

## ORDINANCE NO. 943

### **AN ORDINANCE OF THE CITY OF BELL GARDENS, CALIFORNIA, AMENDING CHAPTER 9.04 (DEFINITIONS), CHAPTER 9.12 (COMMERCIAL ZONES), CHAPTER 9.14 (INDUSTRIAL ZONE), CHAPTER 9.20 (SPECIAL USES AND APPLICABLE STANDARDS), AND CHAPTER 9.38 (PARKING AND LOADING (OFF STREET)) OF TITLE 9 (ZONING AND PLANNING REGULATIONS) OF THE BELL GARDENS MUNICIPAL CODE TO REGULATE VEHICLE PARKING AND STORAGE FOR AUTOMOBILE REPAIR USES**

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

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

**WHEREAS**, California Constitution Article XI, Section 7, enables cities to make and enforce local land use regulations;

**WHEREAS**, the General Plan's Circulation Element Policy M5.1; acknowledges the importance of a balanced supply of parking in order to reduce vehicle trips and encourage active transportation, and thereby improve air quality;

**WHEREAS**, Ordinance No. 943 emphasizes the City's commitment to require new developments provide off-street parking and area for vehicle storage to facilitate a balanced supply of parking, reduced vehicle trips, and the encouragement of active transportation, thereby improving air quality, and is therefore consistent with Policy M5.1;

**WHEREAS**, the General Plan's Land Use Element Policy 3 emphasizes the City's commitments to promote compatible commercial development to emphasize commercial identity and to enhance the appearance, potential economic vitality, and revitalization;

**WHEREAS**, Ordinance No. 943 imposes the use of development standards and the provision of adequate off-street parking and area for vehicle storage to encourage realizing the City's commitments to promote compatible commercial development to emphasize commercial identity and to enhance the appearance, potential economic vitality, and revitalization and is therefore consistent with Policy 3;

**WHEREAS**, the General Plan's Land Use Element Policy 4 promotes the City's encouragement to maintain and rehabilitate existing industrial uses and private investment in the City's industrial economic base while ensuring compliance with necessary environmental requirements;

**WHEREAS**, Ordinance No. 943 furthers private investment opportunities in the City's industrial economic base while ensuring compliance with necessary environmental requirements by providing subjective standards by which projects would be evaluated and shall comply to include minimum requirements of dedicated space, development and design, and operating standards to safeguard the shared resource of available parking to expand business operations to recognize the City's encouragement to maintain and rehabilitate existing industrial uses and private investment and is therefore consistent with Policy 4;

**WHEREAS**, the General Plan's Land Use Element Policy 5 acknowledges the City's support of providing an environment to stimulate local employment, property values, community stability, and the economic vitality of existing local businesses;

**WHEREAS**, Ordinance No. 943 provides regulation that local businesses ensure sufficient on-street parking is made available to advance community stability, and economic vitality through an available and inviting shared public right-of-way for residents and visitors to patronize supports the City's efforts to stimulate local employment, property values, community stability, and economic vitality and is therefore consistent with Policy 5;

**WHEREAS**, the City seeks to amend parking regulations to require adequate vehicle parking and storage availability for private enterprise;

**WHEREAS**, at a duly notice public hearing, the Planning Commission adopted Planning Commission Resolution #2024-11 recommending to the City Council the approval of Ordinance No. 943; and

**WHEREAS**, On July 22, 2024, the City Council held a duly noticed public hearing regarding Ordinance No. 943, considered all public comments received before and during the public meeting, the presentation by City staff, the relevant staff report, and all other pertinent documents regarding the proposed Ordinance; and

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

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

- i. The above recitals are true and correct and incorporated.
- ii. Ordinance No. 943 serves the public health, safety, and welfare of the residents within the City by encouraging the innovative use of land for vehicle parking and storage relative to the automobile repair use and by

meeting the needs of drivers to reduce vehicle trips, encourage active transportation, and ensure a balanced supply of parking.

- iii. Ordinance No. 943 is consistent with the City's General Plan.
- iv. Ordinance No. 943, amending the City of Bell Gardens Municipal Code, presents no reasonably foreseeable risk to the public health and safety.

**SECTION 2.** Section 9.04.120 ("L" definitions) of Chapter 9.04 (Definitions) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code, is amended to add the following definition (underlining denotes additions):

"Lien" shall have the same meaning as in Sections 3067-3074 of Division 3 of the California Civil Code.

**SECTION 3.** Section 9.04.170 ("Q" definitions) of Chapter 9.04 (Definitions) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code, is amended to add the following definition (underlining denotes additions):

"Queue" or "Queuing" shall mean a line or sequence of people or vehicles awaiting their turn to be attended to or to proceed.

**SECTION 4.** Section 9.20.072 entitled "Automobile Repair Uses" is added to Chapter 9.20 (Special Use and Applicable Standards) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code as follows (underlining denotes additions):

In addition to compliance with all other applicable statutes, ordinances and regulations, the following regulations shall apply to all automobile repair shop uses where they are permitted as a principal use:

A. Off-Street Parking

- 1. The owner/operator of all activity associated with any automobile repair use is responsible to provide and maintain adequate off-street parking and loading facilities as referenced in BGMC Chapter 9.38 (Parking and Loading (Off-Street)).
- 2. All automobiles, including those that are under repair or awaiting repair shall be stored as set forth in BGMC Section 9.28.010.A. No land within any public rights-of-way shall be used as area for required parking or loading facilities for automobiles temporarily stored, Queued, recently served/serviced by the business, or if a Lien has been placed.

