



staff report

TO: Honorable Chairman and Members of the Planning Commission

ATTENTION: Elizabeth Corpuz, Director of Planning and Building Services

FROM: Jason P. Clarke, Senior Planner

SUBJECT: Consideration and possible action to conduct a public hearing to consider a Zoning Ordinance Text Amendment; and adopt Resolution No. PC 18-21 – A Resolution recommending the City Council approve Zoning Ordinance Text Amendment Case No. ZOTA 18-05 adding a new Chapter 17.106 (Specific Plans) to the Bellflower Municipal Code (BMC) and amending the BMC to change the term “Precise Plan” to “Site Design Review.”

DATE: November 19, 2018

RECOMMENDATION

1. Open the public hearing; take testimonial and documentary evidence; and after considering the evidence, adopt Resolution No. PC 18-21; or
2. Alternatively, discuss and take other action related to this item.

PUBLIC NOTICE

A Notice of Public Hearing was published in the Herald American (Bellflower Edition) newspaper on November 8, 2018. Public hearing notices were posted at City Hall, Brakensiek Library, Bellflower Substation, Thompson Park, Simms Park, and Caruthers Park on November 5, 2018. As of the writing of this staff report, the City has not received any correspondence.

CEQA STATUS

Pursuant to the authority and criteria of the California Environmental Quality Act (CEQA), it has been determined that the ZOTA does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from CEQA pursuant to 14 Cal. Code Regs. § 15061(b)(3). This ZOTA would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ZOTA will have a significant effect on the environment (**Attachment A**).

BACKGROUND

A “specific plan” is a zoning mechanism that allows certain parcels to benefit from focused planning efforts whereby development standards, infrastructure, land use relationships, land use intensities, and public service needs can be carefully examined

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and planned in a comprehensive manner. A specific plan is a tool that implements the City's General Plan and is authorized by State law (Gov. Code §§ 65450-65457).

By contrast, the term "precise plan" was repealed in the 1960s when the State Legislature enacted regulations allowing for "specific plans." There is no longer any State authorization for "precise plans."

Currently, the City of Bellflower does not have a "Specific Plans" Chapter in the Bellflower Municipal Code (BMC); however, the City has approved approximately seven different specific plans on various properties in the City, addressing residential developments, commercial developments, and mixed-use developments. The purpose of adding the "Specific Plans" chapter is to establish uniform procedures and guidelines for Specific Plans prepared pursuant to State law.

In addition, because the term "Precise Plan" has been repealed, staff proposes to change the term to "Site Design Review" to clarify the City's intent in reviewing proposed projects that do not require specific plans or similar planned development. Currently, a "Precise Plan" is required for projects that deviate from the 2/3rds rule within the R-2 and R-3 zones; or for projects seeking to develop under the Planned Development Overlay District. The amendments relating to Precise Plans are purely semantic and are intended to eliminate any confusion over the proper role and function of the discretionary land use permit.

CONCLUSION

The draft Ordinance would simply add a new chapter to the BMC (Chapter 17.106 - Specific Plans), which outlines the procedure for applying for, processing, and amending specific plans. The procedural rules will continue to be consistent with state law. The remainder of the draft Ordinance removes the term "Precise Plan" and replaces it with "Site Design Review" to avoid confusion. That minor amendment does not alter the substance, purpose, or functionality of that discretionary review. The proposed amendments and necessary findings are included in the attached Resolution No. PC 18-21.

ATTACHMENT

- A. Resolution No. PC 18-21
- B. Redlined Version of BMC Section 17.28.100 (Building Bulk), Section 17.32.100 (Building Bulk), Chapter 17.40 (Residential Planned Development Overlay Zone), and Chapter 17.60 (Planned Development Overlay District)

ATTACHMENT A
Resolution No. PC 18-21

CITY OF BELLFLOWER

RESOLUTION NO. PC 18-21

A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 18-05 ADDING A NEW CHAPTER 17.106 (SPECIFIC PLANS) TO THE BELLFLOWER MUNICIPAL CODE (BMC) AND AMENDING THE BMC TO CHANGE THE TERM "PRECISE PLAN" TO "SITE DESIGN REVIEW." APPLICANT: CITY OF BELLFLOWER

THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1. *Recitals.* The Planning Commission finds and declares as follows:

- A. The City of Bellflower is proposing Zoning Ordinance Text Amendment Case No. ZOTA 18-05, to add a new Chapter 17.106 (Specific Plans) to the Bellflower Municipal Code (BMC) and to amend the BMC to change the term "Precise Plan" to "Site Design Review";
- B. The City reviewed this Zoning Ordinance Text Amendment (ZOTA) pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"); CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as "CEQA Regulations");
- C. Notice of Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;
- D. The Planning Commission held a public hearing to consider the information provided by City Staff and public testimony. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its November 19, 2018 hearing including, without limitation, the staff report; and
- E. On November 19, 2018, the Planning Commission adopted Resolution No. PC 18-21, recommending the City Council approve ZOTA 18-05.

