



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Art Bashmakian, AICP
Director of Planning and Building Services

SUBJECT: Consideration and possible action to conduct a public hearing to consider a Negative Declaration (ND 16-02) and a Zoning Ordinance Text Amendment (ZOTA 16-02); adopt Resolution No. 16-XX – A Resolution adopting Negative Declaration No. ND 16-02 for Zoning Ordinance text amendment Case No. ZOTA 16-02; Applicant: City of Bellflower; and introduce Ordinance No. 13XX - An ordinance approving Zoning Ordinance Text Amendment Case No. ZOTA 16-02 amending Chapters 17.16 (SF: Single Family Zone), 17.24 (R-1: Low Density Residential Zone), 17.28 (R-2: Medium Density Residential Zone), 17.32 (R-3: Multiple Residential Zone), 17.42 (Reasonable Accommodation for Persons with Disabilities), 17.44 (C-G: General Commercial Zone), and 17.92 (Nonconforming Buildings and Uses) of Title 17 of the Bellflower Municipal Code regulations as to nonconforming buildings, uses, and lots. [The ZOTA is to address nonconforming conditions by deleting outdated regulations, modifying existing regulations, and introducing new regulations as they apply to each zone.]

DATE: August 22, 2016

EXECUTIVE SUMMARY

The City of Bellflower is working to reduce the overall number of nonconforming parcels, uses, and structures within the City relating to the City's zoning regulations. In October 2013, the City Council adopted a three-phase plan to address nonconforming conditions throughout the City. The plan involves improving the development process; allowing for property development; reconciling differences between the zoning regulations and the existing development; and reducing the overall number of nonconforming properties Citywide. Phase 1 was completed on April 14, 2014, which extended the abatement period an additional 20 years; and established and modified the thresholds for improvements and additions before abatement of nonconformities is triggered. On December 8, 2014, the City Council approved the first part of Phase 2, which provided setback relief for residential properties in the SF, R-1, and A-E Zones. On September 14, 2015, the City Council approved the second part of Phase 2, which provided residential properties in the SF and R-1 Zones relief from interior side-yard requirement, interior dimensions requirement for two-car garage, and driveway width requirement. The amendments presented this evening comprise the third part of Phase 2 and will provide reliefs on various development standards (e.g., front yard setbacks, useable open space, driveways, and trash facilities/refuse storage) for residential and commercial properties. In addition, the proposed amendments include clarifying and enhancing the applicability of the nonconforming provision. The Planning Commission recommended approval of these text amendments on August 1, 2016.

RECOMMENDATION TO THE CITY COUNCIL

- 1) Open the public hearing, and take documentary and testimonial evidence; after considering the evidence, adopt Resolution No. 16-XX and read by title only, waive further reading, and introduce Ordinance No. 13XX; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None

PUBLIC NOTICE

A Notice of Public Hearing was published in the Herald American (Bellflower Edition) newspaper on August 11, 2016; and public hearing notices were posted at City Hall, Brakensiek Library, Bellflower Substation, Thompson Park, and Simms Park on August 10, 2016.

CEQA STATUS

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, *et seq.*), an environmental assessment has been conducted for this project in compliance with the California Environmental Quality Act (CEQA) Guidelines. An Initial Study and a Negative Declaration have been prepared which were made available for public review from July 7, 2016 through July 26, 2016.

BACKGROUND

On October 28, 2013, the City Council directed staff to implement a three-phase plan to address nonconforming conditions throughout the City. Phase 1 was completed on April 14, 2014, which extended the abatement period an additional 20 years; and established and modified the thresholds for improvements and additions.

On December 8, 2014, the City Council approved the first part of Phase 2, which provided setback reliefs for residential properties in the SF, R-1, and A-E Zones. The amendments were based on the results of surveys completed for Neighborhoods 1, 2, and 3.

On September 14, 2015, the City Council approved the second part of Phase 2, which provided residential properties in the SF and R-1 Zones relief from interior side-yard requirement, interior dimensions requirement for two-car garage, and driveway width requirement. The amendments were based on the results of surveys completed for Neighborhoods 4, 5, 6, 9, and D, which were selected by the Planning Commission on November 17, 2014.

The amendments presented this evening comprise the third part of Phase 2 and will provide reliefs on various development standards (i.e., front yard setbacks, useable open space, driveways, and trash facilities/refuse storage) for residential and commercial properties. The amendments to various development standards were based on the

surveys completed for Neighborhoods 10, 12, 13, 14, and B, which were selected by the Planning Commission on August 3, 2015. In addition, the proposed amendments include clarifying and enhancing the applicability of the nonconforming provision. The Planning Commission recommended approval of these text amendments on August 1, 2016.

