



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Art Bashmakian, Director of Planning and Building Services
Jason P. Clarke, Senior Planner

SUBJECT: Consideration and possible action to conduct a public hearing to consider extending and amending Urgency Ordinance No. 1313 which implemented interim development regulations in the Design For Development (DFD) for the South Bellflower Commercial Area; and adopt Urgency Ordinance No. 13XX – An Urgency Ordinance amending Ordinance No. 1313 to extend temporary moratorium establishing interim development controls in the Design For Development (DFD) for the South Bellflower Commercial Area.

DATE: June 13, 2016

EXECUTIVE SUMMARY

On May 9, 2016, the City Council adopted urgency Ordinance No. 1313 establishing a temporary (45-day) moratorium establishing interim development controls in the Design For Development for the South Bellflower Commercial Area (DFD). That ordinance will expire on June 23, 2016, if not extended.

Pursuant to Government Code Section 65858(b), cities can extend the moratorium for 22 months and 15 days (for a total of two years) by a four-fifths vote of the legislative body. However, only a 12-month time extension is proposed as staff can analyze and conduct an adequate study within that time period (if not sooner) and formulate new regulations and codify the DFD.

If adopted, the ordinance would extend the time period for the moratorium establishing interim development controls in the Design For Development for the South Bellflower Commercial DFD Area (DFD).

A copy of the May 9, 2016 staff report and Ordinance is attached and incorporated by reference.

RECOMMENDATION TO CITY COUNCIL

- 1) Open the public hearing; take testimonial and documentary evidence; after considering the evidence, read by title only, waive further reading, and adopt Urgency Ordinance No. 13XX by at least a four-fifths vote; or

Staff Report – Urgency Ordinance No. 13XX (DFD)

June 13, 2016

Page 2 of 3

2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

There will be no substantial fiscal impact during the time that the moratorium is in effect.

PUBLIC NOTICE

A Notice of Public Hearing was published in the Herald American Bellflower Edition Newspaper on Thursday, June 2, 2016. On Wednesday, June 1, 2016, a Public Hearing Notice was posted at City Hall, Brakensiek Library, Bellflower Substation, Thompson Park, and Simms Park.

CEQA STATUS

Adopting this Urgency Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for minor alterations in land use. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15305. This Ordinance does not authorize any new construction or development entitlements. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 65858 REPORT

Government Code Section 65858(d) requires 10 days before the expiration of the moratorium, the City Council must issue a written report describing the measure taken to alleviate the condition which led to the adoption of the ordinance.

Since May 9, 2016, the Planning Department has taken measures and actions to alleviate the conditions set forth in Ordinance No. 1313, which are:

- Continue analyzing the DFD for additional modifications and updates.
- Consider codifying the DFD area to a “specific plan” or “planned development”.
- Modified the urgency ordinance to remove the following language that does not impact the public health, safety, or welfare:

Conditional Uses

Stealthed wireless telecommunications facilities.

Prohibited Uses

Churches and other religious institutions.

Off - premises signs.

Residential uses.

The work program will result in the necessary revisions to the Bellflower Municipal Code within a reasonable amount of time. Pursuant to Government Code Section 65858(b), the City may extend Ordinance No. 1313 for an additional 22 months and 15 days (for a total of two years) by a four-fifths vote of the legislative body. However, only a 12-month time extension is proposed because it is anticipated that a code amendment addressing the issue could be completed sooner.

ATTACHMENTS

Proposed Urgency Ordinance No. 13XX.....	4
May 9, 2016 City Council Staff Report (not attachments).....	6
Urgency Ordinance No. 1313.....	9

CITY OF BELLFLOWER

ORDINANCE NO. 13XX

**AN URGENCY ORDINANCE AMENDING ORDINANCE NO. 1313
TO EXTEND THE TEMPORARY MORATORIUM ON
ESTABLISHING INTERIM DEVELOPMENT CONTROLS IN THE
DESIGN FOR DEVELOPMENT (DFD) FOR THE SOUTH
BELLFLOWER COMMERCIAL AREA**

THE COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2. *Findings.* The City Council finds, determines and declares as follows:

- A. On May 9, 2016, the City Council adopted Urgency Ordinance No. 1313, establishing interim development controls in the Design For Development (DFD) for the South Bellflower Commercial Area.
- B. At its public hearing on June 13, 2016, the City Council considered the report required by Government Code § 65858.
- C. The findings and conclusions set forth in Ordinance No. 1313 are incorporated by this reference as if fully set forth.
- D. The City Council further finds that the Moratorium is a matter of local and City-wide importance and is not directed towards any particular entity that currently seeks to construct or develop within the DFD area.
- E. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the moratorium imposed by this Ordinance will not in any way deprive any person of rights granted by state or federal laws, because the moratorium is short in duration and essential to protect the public health, safety, and welfare.

SECTION 3. *Amendment.* The City Council amends the Moratorium as follows:

- A. Section 14 of Ordinance No. 1313 is amended to read:

“Expiration Date. After adoption, this Ordinance will be repealed by operation of law on June 13, 2017, unless a subsequent ordinance is adopted by the City Council that extends this date.”