SECTION 2. *Factual Findings and Conclusions.* The Planning Commission finds as follows:

- A. On April 28, 2003, the City Council adopted Ordinance No. 1043, establishing the Residential Planned Development (RPD) Overlay Zone, which required a "Precise Plan" application as part of the submittal process;
- B. On November 14, 2005, the City Council adopted Ordinance No. 1097 establishing a "Precise Plan" approval process by the Planning Commission to deviate from the 2/3rds rule within the R-2 (Medium Density Residential) and R-3 (Multiple Residential) zones;

- C. On November 14, 2005, the City Council adopted Ordinance No. 1097 establishing the Planned Development (PD) Overlay District, which required a "Precise Plan" application as part of the required submittal process;
- D. A review of the Bellflower Municipal Code ("BMC") shows that there are numerous updates that must be made to various zoning regulations;
- E. This Ordinance is intended to update, clarify, and bring the City's specific plan regulations into conformance with applicable law; and
- F. Further, the City Council desires to amend the BMC to change the term "Precise Plan" to "Site Design Review" to clarify the City's intent in reviewing proposed projects that do not require specific plans or similar planned development.

SECTION 3. *Environmental Assessment.* Pursuant to the authority and criteria of the California Environmental Quality Act (CEQA), it has been determined that the ZOTA does not have the potential to cause significant effects on the environment and, therefore, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. § 15061(b)(3). This ZOTA would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ZOTA will have a significant effect on the environment.

SECTION 4. *Zoning Ordinance Text Amendment Findings.* Pursuant to BMC § 17.104.030, the Planning Commission makes the following findings:

- A. This proposed Ordinance will not adversely affect any property in the City as to value or precedent and will not be detrimental to any area of the City. The Ordinance would simply add provisions detailing the procedure for applying for, processing, and amending specific plans. The procedural rules are consistent with state law. The remainder of the amendments clarify the intent and purpose of "Site Design Review" (currently referenced as a "Precise Plan") and avoid confusion.
- B. This Ordinance promotes public health, safety and general welfare by establishing procedural requirements for specific plan applications and specific plan amendments. The changes as to Site Design Review do not alter the substance, purpose, or functionality of that discretionary review.
- C. This Ordinance will not adversely affect the City's General Plan or zoning regulations set forth in the Bellflower Municipal Code ("BMC"). The Ordinance would simply add provisions detailing the procedure for applying for, processing, and amending specific plans. The procedural rules are consistent with state law. The remainder of the amendments clarify the intent and purpose of "Site Design Review" (currently referenced as a "Precise Plan") and avoid confusion.

SECTION 5. *General Plan Findings.* The proposed amendments to Title 17 of the BMC are consistent with the General Plan. The amendments are relatively minor in nature. The addition of a chapter detailing the process for specific plans and specific plan amendments is consistent with state law and will not frustrate any goal or policy of the General Plan. The amendments relating to Precise Plans are purely semantic and are intended to eliminate any confusion over the proper role and function of the discretionary land use permit. Likewise, those proposed amendments will not frustrate any goal or policy set forth in the General Plan.

SECTION 6. *Recommendation.* Based on the above findings, the Planning Commission recommends the City Council approve Zoning Ordinance Text Amendment Case No. ZOTA 18-05 in a form substantially similar to the draft attached as Exhibit "A."

SECTION 7. *Construction.* This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 8. *Reliance On Record.* Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. *Limitations.* The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the ZOTA is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10. *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 11. *Preservation.* This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 12. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 13. The Planning Commission Secretary is directed to mail a copy of this Resolution to any other person requesting a copy.

SECTION 14. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Bellflower, and the Planning Commission Secretary is directed to attest thereto.

**PASSED, APPROVED, AND ADOPTED BY THE PLANNING COMMISSION
OF THE CITY OF BELLFLOWER THIS 19th DAY OF NOVEMBER 2018.**

John B. Nowlin, Chairman

Attest:

Elizabeth Corpuz, Secretary

Approved as to form:

David King, Assistant City Attorney

Attachment: Exhibit A – Draft Ordinance

EXHIBIT A

CITY OF BELLFLOWER

ORDINANCE NO. _____

AN ORDINANCE APPROVING ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 18-05 ADDING A NEW CHAPTER 17.106 (SPECIFIC PLANS) TO THE BELLFLOWER MUNICIPAL CODE (BMC) AND AMENDING THE BMC TO CHANGE THE TERM "PRECISE PLAN" TO "SITE DESIGN REVIEW"

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines as follows:

- A. A review of the Bellflower Municipal Code ("BMC") shows that there are numerous updates that must be made to various zoning regulations;
- B. This Ordinance is intended to update, clarify, and bring the City's specific plan regulations into conformance with applicable law;
- C. Further, the City Council desires to amend the BMC to change the term "Precise Plan" to "Site Design Review" to clarify the City's intent in reviewing proposed projects that do not require specific plans or similar planned development; and
- D. Notices of Public Hearings before the Planning Commission and City Council were duly given and published in the time, form, and manner as required by law;
- E. On November 19, 2018, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including information provided to the Planning Commission by City staff and public testimony;
- F. On November 19, 2018, the Planning Commission adopted Resolution No. PC 18-21 recommending the City Council approve ZOTA 18-05;
- G. On _____ 2018, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including information provided by City staff and public testimony; and
- H. The City Council considered the information provided by City staff, public testimony, and the Applicant. This Ordinance, and its findings, were made based upon the entirety of the administrative record including, without limitation, evidence presented to the City Council at its XXX, 2018, hearing.