Previous amendments to the Bellflower Municipal Code (“BMC”) positively impacted properties with nonconforming conditions in the City. As part of the analysis for each of the neighborhoods that were surveyed, “report cards” were prepared for each of the neighborhoods. The “report cards” track the positive impacts of prior amendments (i.e., Phase 2, Parts 1 and 2). Please see Attachment F for the report card summary for neighborhoods 10, 12, 13, 14, and B. For additional background information regarding the three-phase plan to address nonconforming conditions, please refer to Attachments D (PC Staff Report) and F (Background).

Nonconforming Statistics

Our total sample size included 1,619 lots. Of these properties 874 (or 54%) were found to have one or more issues of nonconformity with the BMC. This is a high percentage of nonconformity and represents areas of the BMC where relief would be helpful to property owners. Attachments D (PC Staff Report) and H (Summary Table) further discuss and summarize the results of the surveys that were conducted for Part 3 of Phase 2.

Based on the results of the surveys, the common nonconforming conditions observed among the properties that were surveyed are: (1) front yards within the SF and R-1 zones; (2) front yards, useable open space, driveways, and refuse storage within the R-2 and R-3 zones; and (3) front yards, and trash facilities within the C-G zone. If all of the 874 properties are compatible with surrounding properties in terms of their front yard setbacks, and the driveways could be approved by the Planning Director, then adoption of the proposed amendments would result in existing developments being 100% compliant as it relates to front yards, driveways, useable open space, and refuse storage/trash facilities.

Existing Nonconforming Provisions of BMC Chapter 17.92

To supplement the three-phase plan established by the City Council, staff is suggesting language to clarify and enhance the applicability of the nonconforming regulations. Staff has prepared a table (Attachment L) that identifies the various sections of the current BMC, together with issues that arise from the administration of the BMC, followed by recommendations for amending the BMC. In the draft ordinance, staff is also suggesting some new items for the City Council’s consideration. For example, allowing additions to homes that are simply nonconforming because they are not in a residential zone.

ANALYSIS

In order to address the nonconforming conditions, staff is proposing the following:

- **Front Yards:** Staff is recommending that for existing properties developed with legally constructed structures, the existing front yard setbacks be considered conforming if the existing setback is compatible with the surrounding neighborhood and adjacent properties. This allows for expansions and additions to existing structures without abating a nonconforming front yard setback while maintaining the character of the neighborhood. Any new expansions or additions to the existing

single family homes would have to meet current development standards. This is a similar approach that was recommended by the Planning Commission and approved by the City Council for buildings encroaching into side yard setbacks.

- **Driveways:** Staff is recommending that for existing legally developed properties with less than the minimum required driveway widths, the existing driveway widths be considered conforming. In addition, to allow some flexibility, on a case-by-case basis, staff is recommending that when an improvement is proposed on the property, the homeowner will be allowed to apply for a modification to this requirement. The property owner can request review and approval by the Planning Director to allow a driveway width to be maintained even if it is less than what is currently required. This modification process is proposed because the Fire Department does not always need to gain access to the property via the driveway to fight fires. Depending on the size (especially the depth) of the lot and the configuration of the structures, the Fire Department can, in certain cases, park on the street and use the length of the fire hose (150') to eliminate fires. Although this amendment will not eliminate the nonconformity outright, it would assist those who may be nonconforming in this standard, while still maintaining public safety. This is a similar approach that was recommended by the Planning Commission and approved by the City Council as part of the Phase 2, Part 2 approach. The proposed language prohibits any new encroachment to the existing driveways and any proposed driveways or extension of existing driveways must meet the current minimum driveway width requirements.
- **Useable Open Space:** Staff is recommending that for existing legally developed properties not having the minimum required useable open space, the existing useable open space be considered conforming. In addition, staff is recommending that improvements be permitted to legally developed properties without having to address the useable open space if such improvements do not result in: reduction of existing useable open space, a substantial remodel, additional units, additional bedrooms, or an addition that is more than one hundred percent (100%) of the current square footage of existing residence(s).
- **Refuse Storage/Trash Facilities:** Staff is recommending that legally developed properties that do not have refuse storage/trash facilities be considered conforming, as it relates to refuse storage/trash facilities. In addition, staff is recommending that alteration and modification be permitted on the property if it does not result in: a substantial remodel, additional units, additional bedrooms, or an addition that is more than one hundred percent (100%) of the current square footage of the gross floor area of all structures on the property.
- **Clarifying and Simplifying the Nonconforming Provisions of BMC Chapter 17.92:**

In addition to the recommended changes listed above, and to better support City Council's directive in addressing the nonconforming issues and challenges faced by homeowners, it's imperative that we also improve the chapter on nonconformities.