- B. Other than amended by this Section, all other regulations of Ordinance No. 1313 remain the same.

SECTION 4. *Environmental Assessment.* Adoption of this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for minor alterations in land use. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §15305. This Ordinance does not authorize any new construction or development entitlements. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 5. *Declaration of Urgency.* Based on the findings set forth in Section 2, this is an urgency ordinance adopted upon 4/5 vote for the immediate preservation of the public peace, health, safety, and welfare.

SECTION 6. 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 7. *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.

URGENCY ORDINANCE NO. 13XX WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF _____.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Art Bashmakian, Director of Planning and Building Services
Jason P. Clarke, Senior Planner

SUBJECT: Consideration and possible action to conduct a public hearing regarding the adoption of a moratorium and implement interim development regulations in the Design For Development for the South Bellflower Commercial DFD Area (DFD); and, upon a four-fifths vote, adopt Urgency Ordinance No. 1313 – An Urgency Ordinance establishing interim development controls in the Design For Development for the South Bellflower Commercial DFD Area (DFD).

DATE: May 9, 2016

EXECUTIVE SUMMARY

As part of the City's ongoing effort to promote economic development within the City, all of the City's existing zoning and development regulations are undergoing review for possible amendments. Part of that review includes the Design for Development for the South Bellflower Commercial DFD Area ("DFD"). Several different projects are currently being contemplated for that area and it is recommended that the City Council adopt a moratorium to allow staff to fully contemplate the land use regulations governing the DFD. If adopted, the draft urgency ordinance would establish a moratorium temporarily adopting interim land use regulations within the DFD that would provide time for staff to craft long-term development standards to promote economic development. While development standards were adopted in 2008 by the Redevelopment Agency, improvements in the economy since that time merit a reexamination of the DFD including, without limitation, its jurisdictional boundaries, regulations, and development standards. Adopting the draft ordinance will ensure that the City can continue implementing the current development controls within the DFD during the time that staff drafts comprehensive new regulations. Without these regulations, property in the DFD are only subject to the C-G or M-1 zone regulations.

The proposed moratorium requires a four-fifths vote of the City Council after making certain findings related to public health, safety, and welfare. This moratorium will expire after 45 days. The City Council may subsequently extend the moratorium for 10 months and 15 days and again extend the interim ordinance for one year. Staff anticipates that at least one extension will be necessary (at the June 13, 2016 meeting) since the 45 days is rarely enough to process zoning amendments (which take about four months).

RECOMMENDATION TO CITY COUNCIL

- 1) Open the public hearing; take testimonial and documentary evidence; after considering the evidence, read by title only, waive further reading, and adopt Urgency Ordinance No. 1313, by at least a four-fifths vote; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

There will be no substantial fiscal impact during the time that the moratorium is in effect.

PUBLIC NOTICE

Pursuant to Government Code Section 65858 (a), a legislative body may adopt an urgency ordinance without noticing the matter for a public hearing. Such an ordinance expires in 45 days from its date of adoption, unless it's extended within the expiration date at a noticed public hearing.

CEQA STATUS

Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

BACKGROUND

In 2008, the Bellflower Redevelopment Agency ("RDA") adopted Resolution No. RA-08-04 which established the "Design for Development (DFD) for the South Bellflower Commercial Planning Area." The DFD was a planning tool which allowed the RDA to evaluate various economic commercial development opportunities (e.g., big box retail type uses). The DFD did not change the existing land use designation or the existing zoning classification for properties within the DFD. The properties in the DFD are zoned C-G (General Commercial) and M-1 (Light Industrial). As shown in the attached Exhibit, there are approximately, 54 parcels in the DFD area. The Golden Corral buffet restaurant at 17308 Bellflower Boulevard is the most recently approved development within the DFD area.

Staff Report – Urgency Ordinance No. 1313 (DFD)

May 9, 2016

Page 3 of 3

Many changes have occurred since 2008. Among other things, the Great Recession has largely ended and, more importantly, the California Legislature dissolved all redevelopment agencies within California including Bellflower’s RDA. To fulfill the City’s goal in promoting economic development, it is prudent to undertake a comprehensive review of the DFD to determine what changes – if any – will assist the City in helping businesses flourish within the downtown area.

The proposed moratorium would, for the most part, adopt the regulations in Resolution No. RA-08-04 by reference in order to give planning staff time to draft new or updated land use regulations. Aside for some minor changes to the existing standards, the draft ordinance will add interim regulations. These include some minor changes to the DFD:

Prohibited Uses Section of the DFD.

- ~~11. Churches and other religious institutions.~~
- ~~38. Off-premises signs.~~
- ~~43. Residential uses.~~

Religious Institutions – The Religious Land Use And Institutionalized Persons Act (RLUIPA) prohibits the City from adopting land use restrictions that unduly affect the ability to worship. Removing this prohibition is part of the City’s overall goal of updating its zoning regulations.

Off-Premises Signs - This change is recommended to help potentially implement the Outdoor Advertising Development Plan currently being drafted by Bulletin Displays, LLC, as part of its agreement with the City (approved earlier this year).