SECTION 2. *Zone Amendment Findings.* Pursuant to BMC § 17.104.030, the City Council makes the following findings:

- A. This proposed Ordinance will not adversely affect any property in the City as to value or precedent and will not be detrimental to any area of the City. The Ordinance would simply add provisions detailing the procedure for applying for, processing, and amending specific plans. The procedural rules are consistent with state law. The remainder of the amendments clarify the intent and purpose of "Site Design Review" (currently referenced as a "Precise Plan") and avoid confusion.
- B. This Ordinance promotes public health, safety and general welfare by establishing procedural requirements for specific plan applications and specific plan amendments. The changes as to Site Design Review do not alter the substance, purpose, or functionality of that discretionary review.
- C. This Ordinance will not adversely affect the City's General Plan or zoning regulations set forth in the Bellflower Municipal Code ("BMC"). The Ordinance would simply add provisions detailing the procedure for applying for, processing, and amending specific plans. The procedural rules are consistent with state law. The remainder of the amendments clarify the intent and purpose of "Site Design Review" (currently referenced as a "Precise Plan") and avoid confusion.

SECTION 3. *General Plan Findings.* The proposed amendments to Title 17 of the BMC are consistent with the General Plan. The amendments are relatively minor in nature. The addition of a chapter detailing the process for specific plans and specific plan amendments is consistent with state law and will not frustrate any goal or policy of the General Plan. The amendments relating to Precise Plans are purely semantic and are intended to eliminate any confusion over the proper role and function of the discretionary land use permit. Likewise, those proposed amendments will not frustrate any goal or policy set forth in the General Plan.

SECTION 4. BMC Chapter 17.106 is added to read as follows:

"CHAPTER 17.106 SPECIFIC PLANS

- 17.106.010 Purpose and Intent.**
- 17.106.020 Initiation.**
- 17.106.030 Pre-application Conference Required.**
- 17.106.040 Preparation and Content.**
- 17.106.050 Proceedings—Planning Commission.**
- 17.106.060 Proceedings—City Council.**
- 17.106.070 Findings Required.**
- 17.106.080 Amendments to an Approved Specific Plan.**

17.106.010. Purpose and Intent.

The city recognizes that certain parcels in Bellflower may benefit from focused planning efforts whereby infrastructure, land use relationships, land use intensities, and public service needs can be carefully examined and planned in a comprehensive manner. The Specific Plan provides a mechanism to carry out such planning efforts. The purpose of this chapter is to establish uniform procedures and guidelines for Specific Plans prepared pursuant to Government Code § 65450, et seq.

17.106.020. Initiation.

- A. A Specific Plan application may be initiated by a majority of property owners in the area of a proposed Specific Plan.
- B. The City Council, Planning Commission, or Director may initiate an application for a Specific Plan.

17.106.030. Pre-Application Conference Required.

For property owners, a pre-application conference with the Director is required before the formal submission of a Specific Plan application. The purpose of the meeting is to review with the applicant the city's requirements for specific plan content, applicable policies, infrastructure needs, and other information as determined by the Director.

17.106.040. Preparation and Content.

In addition to a formal application completed on a form approved by the Director, the applicant must:

- A. Submit a draft Specific Plan containing text and diagrams that specify the following in detail:
 - 1. A boundary survey map of the area covered by the plan ("plan area"). A tentative subdivision map may be substituted if the applicant proposes to subdivide the property.
 - 2. Topography of the plan area and the preliminary proposed finished grade shown at contour intervals of five feet or less.
 - 3. The gross land area of the proposed plan area, the present zoning classification of the proposed plan area, and the proposed zoning classification and land use of the area surrounding the proposed development or plan area, including the location of structures and other improvements.

4. A general land use map setting forth the proposed uses of all sections or areas within the proposed plan area and the approximate acreage of each.
 5. An accompanying report setting forth the land use regulations that constitute the standards of development designed to govern those sections or areas specified in the proposed plan area. These standards must contain definitions and information concerning the requirements for building site coverage, building heights, building setbacks, off-street parking, vehicular access, signing, lighting, storage, screening, landscaping, conservation, utilization of natural resources, and other information that the Director may require to ensure compliance with zoning regulations.
 6. The distribution, location, and extent of the uses of land, including open space, within the plan area.
 7. The proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the plan area and needed to support the land uses described in the Specific Plan.
 8. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
 9. A program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out paragraphs (6), (7), and (8).
- B. Include a statement in the Specific Plan indicating that the Plan is either:
1. Consistent with the Bellflower General Plan; or
 2. Will be consistent with the Bellflower General Plan if amended to provide for this particular Specific Plan. A statement as to how the proposed zone change and General Plan amendment will further the goals and objectives of the General Plan must be included.
- C. Include any other information as may be required by State law or by the Director to permit complete analysis and evaluation of the proposed Specific Plan.

17.106.050. Proceedings—Planning Commission.

- A. A public hearing before the Planning Commission must be noticed and conducted pursuant to the provisions of Sections 17.108.030 and 17.108.050.
- B. At the public hearing, the Planning Commission will review the application and proposal and receive evidence as to how or why the proposed Specific Plan is consistent with the objectives of this Title 17, the General Plan, and City's development policies.
- C. The Planning Commission must act by resolution to recommend the City Council approve, approve with modifications, or deny the proposed application.
- D. The Planning Commission's resolution must include its recommendation and be transmitted to the City Clerk for scheduling the matter for public hearing before the City Council.