The attached table (Attachment L) identifies the various BMC sections that need further clarification together with staff's suggested language. The table also identifies code sections that conflict with one another with staff's recommended

language. Finally, the table identifies some additional recommended measures that the City Council could consider and discuss which may further assist with the overall Game Plan.

The proposed zoning code provisions addressing the issues indicated above are included in the Draft Ordinance (Attachment B). Existing text found in the BMC to be removed is shown as ~~strikethrough~~ and new text to be added is shown as **underlined and bold**.

CONCLUSION

The City of Bellflower is working to reduce the number of nonconforming properties and structures in the City. The amendments proposed in this staff report and accompanying resolution is another step toward the goal of reducing the number of nonconforming properties over a six-year time frame.

Next steps will include:

- Continuing on a systematic and efficient review, analysis and recommendation process for remedies to each of the nonconforming conditions in residential, commercial and industrial zones.
- Develop long-term solutions to fully address site design, lack of land, and assisting property owner's with full compliance. These solutions could include changes to the BMC, design alternatives or some combination of these elements. It is important to understand that without a long-term solution any single-focused policy or BMC change will only continue to perpetuate impacts on these properties and increase the negative interaction between the public and City staff.

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CITY OF BELLFLOWER

RESOLUTION NO. 16-XX

A RESOLUTION ADOPTING NEGATIVE DECLARATION NO. ND 16-02
FOR ZONING ORDINANCE TEXT AMENDMENT CASE NO.
ZOTA 16-02; APPLICANT: CITY OF BELLFLOWER

THE CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. *Recitals.* The City Council finds as follows:

- A. The City of Bellflower is proposing Zoning Ordinance Text Amendment Case No. ZOTA 16-02 amending the Bellflower Municipal Code (“BMC”) to modify existing regulations as they apply to each zone;
- B. The proposed amendment was reviewed by the City for, in part, consistency with the General Plan and conformity with the BMC;
- C. In addition, the City reviewed the project’s environmental impacts under the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*, “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Reg. §§15000, *et seq.*, the “CEQA Guidelines”);
- D. The Planning Commission opened the public hearing to receive public testimony and other evidence regarding the proposed amendment including, without limitation, information provided to the Planning Commission, closed the hearing, and recommended approval of the project to the City Council at its August 1, 2016, meeting;
- E. The City completed its review and scheduled a public hearing regarding the application before the City Council on August 22, 2016;
- F. On August 22, 2016, the City Council considered the information provided by City staff, and public testimony. This Resolution, and its findings, are made based upon the evidence presented to the City Council at its public hearings including, without limitation, the staff report.
- G. Notices of said Hearings were duly given and posted in the time, form, and manner as required by law; and
- H. An environmental assessment was conducted for this project in compliance with CEQA and in accordance with the provisions of CEQA, an Initial Study has been prepared; a Negative Declaration has been adopted pursuant to this Resolution.

SECTION 2. *Environmental Review Findings.* The City Council finds as follows:

- A. An Initial Study of Environmental Impacts and Negative Declaration (ND) were prepared for the project in accordance with CEQA, CEQA Guidelines, and the City of Bellflower’s Procedures for Implementing CEQA.
- B. The Initial Study and Mitigated Negative Declaration were made available to the public for review and comment from July 7, 2016, to and including July 26, 2016.

- C. A duly noticed Public hearing was held by the City Council of the City of Bellflower on August 22, 2016 at which time evidence was heard on the Initial Study and Negative Declaration and staff report. At the hearing, the City Council fully reviewed and carefully considered the Initial Study and Negative Declaration, together with any comments received during the public review period, and determined that the Negative Declaration was consistent with CEQA.

SECTION 3. *Adoption and Approval.* Based on the foregoing, the City Council adopts Negative Declaration No. ND 16-02.

SECTION 4. *Reliance on Record.* Each and every finding and determination in this Resolution is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project, and reflect the independent judgment of the City Council. 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 5. *Effective Date.* This Resolution will become effective immediately upon adoption and remain effective until superseded by a subsequent resolution.