Residential Uses - Allowing residential uses within the DFD recognizes the change in the City’s development patterns which are increasingly proposing mixed uses, i.e., developments that incorporate both dwelling units and commercial buildings.

ATTACHMENTS

A. Ordinance No. 1313.....4
 B. Resolution RA-08-04 (Staff Report, Neg Dec and DFD Document).....42

Doc 339745

CITY OF BELLFLOWER

ORDINANCE NO. 1313

**AN URGENCY ORDINANCE ESTABLISHING INTERIM
DEVELOPMENT CONTROLS IN THE DESIGN FOR
DEVELOPMENT FOR THE SOUTH BELLFLOWER
COMMERCIAL DFD AREA (DFD)**

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted pursuant to Government Code §§ 36937, 65858, and other applicable laws.

SECTION 2. Findings. The City Council finds, determines and declares as follows:

- A. The City can adopt and enforce all laws and regulations not in conflict with the general laws and the City holds all rights and powers established by California law.
- B. On July 14, 2008, the Bellflower Redevelopment Agency's Board of Directors adopted Resolution No. RA-08-04 with the intent of helping promote economic vitality within the Design for Development for the South Bellflower Commercial DFD Area ("DFD").
- C. The DFD is intended to help the City achieve the highest and best possible uses in the DFD Area by promoting freeway and highway oriented commercial/retail uses.
- D. The Council has determined that it is in the best interest of the City, in the protection of the public health, safety, and welfare, that the development standards and the list allowable uses in the C-G and M-1 zones within the DFD Area should be replaced by interim regulations for the DFD.
- E. The City Council recognizes that the normal zoning amendment process takes about four months, therefore, there is an urgent need to adopt the urgency ordinance, to protect the public safety, health, and welfare, while the City follows the normal procedures for zoning amendments.
- F. Without adopting this moratorium, the City's ability to implement the DFD development and land use standards will be significantly limited. Generally, the C-G or M-1 zoning regulations would govern properties within the DFD.

- G. The City Council determines that the DFD requires review and amending to protect the public against health, safety, and welfare dangers caused by potential new uses, construction, and development not consistent with intent and purpose of the DFD. The City requires additional time to prepare, evaluate, and adopt the DFD with reasonable regulations regarding uses, construction, and development within the DFD Area and to ensure such regulations are applied in a nondiscriminatory manner.
- H. In order to prevent frustration of these studies and the implementation of new regulations, the public interest, health, safety, and welfare require enactment of this Ordinance. The absence of this Ordinance would impair the orderly and effective implementation of contemplated BMC amendments, and any further authorization of these uses within the City during the period of the urgency ordinance may be in conflict with or may frustrate the contemplated updates and revisions of the BMC.
- I. Based on the foregoing, the City finds that that this Ordinance is necessary in order to protect the City from the potential effects and impacts of activities inconsistent with the intent and purpose of the DFD.
- J. The City Council further finds that this ordinance is a matter of local importance and is only directed towards the properties in the DFD boundaries of the City.
- K. The City Council finds that this Ordinance is authorized by the City's police powers. The City Council further finds that the length of the ordinance will not in any way deprive any person of rights granted by state or federal laws, because the urgency ordinance is short in duration and essential to protect the public health, safety, and welfare.

SECTION 3. Environmental Assessment. Adopting this Ordinance is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures; and minor structures accessory to existing commercial facilities. This Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the adoption of this Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. This Ordinance does not authorize any new development entitlements, but simply establishes policies and procedures for allowing the previously approved project to be constructed. Any proposed project that will utilize the changes set forth in this Ordinance will be subject to CEQA review as part of the entitlement review of the project. The Ordinance will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

SECTION 4. Interim regulations. The following provisions are adopted as interim development controls for properties within the DFD Area as shown on the attached map "Exhibit A," which is incorporated by reference:

"DESIGN FOR DEVELOPMENT SOUTH BELLFLOWER OVERLAY ZONE"

DFD.010 Purpose and Intent.

To encourage the development of the DFD Area to the highest and best possible use. It is the intent of the City Council to encourage high sales tax generating retail uses that will be able to utilize the extremely high freeway accessibility of the DFD Area. Furthermore, it is the intent of the City Council to promote high sales tax producing development while insisting upon high quality design and site planning.

The purpose of the DFD is to plan for the future development of the DFD Area. It is the goal of the DFD to present a refined land use strategy to promote freeway and highway oriented commercial /retail uses that have a commercial /retail development intensity that is directly correlated to the unique business opportunity that the DFD Area provides because of the its location, visibility, and superior access to the regional freeway network.

This DFD supplements, augments, and focuses the goals, policies and objectives of the various Planning documents affecting the DFD Area. However, these standards are not inclusive of all applicable City procedures, provisions, regulations, and requirements that may apply to the development of any property within the DFD Area. Professional office use maybe be included into a development to increase the daytime professional population so long as it is well balanced with commercial /retail uses.

DFD.020 General Objections.