B. Notwithstanding the provisions of BGMC Chapter 9.64 (Nonconforming Lots, Uses, and Structures), all automobile repair shops/uses shall adhere to the requirements of this Section.

**SECTION 5.** Table 9.12A: Commercial Land Use Matrix of Section 9.12.030 (Permitted land uses) of Chapter 9.12 (Commercial Zones) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code, is amended as follows (underlining denotes additions):

Uses	M-U Zone	C-S Zone	C-3 Zone	C-4 Zone	C-M Zone	Special Requirements
<i>A: Accessory Use C: Conditional Use P: Principal Use S: Site Plan Review (PC) T: Temporary Use</i>						
Automobile general repair	P		P	P	P	Includes brake repair shops, engine and mechanical repair, muffler shops, tire repair and sales (new tires only), but excludes complete engine rebuilding, machining, or welding; all operations must be conducted within an enclosed building. Refer to Division 4 of this title, Supplemental Development Standards, BGMC 9.28.010. <u>Refer to Division 3 of this title, Special Uses and Applicable Standards, Automobile Repair Uses, for special parking requirements in BGMC 9.20.072.</u>
Automobile painting and reupholstering shops, but excluding body and fender work					P	Incidental body and fender repair (less than 25 percent of floor and lot area) may be approved through a conditional use permit; all operations must be conducted within an enclosed building. <u>Refer to Division 3 of this title, Special Uses and Applicable Standards, Automobile Repair Uses, for special parking requirements in BGMC 9.20.072.</u>

**SECTION 6.** Table 9.14A: Industrial Land Use Matrix of Section 9.14.030 (Permitted land uses) of Chapter 9.14 (Industrial Zones) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code, is amended as follows (underlining denotes additions):

Uses	M-1	Special Requirements
<i>A: Accessory Use C: Conditional Use P: Principal Use S: Site Plan Review (PC) T: Temporary Use</i>		
Automobile service station	S	Refer to Division 3 of this title, <u>Special Uses: Automobile Repair Uses</u> , for special use standards in <u>BGMC 9.20.072</u> .
Automobile uses: Including brake repair shops, body and fender repair shops, muffler shops, paint spray booths, repair garages, radiator shops, seat covers manufacturing, assembly, rentals, painting, and sales	P	Refer to Division 3 of this title, <u>Special Uses Special Uses and Applicable Standards, Automobile Repair Uses</u> , for special parking requirements in <u>BGMC 9.20.072</u> .; also see Footnotes <u>No. 1 and 2</u> at end of table. Refer to Division 4 of this title, Supplemental Development Standards, BGMC 9.28.010.

**SECTION 7.** Subsection 9.28.010(D) is added to Section 9.28.010 (Automobile storage) of Chapter 9.28 (Automobile and Outdoor Storage) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code as follows (underlining denotes additions):

- D. Automobile Monitoring. The owner/operator of all activity associated with the automobile use, service, and/or repair shall display a copy of an invoice showing the dates of when the automobile was submitted for repair and estimated date of completion. The invoice shall be displayed where visible on the automobiles temporarily stored. Queued, recently served/serviced by the business, or if a lien has been placed. Dates of invoices shall not exceed a maximum of sixty (60) days.

**SECTION 8.** Item 2 (Commercial and Industrial) of Subsection A (Location) of Section 9.38.020 (Limitation of parking and loading facilities) of Chapter 9.38 (Parking & Loading (Off-Street)) of Title 9 (Planning and Zoning) of the Bell Gardens Municipal Code is amended to add the standard as follows (underlining denotes additions):

- b. For automobile repair uses, no land within any public rights-of-way shall be used as parking or loading facilities for automobiles temporarily stored. Queued, recently served/serviced by the business, or if a Lien has been placed. The owner/operator of the business is responsible for providing and maintaining adequate off-street

parking and loading facilities as referenced in this chapter. (Refer to BGMC 9.20.072 for special Queuing/storage standards).

**SECTION 9.** The City Council determines that Ordinance No. 943 has been assessed in accordance with the California Environmental Quality Act (“CEQA”) (Pub. Res. Code § 21000 et seq.) and CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). The City Council determines that the Project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). The approval of this ordinance would result in no physical improvements or developments and future projects would be subject to CEQA and environmental review. The City Council further determines pursuant to Section 153778 that Ordinance No. 943 would cause no reasonably foreseeable direct or indirect physical changes in the environment because no specific activity is authorized. Therefore, it can be seen with certainty that the adoption of this ordinance would result in no direct or indirect environmental impacts.

**SECTION 10.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions might subsequently be declared invalid or unconstitutional.

**SECTION 11.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

**PASSED, APPROVED and ADOPTED** this \_\_\_ day of \_\_\_\_ 2024.

*[Signatures on the following page]*

**THE CITY OF BELL GARDENS**

\_\_\_\_\_  
Gabriela Gomez, Mayor

**APPROVED AS TO FORM:**

**ATTEST:**

\_\_\_\_\_  
Stephanie Vasquez

City Attorney

\_\_\_\_\_  
Daisy Gomez

City Clerk

DRAFT

Ordinance No. 943

I, Daisy Gomez, City Clerk of the City of Bell Gardens, hereby CERTIFY that **City Council Ordinance No. 943** was introduced and placed upon its first reading at a regular meeting of the Bell Gardens City Council held on \_\_\_\_\_, and that thereafter said ordinance was duly adopted at a regular meeting of the Bell Gardens City Council held on Monday, \_\_\_\_\_ XX, 2024 and was approved and passed by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Daisy Gomez

City Clerk