SECTION 6. The City Clerk is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 7. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS 22ND DAY OF AUGUST 2016.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

CITY OF BELLFLOWER

ORDINANCE NO. 13XX

AN ORDINANCE APPROVING ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 16-02 AMENDING CHAPTERS 17.16 (SF: SINGLE FAMILY ZONE), 17.24 (R-1: LOW DENSITY RESIDENTIAL ZONE), 17.28 (R-2: MEDIUM DENSITY RESIDENTIAL ZONE), 17.32 (R-3: MULTIPLE RESIDENTIAL ZONE), 17.42 (REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES), 17.44 (C-G: GENERAL COMMERCIAL ZONE), AND 17.92 (NONCONFORMING BUILDINGS AND USES) OF TITLE 17 OF THE BELLFLOWER MUNICIPAL CODE REGULATIONS AS TO NONCONFORMING BUILDINGS, USES AND LOTS.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 17.08.010 of the Bellflower Municipal Code (“BMC”) is amended to read as follows. The proposed revisions to the various portions of the Zoning Ordinance will be illustrated with *italic-strikethrough* for existing language that is proposed for elimination and **bold and underlined** for proposed new language.

“17.08.010 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 Code. Words used in the present tense include the future. Words used in the singular also include the plural. As used in this Title, “must” or “shall” are mandatory; “may” is permissive; and “should” expresses a preference or a nonbinding recommendation.

* * *

“Exterior wall” means a wall that has one of its surfaces on the outside of the building. “Exterior wall” means a wall in substantially similar form as the wall existed before the building was damaged. The framing of a wall alone does not constitute an “exterior wall” for purposes of this section.

* * *

“Nonconforming lot” means any subdivision of land that was lawfully established and in compliance with all applicable ordinances and laws at the time the property was subdivided or developed, but which, due to a subsequently enacted ordinance or law, no longer complies with all the applicable regulations and standards of the zone in which the property is located.

~~“Nonconforming building” shall mean a building, or portion thereof lawfully existing at the time the ordinance codified in this title or a prior ordinance adopted by the City on or subsequent to September 3, 1957, became effective, and which was designed, erected, or structurally altered for a use which does not conform to the use zone in which it is located, or which does not comply with all the height, location and area regulations of the zone in which it is located.~~

“Nonconforming structure” means any structure, building or improvement that was lawfully established and in compliance with all applicable ordinances and laws at the time it was erected, but which, due to a subsequently enacted ordinance or law, no longer complies with all the applicable regulations and standards of the zone in which it is located.

~~“Nonconforming use” shall mean a use lawfully established prior to the ordinance codified in this title or a prior ordinance adopted by the City on or subsequent to September 3, 1957, became effective which does not conform to the use regulations of the zone in which it is located.~~

“Nonconforming use” means a use or activity of land that was lawfully established and in compliance with all applicable ordinances and laws at the time it was undertaken, but which, due to a subsequently enacted ordinance or law, no longer complies with all the applicable regulations and standards of the zone in which the use is located.

* * *

“Substantial remodel” means the alteration of an existing nonconforming building to such a degree that the entire building must conform to all current, applicable zoning regulations including without limitation, land use approval, setbacks, height, and parking. Structures substantially remodeled will be considered demolished.

* * **

SECTION 2: BMC Chapter 17.16 (SF: Single Family Zone) is amended, in part, to read as follows:

“17.16.070 Front Yard.

- A. Every lot shall ~~must~~ have a front yard of not less than twenty (20) feet from the front **property** line, and no building or structure or garage door or the enlargement thereof shall **is permitted to encroach within the required front yard setback** hereafter be erected unless the required front yard is provided. **Notwithstanding the foregoing, properties developed with less than the minimum required front yard setback are deemed to be conforming pursuant to Chapter 17.92.**

* * **

“17.16.120 Driveways.

- A. A minimum ten (10) foot-wide driveway is required. Properties with one (1) single-family residence shall provide a minimum ten (10) foot-wide driveway; ~~provided that an owner of a single-family home legally constructed may apply for a modification to this standard. That modification must be reviewed and approved by both the Fire Department and the Director of Planning.~~ **No new encroachment to the exiting driveways is permitted. In addition, any proposed driveways or extension of existing driveways must meet the minimum driveway width requirement established in this code. Notwithstanding the foregoing, properties developed with less than the minimum required driveway width are deemed to be conforming pursuant to Chapter 17.92.”**

SECTION 3: BMC Chapter 17.24 (R-1: Low Density Residential Zone) is amended, in part, to read as follows:

“17.24.070 Front Yards.