The-City Council desires to encourage development concepts that will:

- A. Create a land use strategy that promotes intense freeway and highway-oriented commercial retail development;
- B. Provide for regional, local, and neighborhood access to and from the DFD Area, without negatively impacting the community character of Bellflower;
- C. Maintain and promote quality architectural and site planning principles in the development of the DFD Area;
- D. Ensure that vehicular access to and from the DFD Area is designed in manner that is efficient, safe and can accommodate future growth and access demand.

DFD.030 Special Controls.

Any development within this area must comply with the regulations of this section in addition to the required development standards of the underlying zone. In the

City of Bellflower
Urgency Ordinance No. 1313
Page 4 of 17

event of a conflict between a regulation for the DFD and a regulation for an underlying zone, the more restrictive regulation controls, and in case of doubt or ambiguity the determination thereof by the Planning Director is conclusive, subject to appeal as set forth in the Bellflower Municipal Code ("BMC").

DFD.040 Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Ordinance. Words and phrases undefined in this Ordinance have the same meaning as set forth in the BMC.

Automobile Dealership. A retail facility that specializes in the sale of automobiles and light and heavy -duty trucks and vehicles. Accessory uses for the service and repair of automobiles and vehicles, and the retail sales of goods and parts directly related to those automobiles and vehicles sold at the facility is permitted. "Used" or "Pre-owned" automobiles, trucks and other vehicles are not allowed to exceed twenty percent (20 %) of the sales, display and storage area of an Automobile Dealership.

Banquet Facility. A facility that specializes in the hosting of one or multiple gatherings of people which may involve live dance and entertainment, for the purposes of celebrating and /or honoring including, without limitation, anniversaries, awards ceremonies, bar - mitzvas, birthdays, private parties, quinceaneras, roasts, tributes, weddings, conducted within an enclosed building on the subject property. A banquet facility is not a night club, and may not be operated in any capacity resembling a night club.

"Big -Box" Retail Store. A commercial retail store that has a minimum interior square footage of at least 80,000 square feet, and most typically is at, or over 100,000 square feet, in interior floor area. Said commercial retail store specializes in "dry goods," but may have grocery and perishable goods as an accessory sales item.

Community - Serving Commercial. Retail uses that serve as citywide community market area, such as supermarkets, pharmacies, restaurants, banks, office supplies, copy services and general retail stores.

Development. The physical alteration of any parcel or area of land, including buildings, structures, grading and other related changes by any private person or entity and /or by any public body or agency.

Drive - Through Facilities (also known as "Drive- Thru "). A facility that allows for the transaction of goods or services without having the business patron leave their motor vehicle.

Freeway- Oriented Commercial. Retail uses that are intended to serve the region where access from the freeway system is an integral component of their retail and marketing operation. Such retail uses tend to be very high volume in retail sales.

City of Bellflower
Urgency Ordinance No. 1313
Page 5 of 17

Motor Sports Dealership. A retail facility that specializes in the sale of all-terrain vehicles (ATVs), motorcycles for the purposes of off-road, motocross, or dual purposes, personal watercrafts such as jet skis, sea-doods, and /or wave runners, utility and recreation utility vehicles for the purposes of traveling off-road, and snowmobiles. Accessory uses for the service and repair of vehicles, and the retail sales of goods and parts directly related to those vehicles sold at the facility is permitted. "Used" or "Pre-owned" vehicles are not allowed to exceed twenty percent (20 %) of the sales, display and storage area of a Motor Sports Dealership.

Neighborhood Serving Commercial. Retail that is intended to serve the needs of adjacent residential neighborhoods and nearby businesses, such as sidewalk cafes, bakeries, dry cleaners, small markets or pharmacies, accounting /professional services, and medical offices.

Offices, Professional /Administrative. A commercial use where a building, room or series of rooms is used to conduct professional -type business (e.g., architect, lawyer, doctor, engineer, stockbroker, accountant, consultant, tax preparer, real estate, advertising and publicity).

Parking Lot. An open paved area that is designed to accommodate vehicles of patrons of those businesses where the parking lot is adjacent. Parking lots also contain such associated design features such as drive - aisles, landscaping, trash enclosures, customer - service cart corrals and similar features.

Parking Structure. A multi -level structure composed of interior ramps (exterior ramps not allowed) designed to accommodate the efficient and safe parking of vehicles of patrons of local businesses and open to the general public.

Regional Retail Use. A retail use that is contained within a "big box" style of structure and retail concept, where the retail use is intended to serve the region and take advantage of high freeway and highway visibility.

Signs, Façade. A sign identifying the name of the store or business mounted on the exterior wall of the building in which said store or business is located. Typically, the facade sign is mounted on the front facade of the store.

Signs, Freeway Identification. A pylon sign structure that is intended to provide freeway- oriented store identification for the commercial activity that is located on the property on which the Freeway Identification sign is located.

Signs, Information. Signs that are intended to provide directional or similar information to the patron regarding subjects like parking direction, on-site store locations, leasing office location, shipping cart return locations, and similar items. An informational sign is intended to be read by store or business patrons that are already at the store or business location.