17.106.060. Proceedings—City Council.

- A. After receiving a Planning Commission resolution, the City Clerk will set the matter for hearing before the City Council as provided for in Sections 17.108.030 and 17.108.050.
- B. At the hearing, the City Council will review the Planning Commission's recommendation and receive evidence as to how or why the proposed Specific Plan is consistent with the objectives of this Title 17, the General Plan, and City's development policies.
- C. The City Council may act to approve or deny the application. The City Council's action to approve a Specific Plan must be by ordinance.
- D. If the City Council proposes any substantial modification to the application not previously considered by the Planning Commission, the Council may refer the matter back to the Commission for consideration. No public hearing is required before the Planning Commission on the referral.

17.106.070. Findings Required.

To approve a Specific Plan, the City Council must make the following findings:

- A. That the proposed Specific Plan or amendment promotes public health, safety, and general welfare, and serves the goals and purposes of this Title 17;

- B. That the proposed Specific Plan or amendment is consistent with the goals, policies, and objectives of the General Plan; and
- C. That the proposed Specific Plan or amendment will not adversely affect surrounding properties.

17.106.080. Amendments to an Approved Specific Plan.

- A. An approved Specific Plan may be amended in the same manner required for initial applications for a Specific Plan, as set forth in this chapter.
- B. Unless the amendment is city-initiated, no application for a Specific Plan amendment will be accepted unless accompanied by a development proposal for all or a portion of the area included within the proposed amendment area.
- C. The City Council, Planning Commission or the Director may initiate amendments to any portion of a Specific Plan. In the case of such a city-initiated amendment, no associated project is required.
- D. The following changes to a Specific Plan require a Specific Plan amendment:
 - 1. Changes to the text or maps other than the addition of information that does not change the effect of any regulation.
 - 2. Changes in any Specific Plan boundary.
 - 3. Increase or decrease in the specified density for any area.
 - 4. Changes in standards or regulations, including landscaping and design standards."

SECTION 5. The introductory paragraph of BMC § 17.28.100 is amended to read as set forth below. No amendments are made to the tables in BMC § 17.28.100.

"17.28.100 Building Bulk.

To minimize building bulk and mass, any new two-story residential structure must satisfy the "2/3 rule." The 2/3 rule requires the top story to be not more than 2/3 the size in total floor area of the bottom story. Deviation from this rule is permitted if the residential structure incorporates "desirable architectural elements" and satisfies the following process. A point value is assigned to each of these desirable architectural elements. If providing various desirable architectural

elements accumulates at least 50 points, the applicant may deviate from the 2/3 rule subject to review and approval of a "Site Design Review" by the Planning Commission. This must be processed as a "Site Design Review" pursuant to Section 17.40.050(B)(3) (provided, however, that if no additional legislative action is required, the decision of the Planning Commission will be final in the absence of an appeal), and payment of an application fee in an amount as established by resolution of the City Council."

SECTION 6. The introductory paragraph of BMC § 17.32.100 is amended to read as set forth below. No amendments are made to the tables in BMC § 17.32.100.

"17.32.100 Building Bulk.

To minimize building bulk and mass, any new two-story residential structure must satisfy the "2/3 rule." The 2/3 rule requires the top story to be not more than 2/3 the size in total floor area of the bottom story. Deviation from this rule is permitted if the residential structure incorporates "desirable architectural elements" and satisfies the following process. A point value is assigned to each of these desirable architectural elements. If providing various desirable architectural elements accumulates at least 50 points, the applicant is allowed to deviate from the 2/3 rule subject to review and approval of a "Site Design Review" by the Planning Commission. This must be processed as a "Site Design Review" pursuant to Section 17.40.050(B)(3) (provided, however, that if no additional legislative action is required, the decision of the Planning Commission will be final in the absence of an appeal), and payment of an application fee in an amount as established by resolution of the City Council."

SECTION 7. BMC § 17.40.040 is amended to read as follows:

"17.40.040 Development Plan Review.

- A. In addition to any other entitlement required by applicable law including, without limitation, the Government Code, all property designated as residential planned development overlay is required to obtain Site Design Review for any new residential development.
- B. Development plans submitted for Site Design Review must conform with the development standards in this Chapter only. A Site Design Review may not be used to consider any proposed changes in land use; ministerial permitting or review; or other deviations from the zoning regulations in this Title."

SECTION 8. BMC § 17.40.050 is amended to read as follows:

"17.40.050 Site Design Review.

The Site Design Review process consists of the following:

- A. Complete Site Design Review Application. The application for a Site Design Review must be made on forms supplied by the Director, and with the accompanying materials and exhibits as follows:
1. Fully Completed Site Design Review Application. A fully completed Site Design Review application together with an application fee in an amount established by City Council resolution.
 2. Fully Dimensioned and Scaled Site Plan. A fully dimensioned and scaled site plan accurately identifying placement of all proposed development, existing site features (e.g., trees, driveway approaches, walls, fences, and similar items), and structures and improvements that are immediately adjacent to the project site. The called-out plan dimensions must be consistent with the indicated development plan scale.
 3. Fully Dimensioned and Scaled Floor Plans. Fully dimensioned and scaled floor plans for each floor plan model proposed.
 4. Fully Dimensioned and Scaled Building Elevations. Fully dimensioned and scaled building elevations for each proposed structure. The building elevations must show all building elevations. The building elevations must match the floor plans in detail such as the location of building openings (e.g., windows and doors). The called-out plan dimensions must be consistent with the indicated development plan scale. Building elevation plans must also call out building materials, window and door types, roof materials and similar items.
 5. Material Board. A sample building material board must be submitted for the proposed development. Material board must contain sample building materials proposed to be utilized on the building exteriors. Materials samples must include, without limitation, roof material chips, stucco and plaster samples, texture coat samples, rock, brick or similar samples and proposed colors. The dimension of the material board cannot exceed a dimension greater than 11 inches by 17 inches.
 6. Additional information, exhibits or materials as deemed necessary by the Director.
- B. Site Design Review Approval Procedure. The following procedure will apply to Site Design Review applications made under this chapter. A zone change application to adopt the RPD Overlay Zone may be processed concurrent with the Site Design Review requirements as provided in this title. If no zone change is required to implement the provisions of this title, then a Site Design Review may be submitted as an individual application.