- A. Every lot shall ~~must~~ have a front yard of not less than twenty (20) feet from the front property line, and no building or structure or garage door or the enlargement thereof ~~is~~ shall be erected unless the required front yard is provided. **permitted to encroach within the required front yard setback. Notwithstanding the foregoing, properties with less than the minimum required front yard setback are deemed to be conforming pursuant to Chapter 17.92.**

* * *

“17.24.120 Driveways.

- A. A minimum ten (10) foot-wide driveway is required. Properties with one (1) single-family residence shall provide a minimum ten (10) foot-wide driveway; ~~provided that an owner of a single-family home legally constructed, may apply for a modification to this standard. That modification must be reviewed and approved by both the Fire Department and the Director of Planning.~~ **No new encroachment to the exiting driveways is permitted. In addition, any proposed driveways or extension of existing driveways must meet the minimum driveway width requirement established by this code. Notwithstanding the foregoing, properties with less than the minimum required driveway width are deemed to be conforming pursuant to Chapter 17.92.”**

SECTION 4: BMC Chapter 17.28 (R-2: Medium Density Residential Zone) is amended, in part, to read as follows:

“17.28.080 Yards.

- A. Front Yard. There shall be a A front yard setback **is required** as determined by the following table and formula: **No building or**

structure or the enlargement thereof is permitted to encroach within the required front yard setback. Notwithstanding the foregoing, properties with less than the minimum required front yard setback are deemed to be conforming pursuant to Chapter 17.92.

* * **

“17.28.110 Usable Open Space.

* * *

E. Notwithstanding the foregoing, properties with less than the minimum required usable open space are deemed to be conforming pursuant to Chapter 17.92.

* * **

“17.28.120 Driveways.

* * *

F. Notwithstanding the foregoing, properties with less than the minimum required driveway width are deemed to be conforming pursuant to Chapter 17.92.”

* * **

“17.28.160 Refuse Storage.

A refuse storage area, completely enclosed within a six (6) foot high decorative wall (split face concrete block, or equivalent) with solid metal gates, large enough to accommodate standard sized commercial trash bins, shall must be located on the property in such a manner as to be accessible to refuse collection vehicles for all properties with multiple residential units, residential planned development or planned development overlays. Wall and gate materials, textures, colors, and design shall must be architecturally compatible with the surrounding buildings. All trash enclosures shall must be securely designed to prevent access to anyone other than the authorized users and the refuse service company. Notwithstanding the foregoing, properties developed with no refuse storage are deemed to be conforming pursuant to Chapter 17.92.”

SECTION 5: BMC Chapter 17.32 (R-3: Multiple Residential Zone) is amended, in part, to read as follows:

“17.32.080 Yards.

A. Front Yard. ~~There shall be a~~A front yard setback is required as determined by the following table and formula: No building or structure or the enlargement thereof is permitted to encroach within the required front yard setback. Notwithstanding the foregoing, properties with less than the minimum required front yard setback are deemed to be conforming pursuant to Chapter 17.92.

* * **

“17.32.110 Usable Open Space.

* * *

E. Notwithstanding the foregoing, properties with less than the minimum required usable open space are deemed to be conforming pursuant to Chapter 17.92.”

“17.32.120 Driveways.

* * *

F. Notwithstanding the foregoing, properties with less than the minimum required driveway width are deemed to be conforming pursuant to Chapter 17.92.

* * **

“17.32.160 Refuse Storage.

A refuse storage area, completely enclosed within a six (6) foot high decorative wall (split face concrete block, or equivalent) with solid metal gates, large enough to accommodate standard sized commercial trash bins, shall must be located on the property in such a manner as to be accessible to refuse collection vehicles for all properties with multiple residential units, residential planned development or planned development overlays. Wall and gate materials, textures, colors, and design shall must be architecturally compatible with the surrounding buildings. All trash enclosures shall must be securely designed to prevent access to anyone other than the authorized users and the refuse service company. Notwithstanding the foregoing, properties developed with no refuse storage are deemed to be conforming pursuant to Chapter 17.92.”

SECTION 6: BMC Chapter 17.42 (Reasonable Accommodation for Persons with Disabilities) is amended, in part, to read as follows:

“17.42.055 Reasonable Accommodation Related to Existing Conditions.

