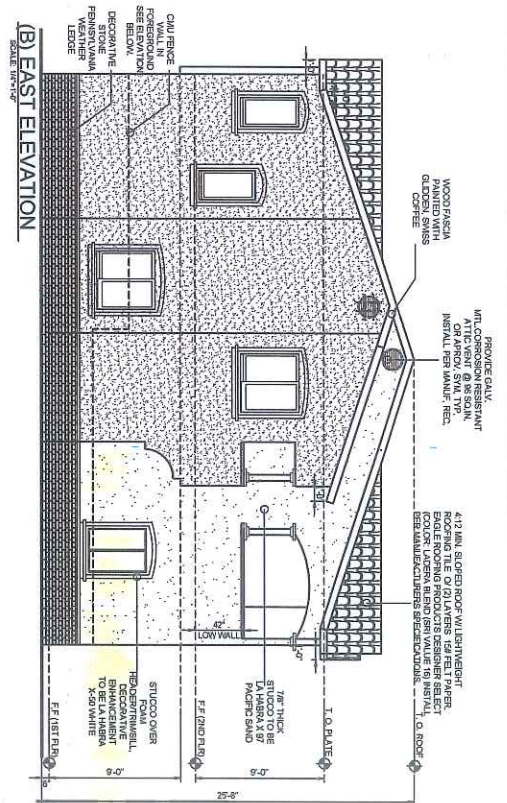
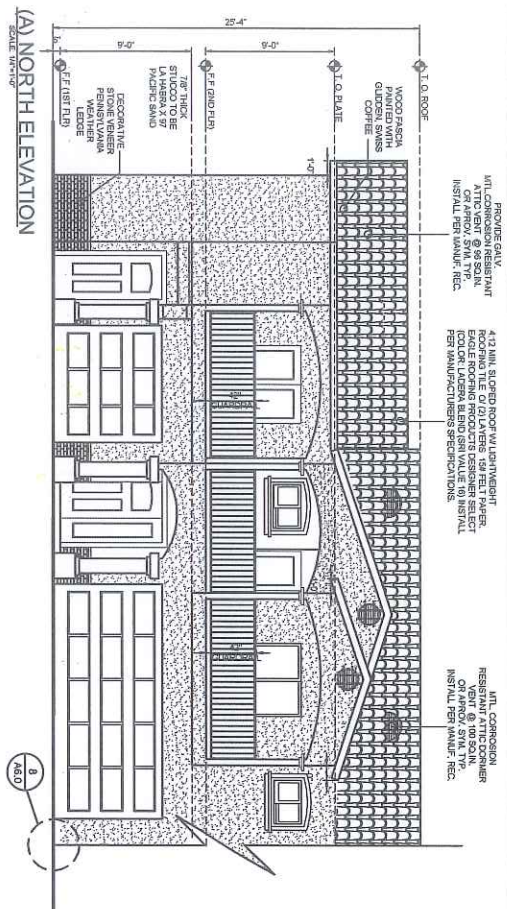
OWNER CONTRACTOR:
 STEVE SEMEMAR
 P.O. BOX 577
 YORBA LINDA, CA 92885

DESIGNER:
 R.D.C.S. INC.
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REVISION	NO.	DATE	DESCRIPTION
1	02/14/17	PLANNING REVIEW	
2	05/17/17	PLANNING HEARING	
2	10/21/17	PLAN CHECK CORR.	

7311 JABONERIA RD. BELL GARDENS, CA 92011
 (8) NEW TWO STORY S.F.D.W/ ATTACHED 2 CAR GARAGE

OWNER/ CONTRACTOR:
 STEVE SENEMAR
 P.O. BOX 577
 YORBA LINDA, CA 92885

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DATE: 10/27/17
 DRAWN: ADG
 CHECKED: ADG
 TOTAL ATTACHED SHEETS: 774 SHEETS, 773 SHEETS REVISIONS

A3.1

WALL ELEVATION @ STREET VIEW
 SCALE: 1/4" = 1'-0"

(A) NORTH ELEVATION
 SCALE: 1/4" = 1'-0"

(B) EAST ELEVATION
 SCALE: 1/4" = 1'-0"

(C) WEST ELEVATION
 SCALE: 1/4" = 1'-0"

(D) SOUTH ELEVATION
 SCALE: 1/4" = 1'-0"

WALL ELEVATION @ STREET VIEW
 SCALE: 1/4" = 1'-0"

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EXHIBIT I

Public Hearing Notice

**CITY OF BELL GARDENS
NOTICE OF PUBLIC HEARING
TWELVE MONTH EXTENSION AND MODIFICATION OF
SITE PLAN REVIEW NO. 2017-022 AND VARIANCE NO. 2017-022
(File No. 2017-022)**

POSTED
7/5/18
EG.

Notice is hereby given that the Planning Commission of the City of Bell Gardens will hold a public hearing to consider a 12 month time extension and modification of Site Plan Review No. 2017-022 and Variance No. 2017-022 (originally approved by the Planning Commission on May 17, 2017) to reduce the size of one of the eight proposed dwelling units from 1,891 square feet to a 906 square feet. The subject site is located at 7311 Jaboneria Road, Bell Gardens. The subject site is zoned R-3 (High Density Residential) and designated by the General Plan as "High Density Residential."

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 surrounded by urban uses.

The subject property is identified in the Los Angeles County Assessor's Book No. 6227, Page 006, Parcel 009.

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, July 18, 2018 at 6:00 P.M., at which time proponents and opponents of the proposed 12 month extension and modification of 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 12 month extension and modifications for the 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

Posted: July 5, 2018
Bell Gardens City Hall
Bell Gardens John Anson Ford Park
Bell Gardens Veterans Park – Ross Hall Auditorium
Bell Gardens Department of Public Works