1. Recommendation to the Planning Commission. After evaluating the application, the Director will make a recommendation to the Planning Commission to either approve, approve with conditions necessary to protect the public health, safety and general welfare, or deny the Site Design Review application.
2. Planning Commission Review. Upon receipt of the Director's recommendation, the Planning Commission will review and evaluate the Site Design Review application. If the Planning Commission finds that the application complies with the findings stated in Section 17.40.060, the provisions and intent of the Residential Plan Development Overlay Zone, and that such conditions as recommended by the Director are acceptable, the Planning Commission may recommend approval of the Site Design Review to the City Council. If the Planning Commission deems necessary, additional conditions, alterations of recommended conditions, or development plan alterations or revisions may be required.
3. City Council Review. Upon receipt of the Commission's recommendation, the City Council will review and evaluate the Site Design Review application. If the City Council finds that the application complies with the findings stated in Section 17.40.060, the provisions and intent of the Residential Plan Development Overlay Zone, and that such conditions as recommended by the Planning Commission are acceptable, the City Council may approve the Site Design Review pursuant to the findings and conditions of the Planning Commission. If the City Council deems necessary, additional conditions, alterations of recommended conditions or development plan alterations or revisions may be required.
4. The decision of the City Council is final."

SECTION 9. BMC § 17.40.060 is amended to read as follows:

"17.40.060 Findings for Approval.

Site Design Review approval requires the following findings:

- A. The proposed project is compatible with the surrounding neighborhood and adjacent properties;
- B. The proposed project incorporates superior site design techniques that demonstrate innovative and creative utilization of design principles;

- C. The proposed project demonstrates superior architecture and the use of high-quality building materials, building fixtures and architectural treatments and amenities; and
- D. The proposed project has open space that is designed in a manner where the open space is functional and is grouped in a manner that maximizes the appearance and use of open space.”

SECTION 10. Row No. 5 (“Building Height”) in Table II (“Encroachments and Exceptions Menu”) of BMC § 17.40.070 is amended to read as follows:

II. Encroachments and Exceptions Menu

	Desirable Element	Definition of Element	Allowable Encroachment or Exception
5.	Building Height	Maximum building height may be exceeded when proposed in conjunction with an overall Site Design Review application.	Discretionary, depending upon design.

SECTION 11. BMC § 17.60.040 is amended to read as follows:

“17.60.040 Site Design Review Application.

The application for a Site Design Review will be made on forms supplied by the Director, or designee, and with the accompanying materials and exhibits as follows:

- A. Fully Dimensioned and Scaled Site Plan. Submit a fully dimensioned and scaled site plan accurately indicating the placement of all proposed development, existing site features (e.g., trees, driveway approaches, walls, fences, and similar items), and structures and improvements that are immediately adjacent to the project site.
- B. Fully Dimensioned and Scaled Floor Plans. Submit fully dimensioned and scaled floor plans for each floor plan model proposed.
- C. Fully Dimensioned and Scaled Building Elevations. Submit fully dimensioned and scaled building elevations for each proposed structure. The building elevations must show all four sides of the building. The building elevations must match the floor plans in detail such as the location of building openings (e.g., windows and doors). The building elevations must also call out building materials, window and door types, roof materials and similar items.

- D. Material Board. A sample building material board must be submitted for the proposed development. Material boards must contain sample building materials proposed on the building exteriors. Materials samples must include, without limitation, roof material chips, stucco and plaster samples, texture coat samples, rock, brick or similar samples and proposed colors. The dimension of the material board cannot exceed a dimension greater than 11 inches by 17 inches.
- E. Site Design Review application fee in the amount established by City Council resolution.
- F. Additional information, exhibits or materials as deemed necessary by the Director, or designee."

SECTION 12. BMC § 17.60.050 is amended to read as follows:

"17.60.050 Site Design Review Approval Procedure.

A Site Design Review can be processed either concurrently with a zone change application to include a property into the Planned Development Overlay Zone or as an individual application if a PD Overlay Zone is already in effect. The following describes the approval process for the Site Design Review:

- A. Planning Commission Review. If the Planning Commission finds that the application complies with the provisions of the Planned Development Overlay Zone, and that such conditions as recommended by the Director are acceptable, the Planning Commission must recommend approval of the Site Design Review to the City Council, pursuant to the findings and conditions of the Director. The Planning Commission can also recommend denial or modifications to the project.
- B. City Council Review. If the City Council finds that the application complies with the provisions of the Planned Development Overlay Zone, and that such conditions as recommended by the Planning Commission are acceptable, the City Council may approve the Site Design Review pursuant to the findings and conditions of the Planning Commission. The City Council can also deny the application, revise the recommended conditions, or revise the plan. The decision of the City Council is final."