- A. A modification of the following zoning regulations where the modification is necessary to allow improvements to an existing building or property in order to provide reasonable accommodations to individuals with disabilities is permitted. This modification is not available in the case of new buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require a modification.**
- 1. Parking. The conversion of an existing parking space to an accessible parking space or access aisle for an accessible parking is permitted, even if the conversion results in fewer parking spaces, as long as the accessible parking requirement is not triggered by a change of use or an expansion of the existing use.**
 - 2. Setbacks, Lot Area, Floor Area, Street Frontage, Useable Open Space, Building Separation. A modification of setbacks, lot area, floor area, street frontage, useable open space or building separation is permitted provided the modification is consistent with the purposes and intent of this title, and is necessary to: (a) secure an appropriate improvement on a lot; (b) prevent unreasonable hardship; (c) promote uniformity of improvement; or (d) the modification is necessary to comply with the Americans with Disabilities Act and/or California Code of Regulations, Title 24, requirements.**
- B. Approval Process for Reasonable Accommodation Related to Existing Conditions.**
- 1. Director. The Director, or designee, may permit modifications in accordance with this Section upon making the following findings:**
 - a. The requested modification is not part of the approval of a tentative map, conditional use permit, planned development, specific plan, overlay zone, or any other matter which requires approval of the Planning Commission; and**
 - b. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice.**
 - c. The modification is solely for the purpose of accommodating ADA and/or California Code Regulations, Title 24 requirements to comply with accessibility requirements.”**

SECTION 7: BMC Chapter 17.44 (C-G: General Commercial Zone) is amended, in part, to read as follows:

“17.44.120 Required Yards.

In the General Commercial (C-G) Zone, every lot or parcel shall **must** have setbacks or yards as follows:

- A. Front Yards—Interior Lots. Interior lots shall **must** have a front yard setback of not less than ten (10) feet from the front property line or ultimate right-of-way, whichever is greater, and no building nor structure, nor the enlargement thereof, ~~is shall hereafter be erected unless the required front yard setback is provided, and permitted to encroach within the required front yard setback.~~ **Through lots shall must maintain the required front yard setback on both abutting streets. Notwithstanding the foregoing, properties with less than the minimum required front yard setback are deemed to be conforming pursuant to Chapter 17.92.”**

“17.44.130 Trash Facilities.

* * *

- E. Notwithstanding the foregoing, properties developed with no trash facilities are deemed to be conforming pursuant to Chapter 17.92.**

* * *

SECTION 8: BMC Chapter 17.92, entitled “Nonconforming Buildings And Uses,” is amended in its entirety to read as follows:

“Chapter 17.92:

NONCONFORMING BUILDINGS AND USES

17.92.010: PURPOSE, INTENT AND EFFECTIVE DATE.

This chapter establishes regulations for legal nonconforming land uses, structures, and parcels. These are land uses, structures, and parcels within the city that were lawfully established, constructed, or subdivided before the adoption or amendment of this Code, but which would be prohibited, regulated, or restricted differently under the current terms of this Code or its amendments. This chapter is intended to encourage the city’s continuing improvement by limiting the extent to which nonconforming structures and uses may continue to be used, expanded, or replaced, while improving the health, safety, and welfare of all residents without creating an economic hardship for individual property or business owners. This chapter takes effect on the effective date of Ordinance _____.

17.92.020: ESTABLISHING NONCONFORMING STATUS.

- A. Applicability. Nonconforming uses, structures and lots within the city may continue to be used, and may be maintained, altered, expanded, reconstructed, or replaced only as allowed by this chapter.
- B. This chapter does not apply to any public property or facilities owned in whole or part by the city. Nothing in this chapter is intended to, nor can it, require the city to remove a publicly owned nonconforming structure or use.
- C. Effective date. Whenever a use, building, structure, or lot becomes nonconforming as a result of amending this code, the time period for eliminating the nonconforming use, building, structure, or lot established by this code is computed from the effective date of the amendment.
- D. Unless structures violate front yard setback requirements in a manner that is incompatible with surrounding properties, structures that do not comply with minimum setback requirements on the effective date of the ordinance amending this chapter are nevertheless deemed conforming structures for purposes of setback requirements. Proposed expansions and alterations occurring after the effective date of the ordinance amending this chapter must comply with this code unless otherwise exempted.
- E. Multi-unit dwellings existing on the effective date of this ordinance, which are not in compliance with the required minimum lot area per dwelling unit standards, will not be considered nonconforming due solely to noncompliance with the minimum lot area per dwelling unit standards. Such dwellings are considered legal, conforming buildings or structures for the purpose of sale and financing under this Title and other City regulations. However, all future expansions and alterations of such dwellings must comply with all applicable standards of this Title.