Signs, Monument -style Identification. A store identification sign that is located adjacent to the public street, and is intended to provide store identification to the motorist. Monument -style signage typically does not exceed a height greater

City of Bellflower
Urgency Ordinance No. 1313
Page 6 of 17

than six (6) feet. In some cases, additional identification for satellite stores also located nearby the primary store is also provided on the Monument -style sign.

Signs, Store Identification. A sign that identifies the name of the store or business.

Strip Commercial Development. In -line retail /service oriented development geared towards attracting multiple non - credit tenants on parcels less than 1.5 acres with total combined building square footage of less than 15,000 square feet.

DFD.050 Site Description.

The DFD Area is geographically defined by the Artesia Freeway (State Route 91) along the north, and Cedar Street along the south, with varying easterly and westerly boundaries on Artesia Boulevard, Ramona Street and Cedar Street.

This DFD Area surrounds an approximate three (3) block area with the length situated predominately on the Bellflower Boulevard axis, extending south of the 91 Freeway to the north side of Cedar Street; while the width of the DFD Area varies along Artesia Boulevard, Ramona Street and Cedar Street. The width of the DFD Area varies from street to street. Along Artesia Boulevard, the width of the DFD Area extends approximately 363 feet west and 624 feet east of Bellflower Boulevard. Along Ramona Street the width of the DFD Area extends approximately 291 feet west and 373 feet east of Bellflower Boulevard. Along Cedar Street the DFD Area extends approximately 290 feet west and 231 feet east of Bellflower Boulevard.

The 91- Freeway is “grade- separated “, in that it is at a substantially higher elevation from the project site, as well as the other portions of the City of Bellflower that the freeway abuts.

DFD.060 Permitted and Prohibited Uses.

A. General Provisions. The uses permitted in the **DFD** Area must be compatible with the Bellflower General Plan and the BMC. Freeway- oriented commercial uses, such as ‘big box’ retailers and new automobile and motor sports sales facilities must be strongly encouraged.

B. Bellflower General Plan. The Bellflower General Plan designates the DFD Area as “Commercial.” The “Commercial” land use designation allows for traditional commercial and professional office uses. However, the location of the DFD Area in regards to the 91 Freeway and Artesia Boulevard provides for an opportunity to maximize freeway- oriented retail development.

C. Underlying Zoning. The zoning in the DFD is intended to be consistent with, and conform to, the Bellflower General Plan. The zoning classification for the property within the DFD Area is General Commercial (C -G) and Light Industrial (M -1).

City of Bellflower
Urgency Ordinance No. 1313
Page 7 of 17

The uses permitted in the C -G and M -1 zone are typically retail commercial, professional office and industrial types of uses. However, within the DFD Area, those uses permitted in the C-G and M -1 zone of the DFD Area will be those which are provided in greater detail in Section DFD.070.

DFD.070 Permitted Uses.

A. The following uses are permitted in the DFD:

1. Regional Retail Uses. A commercial retail use that is contained within a structure of not less than 75,000 square feet nor in excess of 150,000 square feet in floor area. If more than one Regional Retail Use is situated on the same parcel of land, and developed in a comprehensive manner, then the floor area of the single regional retail use store may be not less than 50,000 square feet. Accessory outdoor sales areas directly associated with the regional retail store are permitted.

2. Automobile Sales, New. New automobile and vehicle sales dealerships with accessory automobile service, parts and supply retail. Any accessory used, or pre-owned, automobile and vehicle sales require the approval of a conditional use permit.

3. 'Big -Box' Retail Store.

4. Community - Serving Commercial.

5. Free - standing commercial space to accommodate sit -down restaurant uses, when developed in conjunction with a comprehensive commercial shopping center.

6. Freeway- Oriented Commercial.

7. Motor Sports Sales.

8. Multiple- tenant stores complexes when developed in conjunction with a comprehensive commercial shopping center.

9. Neighborhood Serving Commercial.

10. Professional /Administrative Offices (second floor and above).

DFD.080 Conditional Uses.

A. The following uses are permitted in the DFD as follows:

1. Developments on parcels of less than 1.5 acres.

2. Drive - Through Facilities.

3. Parking structures.

DFD.090 Prohibited Uses.

A. The following uses are strictly prohibited within the DFD Area:

1. Adult Businesses.
2. Ambulance service.
3. Auction house or store.
4. Automobile repair center
5. Automobile repair shop.
6. Billiards (three or less tables).
7. Bingo establishments (public and non - profit).
8. Bridge, chess, "go" clubs.
9. Carwash (automatic mechanical, hand operated, or self- serve), including those facilities that are accessory to gasoline service stations.
10. Check cashing and cash advancing.
11. Civic and community clubs.
12. Collection centers (recyclable materials).
13. Community care facilities.
14. Contractor's office with outside storage area.
15. Consignment goods, as an accessory activity.
16. Dialysis center.
17. Driving, or driver training schools and /or classrooms.
18. Escort services.
19. Free - standing commercial stores of less than 10,000 square feet on individual parcels, not developed in conjunction with a comprehensive shopping center.
20. Fork life repair shop.
21. Fortune Telling.