SECTION 13. BMC § 17.60.060 is amended to read as follows:

"17.60.060 Site Design Review—Findings for Approval.

Site Design Review approval requires the following findings:

- A. The proposed project is compatible with the surrounding neighborhood and adjacent properties;
- B. The proposed project incorporates superior site design techniques that demonstrate innovative and creative utilization of design principles;
- C. The proposed project demonstrates superior architecture and the use of high-quality building materials, building fixtures and architectural treatments and amenities; and
- D. The proposed project has open space that is designed in a manner where the open space is functional and is grouped in a manner that maximizes the appearance and use of open space."

SECTION 14. BMC § 17.60.080 is amended to read as follows:

"17.60.080 Time Limits for Development.

- A. The City Council may establish a time limit within which development of the subject property and use or any phase must be completed. The limits will be reasonable based on the size and nature of the proposed development.
- B. That time limit may be extended by the City Council upon request of the applicant and for good cause shown, although once any portion of Site Design Review approval is utilized all other conditions become immediately operative.
- C. If an established time limit for development expires and no extension is granted, the Site Design Review approval is void. In the absence of a valid Site Design Review approval, the property may only be developed in full compliance with the standards of the underlying zone."

SECTION 15. *Environmental Review.* This ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it consists only of minor revisions and clarifications to existing regulations. It does not portend any new development and does not relax existing regulatory restrictions on future development. This ordinance, therefore, does not have the potential to cause significant effects on the environment. Consequently, it is exempt from CEQA review under 14 Cal. Code Regs. § 15061(b)(3).

SECTION 16. *Notice of Exemption.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062 and any other applicable law.

SECTION 17. *Approval.* Based on the foregoing, the City Council approves Zoning Ordinance Text Amendment Case No. ZOTA 18-05.

SECTION 18. *Construction.* This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 19. *Enforceability.* Repeal of any provision of the Bellflower Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 20. *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the BMC or other city ordinance by this Ordinance will be rendered void and cause such previous BMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 21. *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 22. *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 23. *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 24. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Bellflower's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 25. *Effective Date.* This Ordinance will take effect 30 days following its final passage and adoption.

ORDINANCE NO. 13XX HAD ITS FIRST READING ON _____, ITS SECOND READING ON _____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF _____.

Ray Dunton, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

ATTACHMENT B

Redlined Version of BMC Section
17.28.100 (Building Bulk), Section
17.32.100 (Building Bulk), Chapter
17.40 (Residential Planned
Development Overlay Zone), and
Chapter 17.60 (Planned Development
Overlay District)

The proposed revisions will be illustrated with ~~strikethrough~~ for existing language that is proposed for deletion, and underlined for new language.

17.28.100 Building Bulk.

~~In efforts to~~To minimize building bulk and mass, any new two-story residential structure ~~shall~~must satisfy the “2/3 rule.” The ~~two-thirds (2/3)~~ rule requires the top story to be not more than ~~two-thirds (2/3)~~ the size in total floor area of the bottom story. Deviation from this rule is permitted if the residential structure incorporates “desirable architectural elements” and satisfies the following process. A point value is assigned to each of these desirable architectural elements. If ~~at least fifty (50) points are accumulated through provision of the~~providing various desirable architectural elements accumulates at least 50 points, the applicant is allowed to deviate from the ~~two-thirds (2/3)~~ rule, subject to review and approval of a “Precise PlanSite Design Review” by the Planning Commission, ~~which shall. This must~~ be processed ~~in accordance with the submittal requirements of~~a “Precise PlanSite Design Review” pursuant to Section 17.40.050(B)(3) (provided, however, that if no additional legislative action is required, the decision of the Planning Commission ~~shall~~will be final in the absence of an appeal), and payment of an application fee in an amount as established by resolution of the City Council.

17.32.100 Building Bulk.

~~In efforts to~~To minimize building bulk and mass, any new two-story residential structure ~~shall~~must satisfy the “2/3 rule.” The ~~two-thirds (2/3)~~ rule requires the top story to be not more than ~~two-thirds (2/3)~~ the size in total floor area of the bottom story. Deviation from this rule is permitted if the residential structure incorporates “desirable architectural elements” and satisfies the following process. A point value is assigned to each of these desirable architectural elements. If ~~at least fifty (50) points are accumulated through provision of the~~providing various desirable architectural elements accumulates at least 50 points, the applicant is allowed to deviate from the ~~two-thirds (2/3)~~ rule, subject to review and approval of a Precise Plan“Site Design Review” by the Planning Commission ~~which shall. This must~~ be processed ~~in accordance with the submittal requirements of~~a “Precise PlanSite Design Review” pursuant to ~~BMC~~ Section 17.40.050(B)(3) (provided, however, that if no additional legislative action is required, the decision of the Planning Commission ~~shall~~will be final in the absence of an appeal), and payment of an application fee in an amount as established by resolution of the City Council.

17.40.040 Development Plan Review.

- A. In addition to any other entitlement required ~~pursuant to~~by applicable law including, without limitation, the ~~provisions of the State of California Government Code, the California Subdivision Map Act and the Bellflower Municipal Government~~ Code, all property designated ~~with~~as residential ~~plan~~planned development overlay ~~shall be~~is required to obtain a Precise Plan ~~pursuant to the provisions of this chapter~~Site Design Review for any new residential development.

- B. Development plans submitted for Site Design Review must conform with the development standards in this Chapter only. A Site Design Review may not be used to consider any proposed changes in land use; ministerial permitting or review; or other deviations from the zoning regulations in this Title.

17.40.050 Precise Plan Site Design Review.

~~The Applicant shall submit a Precise Plan of development to the Department of Community Development pursuant to the following provisions:~~ The Site Design Review process consists of the following:

- A. Complete Precise Plan Site Design Review Application. The application for a ~~Precise Plan shall~~ Site Design Review must be made on forms supplied by the ~~Department of Community Development~~ Director, and with the accompanying materials and exhibits as follows:
1. Fully Completed ~~Precise Plan~~ Site Design Review Application. A fully completed ~~and filled out Precise Plan~~ Site Design Review application ~~together with an application fee in an amount established by City Council resolution.~~
 2. Fully Dimensioned and Scaled Site Plan. A fully dimensioned and scaled site plan accurately ~~indicating the~~ identifying placement of all proposed development, existing site features (~~i.e.g.~~, trees, driveway approaches, walls, fences, and similar items), and structures and improvements that are immediately adjacent to the project site. The ~~called-out~~ plan dimensions ~~shall~~ must be consistent with the indicated development plan scale.
 3. Fully Dimensioned and Scaled Floor Plans. Fully dimensioned and scaled floor plans for each floor plan model proposed.
 4. Fully Dimensioned and Scaled Building Elevations. Fully dimensioned and scaled building elevations for each proposed structure. The building elevations ~~shall~~ must show all building elevations. The building elevations ~~shall~~ must match the floor plans in ~~details~~ detail such as the location of building openings (~~i.e.g.~~, windows, ~~and~~ doors, ~~etc.~~)). The ~~called-out~~ plan dimensions ~~shall~~ must be consistent with the indicated development plan scale. ~~Said building~~ Building elevation plans ~~shall~~ must also call out building materials, window and door types, roof materials and similar items.
 5. Material Board. A sample building material board ~~shall~~ must be submitted for the proposed development. ~~Said material~~ Material board ~~shall~~ must contain sample building materials proposed to be utilized on the building exteriors. ~~Said materials~~ Materials samples

~~shall~~must include ~~but not be limited to, without limitation,~~ roof material chips, stucco and plaster samples, texture coat samples, rock, brick or similar samples and proposed colors. The dimension of the material board ~~shall not~~cannot exceed a dimension greater than ~~eleven (11)~~ inches by ~~seventeen (17)~~ inches.

6. ~~Any other pertinent~~Additional information, exhibits or materials as deemed necessary by the Director ~~of Community Development~~.

B. Precise Plan~~Site Design Review~~ Approval Procedure. The following procedure ~~shall govern the review of Precise Plans~~will apply to Site Design Review applications made under this chapter. A zone change application to adopt the RPD Overlay Zone may be processed concurrent with the ~~Precise Plan~~Site Design Review requirements as provided in this title. If no zone change is required to implement the provisions of this title, then a ~~Precise Plan~~Site Design Review may be submitted as an individual application.

- ~~1. Planning Director. Within thirty (30) days from the determination of a complete Precise Plan application, the Planning Director as established in Title 17 of the Bellflower Municipal Code, shall evaluate the Precise Plan.~~

1. Recommendation to the Planning Commission. ~~After evaluating the application, the~~ The Planning Director ~~shall~~will make a recommendation to the Planning Commission to either approve, approve with conditions necessary to protect the public health, safety and general welfare, or deny the ~~Precise Plan~~Site Design Review application.
2. Planning Commission Review. Upon receipt of the recommendation of the ~~Planning~~ Director, the Planning Commission ~~shall~~will review and evaluate the ~~Precise Plan~~Site Design Review application. If the Planning Commission finds that the ~~plan~~application complies with the findings stated in Section 17.40.060, the provisions and intent of the Residential Plan Development Overlay Zone, and that such conditions as recommended by the ~~Planning~~ Director are acceptable, the Planning Commission may recommend approval of the ~~plan~~Site Design Review to the City Council, ~~pursuant to the findings and conditions of the Planning Director~~. If the Planning Commission deems necessary, additional conditions, alterations of recommended conditions, or development plan alterations or revisions may be made to the plan required.
3. City Council Review. Upon receipt of the recommendation of the Planning Commission, the City Council ~~shall~~will review and evaluate the ~~Precise Plan~~Site Design Review application. If the City Council finds that the ~~plan~~application complies with the findings stated in Section 17.40.060, the provisions and intent of the Residential Plan Development Overlay Zone, and that such conditions as recommended by the Planning Commission are

acceptable, the City Council may approve the ~~plan~~Site Design Review pursuant to the findings and conditions of the Planning Commission. If the City Council deems necessary, additional conditions, alterations of recommended conditions or development plan alterations or revisions may be ~~made to the plan~~required.

4. The decision of the City Council ~~shall be~~is final.

17.40.060 Findings for Approval.

~~Site Design Review approval requires Prior to approving a Precise Plan pursuant to this chapter, the Planning Commission and ultimately the City Council, shall make the~~ following findings:

- A. ~~That the~~The proposed project is compatible with the surrounding neighborhood and adjacent properties;
- B. ~~That the~~The proposed project incorporates superior site design techniques that demonstrate innovative and creative utilization of design principles;
- C. ~~That the~~The proposed project demonstrates superior architecture and the use of high-quality building materials, building fixtures and architectural treatments and amenities; and
- D. ~~That the~~The proposed project has open space that is designed in a manner where the open space is functional and is grouped in a manner that maximizes the appearance and use of open space.