City of Bellflower
Urgency Ordinance No. 1313
Page 9 of 17

22. Funeral parlor, mortuary, crematory.
23. Garage, public.
24. Home occupation in permitted residential structure /use.
25. Hospices, home health care.
26. Hospitals.
27. Hotels.
28. Ice storage house of not more than five (5) tons capacity.
29. Janitorial services.
30. Laboratories.
31. Laundromats and /or self -serve laundry facilities.
32. Limousine service.
33. Modeling studio.
34. Motels.
35. Motorcycle funeral escort service.
36. Nursery (flowers, trees or plans; with or without buildings).
37. Outdoor sales, storage or activities; either as a primary use or accessory to a permitted use. Such uses may include, without limitation, animal feed, small mammals (e.g., dogs and cats) and supplies, sales of produce and other food -stuff, newsstands and other similar activities.
38. Outside storage as a primary activity.
39. Patio, outdoor furniture, bar -b -que and fireplace sales and related merchandise.
40. Public utility offices, payment centers and distribution substation with microwave facilities (does not include support facilities, or facilities that have outside storage).
41. Rest home, convalescent hospital.
42. Second -hand stores and pawnshops.

City of Bellflower
Urgency Ordinance No. 1313
Page 10 of 17

43. Security, private patrol services.
44. Strip commercial development.
45. Surplus Store.
46. Swimming pool supplies.
47. Taxi services.
48. Taxidermist.
49. Telephone exchange /telemarketing /answering service.
50. Ticket agency.
51. Tools and equipment sales and rental (heavy).
52. Towing company — vehicle (may include accessory vehicle storage).
53. Trade schools.
54. Training, educational and vocational schools and colleges (public and private).
55. Warehouse and /or storage uses.
56. Water and purifier stores.
57. Wholesale business.

DFD.100 Development Standards.

A. In addition to the requirements set forth in Section DFD.110, the following development standards apply to all public and private improvements and /or development in the DFD Area.

B. Development Intensity. Appropriate development intensities must be provided to encourage access of automobile traffic from the 91 Freeway and from the adjoining streets of Bellflower Boulevard, Artesia Boulevard, Ramona Street and Cedar Street. The intensity of development is intended to be automobile-oriented and be regionally attractive. A minimum lot size requirement of 1.5 acres (65,340 square feet) is required for any new development within the DFD Area to encourage larger commercial /retail developments. Every effort must be made and demonstrated to assemble parcels to meet the minimum lot size requirements. Proposed developments of lots that are less than 1.5 acres will require a conditional use permit.

C. Building Heights. Structures in the DFD Area must be built to appropriate heights, subject to applicable requirements of the BMC's zoning regulations and requirements, except as approved by the City pursuant to the BMC.

D. Building Setbacks. Building setbacks are subject to the applicable setback requirements of the BMC. Greater setbacks may be required as determined by the reviewing and approval body. Every effort should be made to create varied wall - planes and building surfaces, as opposed to stark flat and uniform surfaces. Well thought -out building setbacks, which have varied wall -plane articulation, will make the buildings more attractive and appealing. Buildings in the DFD Area must be designed and located on property in a manner to maximize the use of land, provide adequate and appealing landscaping and other site amenities.

E. Public Area /Open Space. The DFD Area is intended to be automobile oriented, in that the commercial activity is intended to provide a regional appeal. The location of the DFD Area is such that the DFD Area is easily accessible to the regional freeway system. Although the DFD Area is not intended to be a high pedestrian area, development within the DFD Area should have pedestrian access and amenities. In addition, the development within the DFD Area must provide decorative visual features located in key areas to maximize the visual appeal of the development from the major street arterials. For example, the south east corner of Bellflower Boulevard and Artesia Boulevard must be developed with some form of prominent focal element located on an open area that will also provide for pedestrian access. Such focal element may include, without limitation, a prominent water feature, significant landscaping with vertical elements, public art, or similar features.

The edges of development within the DFD Area that is adjacent to the public streets must be developed with generous landscaped planter areas that include mounded earth, trees, boulder features, groundcover and similar landscaping treatment.

F. Landscaping. Open spaces, areas adjacent to the public right of way, and areas intended for pedestrian access must be provided with amenities and treatment that provide for an interesting and quality visual experience as viewed from the public street. Landscaping must be designed to provide for a pleasant pedestrian experience when it is placed adjacent to pedestrian areas. Landscaped planter areas within the parking lot areas must be constructed with six inch (6") Portland Cement concrete curbs around the perimeter of all landscaped parking lot planters. All landscaping must be installed before the City issues any certificate of occupancy for any development.

G. Parking and Parking Lots. Parking lots must be designed in such a manner as to provide for the convenient and easy access into and out of the development. All off - street parking must be designed and constructed pursuant to the BMC. All parking lots must be designed to maintain landscaped planter areas within the parking fields. Parking lots must also have designated "shopping cart corrals" thoughtfully designed and placed throughout the parking lot. Said shopping cart corrals must be delineated with raised concrete curb and landscaped planter areas. "Pipe- style" shopping cart corrals are prohibited. All parking lots, stalls, lighting, aisle width and ADA regulations must comply with the BMC.

H. Paving. Paving in public and private pedestrian areas (excluding the public right of way), must reflect a high standard of design quality and reinforce safe and efficient usage. Pedestrian crossings must be highly visible to pedestrians and motorists. Stamped, colored concrete must be used to delineate the entrances to the parking lot, pedestrian crosswalks, pedestrian walks and similar areas.

I. Architectural Design. It is the goal of this DFD to promote a building design that is functional, but is also unique, pleasant and visually memorable. Building architecture must utilize consistent themes that do not conflict in design technique and application. Building designs that mix architectural styles are prohibited. Extensive, boring, plain wall stretches of wall surfaces are also prohibited.

J. Signage. Formulation of a master signage program by the "developer" as an integral part of the overall development concept is required. The master sign program must include the design and placement of the Freeway Identification Sign. Notwithstanding specific BMC regulations having citywide application, the City Council intends to allow only signage essential and appropriate to the scale and character of a quality regional commercial development. Within this general framework, the City Council is receptive to innovative and imaginative signing techniques, such as video display signage.

DFD.110 Access and Circulation.

A. Because the DFD Area is located adjacent to the 91 Freeway and is bounded by major arterials, the primary mode of access to the DFD Area will be by automobile. Although there are public transit bus routes that service the DFD Area, pedestrian access is envisioned to result mainly from patrons who drive to the development within the DFD Area, exit their automobiles and then access the businesses. Therefore, attention must be made to design safe, efficient and logical vehicle circulation within the DFD Area, as well as for ingress and egress.

B. Pedestrian Access. The public rights of way bounding the DFD Area must have public sidewalks that align the perimeter of the properties within the DFD Area. Since it is anticipated that the primary form of visitation to the businesses within the DFD Area originates from vehicles, pedestrian amenities will not be promoted as those design features would in other portions of the city. The internal parking lot(s) must be designed in such a manner as to separate vehicular and pedestrian traffic. The parking lot(s) must be designed to provide a distinctive and coherent pedestrian circulation system between parked vehicles and the buildings within the DFD Area. Thus, designated pedestrian walkways within the parking area must be provided. Such designated pedestrian walkways must be raised and separated from vehicular travel drive aisles.

Since bus service occurs on the public arterials abutting the DFD Area, dedication of land may be necessary in order to facilitate bus turnouts and bus stops. Pedestrian paths from bus stops to the interior of the DFD Area must be provided.

C. Vehicular Access. Access into the DFD Area must be made via the adjoining public arterials. It may be necessary for land dedication to be made in order to facilitate deceleration lanes that will allow for right turns into the DFD Area. Furthermore, unless prohibited because of a raised center median located in the public street abutting the DFD Area, all vehicle exit points from the DFD Area must have at least two (2) travel lanes (one exit lane to allow right turns and one exit lane to allow for left turns). The amount of driveway access points onto the public arterials must be kept to a minimum. The number, locations and width of driveways require City Engineer approval. The parking lot(s) must be designed so that all vehicle circulation can occur on-site. Parking lot design must ensure that vehicles can move within the parking lot without needing to exit onto a public street.

D. Loading. All development within the DFD Area must provide designated loading areas. Loading areas must be designed in such a manner as to be visually screened from view from the public street or areas of high public use. Such visual screening techniques may include "wing walls," landscaped berms, and lowered loading areas. Loading areas must be designed so that if a trailer is left in the loading area, it is not visible to a public street or an area of high public use and access. If necessary, the development within the DFD Area must provide a customer loading area that is separate from the service loading area. The customer loading area must be clearly delineated and designed so that it will not conflict with travel within the parking lot and drive aisles.

E. Bicycle Access. It is recognized that the primary mode of access to development within the DFD Area will be made via motorized vehicles. However, development within the DFD Area must provide bicycle storage facilities to allow for those patrons and employees who access the DFD Area via bicycle to store their bicycles in a manner so as not to create visual clutter or create a safety hazard.

F. Traffic Mitigation Measures. Development of the South Bellflower Commercial DFD Area pursuant to this DFD may result in additional traffic utilizing the adjoining public streets in the immediate area. In conjunction with the submittal of development plans, an applicant may be required to submit a circulation, parking and /or traffic impact analysis. As a result of any such traffic impact analysis, specific traffic mitigation measures may be imposed on new construction during the plan review and approval process. The requirement for traffic mitigation measures does not replace or reduce any requirements that may exist for the developer to pay relevant development impact fees, unless the developer enters into a Development Agreement with the City.

G. Public Right -of -Way Improvements. All development proposals are subject to requirements for public right -of -way dedication, improvements for street widening and /or reconfiguration, and /or other improvements that may reasonably be required by the City Engineer with the development plans submitted. Any such street or sidewalk improvements must be consistent with current City standards and any specific street improvement plans approved by the City and subject to the approval of the City Engineer. Such improvements may include, without limitation, sidewalks, drive approaches, curb & gutter, landscaped street medians, upgrading sewer main line between Ramona Street & Cedar Street, street furniture, streetlights, street trees, parkway planting, dedication of land for deceleration lanes and exclusive right turn lanes, bus stop turnouts and public art and open plaza areas.