17.40.070 Development Standards.

II. Encroachments and Exceptions Menu

	Desirable Element	Definition of Element	Allowable Encroachment or Exception
5.	Building Height	Maximum building height may be exceeded when proposed in conjunction with an overall Precise Plan <u>Site Design Review</u> application.	Discretionary, depending upon design.

17.60.040 ~~Precise Plan~~ Site Design Review Application.

The application for a ~~Precise Plan~~Site Design Review will be made on forms supplied by the ~~Department of Community Development~~Director, or designee, and with the accompanying materials and exhibits as follows:

- A. Fully Dimensioned and Scaled Site Plan. Submit a fully dimensioned and scaled site plan accurately indicating the placement of all proposed

development, existing site features (i.e.g., trees, driveway approaches, walls, fences, and similar items), and structures and improvements that are immediately adjacent to the project site.

B. Fully Dimensioned and Scaled Floor Plans. Submit fully dimensioned and scaled floor plans for each floor plan model proposed.

C. Fully Dimensioned and Scaled Building Elevations. Submit fully dimensioned and scaled building elevations for each proposed structure. The building elevations ~~shall~~must show all four ~~(4)~~ sides of the building. The building elevations ~~shall~~must match the floor plans in ~~details~~detail such as the location of building openings (i.e.g., windows, and doors, etc.). The building elevations ~~shall~~must also call out building materials, window and door types, roof materials and similar items.

D. Material Board. A sample building material board ~~shall~~must be submitted for the proposed development. ~~Said material board shall~~Material boards must contain sample building materials proposed on the building exteriors. ~~Said materials~~Materials samples ~~shall~~must include ~~but not be limited to,~~ without limitation, roof material chips, stucco and plaster samples, texture coat samples, rock, brick or similar samples and proposed colors. The dimension of the material board ~~shall not~~cannot exceed a dimension greater than ~~eleven (11)~~ inches by ~~seventeen (17)~~ inches.

E. ~~Precise Plan Application Fees. In the Site Design Review application fee in the~~ amount established by City Council ~~in the Resolution~~resolution.

F. ~~Any other pertinent~~Additional information, exhibits or materials as deemed necessary by the Director ~~of Community Development,~~ or designee.

17.60.050 ~~Precise Plan~~ Site Design Review Approval Procedure.

A ~~Precise Plan~~Site Design Review can be processed either concurrently with a zone change application to include a ~~particular~~ property into the Planned Development Overlay Zone or as an individual application if a PD Overlay Zone is already in effect. The following describes the approval process for the ~~Precise Plan~~Site Design Review:

~~A. Planning Director Review. Within thirty (30) days from the determination of a complete Precise Plan application, the Planning Director as established in Chapter 17.80 of this Code shall evaluate the Precise Plan. The Planning Director shall recommend to the Planning Commission either approval, approval with conditions, or denial of the Precise Plan application.~~

A. ~~Planning Commission~~ Review. If the Planning Commission finds that the

~~plan~~application complies with the provisions of the Planned Development Overlay Zone, and that such conditions as recommended by the ~~Planning~~ Director are acceptable, the Planning Commission ~~shall~~must recommend approval of the ~~plan~~Site Design Review to the City Council, pursuant to the findings and conditions of the ~~Planning~~ Director. The Planning Commission can also recommend denial, ~~revise the conditions, or revise the plan or modifications to the project.~~

- B. City Council Review. If the City Council finds that the ~~plan~~application complies with the provisions of the Planned Development Overlay Zone, and that such conditions as recommended by the Planning Commission are acceptable, the City Council ~~shall~~may approve the ~~plan~~Site Design Review pursuant to the findings and conditions of the Planning Commission. The City Council can also deny the application, revise the recommended conditions, or revise the plan. The decision of the City Council ~~shall be~~is final.

17.60.060 ~~Precise Plan~~ Site Design Review—Findings for Approval.

~~Precise Plan~~Site Design Review approval requires the following findings:

- A. That the proposed project is compatible with the surrounding neighborhood and adjacent properties;
- B. That the proposed project incorporates superior site design techniques that demonstrate innovative and creative utilization of design principles;
- C. That the proposed project demonstrates superior architecture and the use of high-quality building materials, building fixtures and architectural treatments and amenities; and
- D. That the proposed project has open space that is designed in a manner where the open space is functional and is grouped in a manner that maximizes the appearance and use of open space~~—.”~~

17.60.080 Time Limits for Development.

- A. The City Council may establish a time limit within which development of the subject property and use or any phase ~~thereof shall~~must be completed. The limits ~~shall~~will be reasonable, based on the size and nature of the proposed development.
- B. ~~Said~~That time limit may be extended by the City Council upon request of the applicant and ~~the presentation of proof of an unusual hardship not of the applicant's own making for good cause shown,~~ although once any portion of ~~the permit~~Site Design Review approval is utilized ~~the~~all other conditions ~~thereof~~become immediately operative ~~and must be strictly complied with.~~

- C. If an established time limit for development expires and no extension ~~has been~~is granted, the ~~Precise Plan planned development and all rights and privileges the established therein shall be considered null and~~ Site Design Review approval is void. In the absence of a valid Precise Plan Site Design Review approval, the property may only be developed in full compliance with the standards of the underlying zone.