1. Specifically, an offer of dedication will be required for development on property located on the east side of Bellflower Boulevard, between Beverly Street and Artesia Boulevard for the purposes of creating an additional northbound traffic lane to alleviate traffic congestion. As part of the dedication, all physical encroachments must be removed or modified to eliminate any encroachment into the right -of -way.

All proposals by any person or agency for construction or development within the South Bellflower Commercial DFD Area are subject to plan review, permit approval procedures, and environmental review as referred to in this DFD.

DFD.120 Plan Review Procedures.

A. In the conceptual phase of planning a public or private project, early discussion with the City's Planning Department is required to review the scope of the project and to clarify City requirements.

Once plans for public and /or private developments are prepared by any person or agency, they will be processed through the standard City review processes initiated with the City's Planning Department, as applicable, and in addition thereto are be subject to review and approval of the City Council. Such plans may be required to include a plot plan, parking plan, drainage plan(s), landscaping plans, floor plans, roof plans, pre -fire plans, sign plans and four -sided elevations for all proposed improvements.

The development of sites and all public and private areas within the DFD Area may only be carried out according to plans and drawings approved by the City and any conditions of approval imposed in connection with such review(s).

B. New Construction. Plans for new construction and /or additions to existing facilities may require City Council review to ensure appropriate compliance with applicable City requirements, including provisions of this DFD. This review process may include formal review and approval by the Planning Commission and City Council.

C. Existing Construction /Rehabilitation. Plans for rehabilitation of existing buildings generally require administrative City review and approval before the issuance of required building permits. This City review process incorporates City staff review of proposed plans to ensure compliance with the provisions of this DFD. Furthermore, plans for rehabilitation may also require the formal review and approval of the Planning Commission and City Council.

Properties that do not comply with the DFD can be maintained under the underlying zoning, however, should the use(s) or property become vacant for 180 days or more, then the property can no longer be utilized per the underlying zone and therefore must comply with the provisions of the DFD. All new uses will be subject to the standards of the DFD.

When appropriate, notice to surrounding properties, community outreach, and opportunities for early public participation in the design and development process may be required and are always encouraged.

DFD.130 Responsibility for Securing Permits and Paying Fees.

A. Nothing contained in this DFD or in subsequent agreements can be construed in any way to exempt the developer, person or agency proposing the public or private development or facility (or his /her assignee, buyer, transferee, conveyee or lessee) from securing all permits and paying all fees required of developers of private property within the City of Bellflower, including any impact fees, public art fees and similar fees.”

SECTION 5. Construction. This Ordinance must be broadly construed in order 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 6. Enforceability. Repeal of any provision of the BMC 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 7. 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 8. 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 9. Reliance on Record. Each and every finding and determination in this Ordinance is 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 10. Publication. The City Clerk 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 11. Report. Pursuant to Government Code § 65858, the City Manager, or designee, must prepare a report for City Council consideration describing the measures taken to address the conditions which led to adoption of this Ordinance. This report must be provided to the City Council so that it may be considered and issued not later than 10 days before this Ordinance expires.

SECTION 12. Declaration of Urgency. Based on the findings set forth in Section 2, this is an urgency ordinance adopted for the immediate preservation of the public peace, health, safety, and welfare.

SECTION 13. Effective Date. This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by a four-fifths vote.

SECTION 14. Expiration Date. After adoption, this Ordinance will be repealed by operation of law on June 23, 2016, unless a subsequent ordinance is adopted by the City Council that extends this date.

URGENCY ORDINANCE NO. 1313 WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF MAY 9, 2016.



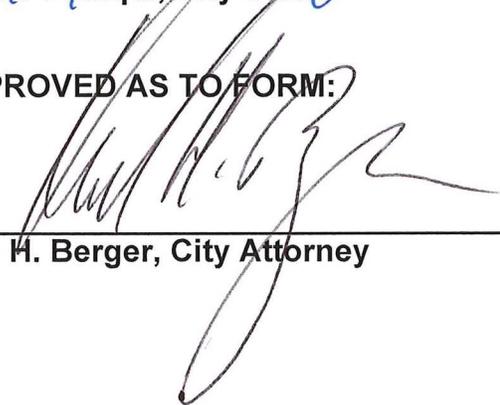
Dan Koops, Mayor

ATTEST:



Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF BELLFLOWER)

I, **Mayra Ochiqui**, **City Clerk** of the City of Bellflower, California, do hereby certify under penalty of perjury that:

Urgency Ordinance No. 1313 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of May 9, 2016, by the following vote to wit:

AYES: Council Members - Larsen, Santa Ines, Schnablegger,
and Mayor Koops
ABSTAIN: Council Member - Dunton

Urgency Ordinance No. 1313 was posted at City Hall, the Clifton M. Brakensiek Library, John S. Simms Park, the Bellflower Sheriff's Substation, and T. Mayne Thompson Park; and the title, effective date, and vote will be published on Thursday, May 19, 2016, in the Public Notices Section of the *Herald American*, pursuant to Government Code Section 36933.

Dated: May 11, 2016



Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)