17.92.030: NONCONFORMING USES – CONTINUED USE AFTER DAMAGE OR DESTRUCTION.

- A. Unless otherwise provided by applicable law, should a nonconforming use occupying a structure be involuntarily destroyed to any extent, including total destruction, it may be rebuilt to the identical use and original floor area, providing the structure otherwise complies with the design requirements of this code and that on-site parking be replaced to the ratio existing at the time of such destruction.
- B. A multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy may be reconstructed, restored, or rebuilt in accordance with this code and the Government Code.

17.92.040: NONCONFORMING USE – VOLUNTARY DEMOLITION OF STRUCTURE.

A nonconforming use which occupies a structure that is voluntarily demolished or demolished because of a maintenance failure or other neglect can be replaced only with a use that complies with all applicable provisions of this Code.

17.92.050: NONCONFORMING USE – LACK OF CONDITIONAL USE PERMIT; KEEPING OF ANIMALS RESTRICTED.

A. Conditional Use Permit Required. Notwithstanding the provisions of this Code, none of the uses set forth in this title for which a conditional use permit is required which were lawfully in existence as of the effective date of the ordinance amending this chapter, will be deemed nonconforming unless:

1. The building or structures utilized by any such nonconforming use are, at any time, partially destroyed.
2. There is any enlargement or expansion of such buildings, structures or uses, not otherwise permitted herein, then such uses will either be processed and granted as a conditional use permit thereof or be terminated.

B. Keeping of Animals Restricted. For properties previously zoned A-1 (Agricultural Residential Zone), as of 1998, which were allowed one horse, cow, steer, sheep, or goat; or a unit of 25 hens, capons, fowl, rabbits, or chinchillas on lots of 10,000 square feet or more in increments of one unit per 5000 square feet; these animals will be allowed to remain on the property for their natural life. Upon the death of the animals they cannot be replaced.

17.92.060: NONCONFORMING USE – ALLOWED ONLY BY CONDITIONAL USE PERMIT.

A nonconforming use previously allowed by a conditional use permit, but no longer allowed by the Code within the applicable zoning district can continue in operation in compliance with all requirements of the original conditional use permit. Should the conditional use permit expire, be abandoned, or be revoked, all uses on the real property regulated by the conditional use permit must comply with this Code.

17.92.070: CONTINUATION AND MAINTENANCE.

A nonconforming nonresidential use, structure, or lot may continue to be used until such time it is required to be abated provided no alterations, expansions, or modifications of area or use are made, except as otherwise permitted by this Chapter.

17.92.080: NONCONFORMING STATUS TIED TO PROPERTY.

Restrictions and conditions affecting nonconforming uses, structures, and lots apply to that use, building, and structures, and are not affected by ownership changes.

17.92.090: ABATEMENT.

- A. Nonresidential nonconforming uses must be abated and the usage thereof terminated within 60 years from the effective date of the ordinance that amended the code provision resulting in the creation of the nonconformity.
- B. Buildings and structures with noncompliant front yard setbacks that are not found to be compatible and consistent with adjacent properties and the surrounding neighborhood must be abated within 60 years from the effective date of the ordinance or amendment.

17.92.100: NONCONFORMING USES – ALLOWABLE CHANGES.

- A. Nonresidential Uses
 - 1. Enlargement or Expansion. A nonconforming use cannot be enlarged or increased to occupy a greater floor area or portion of the site than it lawfully occupied before becoming a nonconforming use. Alterations which do not increase or enlarge a nonconforming use may be approved.
 - 2. For purposes of this section, the term “Alterations” does not include the removal of exterior walls or principal support structures such as columns, structural frames and other similar primary structural elements.
 - 3. Extended Hours. The hours of business for a nonconforming use may be expanded to operate under extended business hours with a conditional use permit.
- B. Residential Uses. Detached single-family dwelling units or duplexes may be expanded subject to the following:

1. The total cumulative expansion cannot exceed 25 percent of the permitted existing gross floor area of the dwelling, since the use became nonconforming excluding attached or detached garages and/or accessory structures subject to Development Review by the Director.
 2. The addition of garages or carports is allowed, but cannot exceed a two-car carport or two-car garage per unit.
 3. New construction is subject to R1 development standards. Additions to existing structures, however, may maintain an existing building side yard setback upon approval by the Planning Commission.
 4. A minor use permit is required for any additions exceeding 25 percent of the existing gross floor area of a nonconforming structure. Second story additions and additions over 50 percent is subject to conditional use permit
 5. Nonconforming fences must be removed before the city issues a building permit for any expansion of a nonconforming structure.
 6. The appearance and aesthetic quality of the existing residence and the property must be improved as approved by the approving authority.
- C. Change of Use. A nonconforming use may be changed to another nonconforming use provided the new use will be equal or less objectionable in external effects than the pre-existing nonconforming use as to:
1. Traffic safety and generation and type of vehicles;
 2. Noise, dust, fumes, vapors, gases, odors, glare, vibration, fire hazardous substances;
 3. Amount and character of outdoor storage;
 4. Late night and early morning hours of operation if the new use would be close to dwellings; and
 5. Compatibility with the character of surrounding uses

17.92.110: ABANDONING A NONCONFORMING USE.

A nonconforming use that is voluntarily discontinued or ceases operations for a continuous period of 180 days or more cannot be re-established on the site. Any further use of an existing structure or site must conform to any applicable performance or operational standards provided in this Code. Such use must also comply with all applicable development standards to the maximum extent feasible.

17.92.120: NONCONFORMING STRUCTURES .

- A. Expansions. A nonconforming structure may be allowed to expand, extend or enlarge as required by law, and subject to this Section.
- B. Reasonable Accommodation. Improvements to a nonconforming structure that are necessary to comply with an approved reasonable accommodation in compliance with Chapter 17.42 (Reasonable Accommodations) are allowed.
- C. Maintenance, Repair, and Alterations. A nonconforming structure may be regularly maintained and repaired. Alterations without expansion are permitted if they improve the appearance or stability of the structure.
- D Extensions Along a Nonconforming Side Yard Setback
 - 1. A residential building or structure which does not conform to the side yard regulations applicable to the zone in which such building or structure is located may be expanded along the same setback subject to the following limitations:
 - a. The enlargement cannot extend into the required yard farther than the existing portion encroaching into the setback.
 - b. The enlargement is subject to Building and Fire Code limitations
 - c. The enlargement is an extension of that portion of the existing building or structure that encroaches into a required side yard; provided the wall length of the extension cannot be greater than 50% of the wall length of the existing portion within the required yard. This allowance may only be utilized once on a property; future alterations or enlargements after the initial 50% allowance has been used on a property may not encroach into the required yard

- E. Residential use with nonconforming parking.
1. Demolition of nonconforming parking: Nonconforming parking demolished during remodeling or additions can only be replaced with parking that complies with this code.
 2. Addition of new dwelling unit: The addition of new dwelling unit(s) on a lot requires the provision of additional parking spaces for the new dwelling unit(s) as well as existing units if substandard in parking in accordance with the requirements for new construction.
 3. Expansion of existing single-family dwelling unit in the residential zones: A residential use consisting of one single family dwelling unit on a lot may be expanded up to 100 percent of the current square footage without providing additional parking.
 4. Expansion of residential dwelling units on lots with two or more units: Expansion is allowed without bringing parking into compliance with current code. However, additional parking is required for any additional bedroom(s) subject to current parking regulations.
 5. Expansion of residential dwelling units on lots with two or more units located in parking impacted areas: Except as otherwise provided, expansion is allowed without bringing parking into compliance with current code. Additional parking, however, is required for any additional bedroom(s) in accordance with this Code and provided the unit contains or can accommodate visitor parking in compliance with this code. Parking impacted area is defined as areas subject to permit parking and areas within 200 feet of permit parking districts measured along streets
- F. Conforming Nonresidential use with nonconforming parking. Expansion is allowed in conformance with all applicable standards without complying with existing parking regulations if such expansion does not result in an increase in the off-street parking requirements for the use or a reduction in the existing off-street parking. If such expansion results in an increase of off-street parking requirements, then the subject expansion is required to provide additional parking required for the addition in accordance with current standards.

17.92.130: SUBSTANTIAL REMODEL.

- A. A nonconforming building or structure that is substantially remodeled loses its nonconforming status. It must comply with all existing requirements of applicable law including this Code.

- B. A substantial remodel occurs upon any single one of the following actions at any time over a five-year period starting with the first permit issued for the subject building:
 - 1. More than fifty percent of the exterior walls are removed. Elements of the exterior wall include columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings. However, existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline will continue to be considered necessary and integral structural components, provided the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications. The calculation for determining whether a structure is substantially remodeled will be based on a horizontal measurement of the perimeter exterior wall removed between the structure's footings and the ceiling of the first story.

 - 2. In nonresidential buildings not principally supported by exterior bearing walls, more than fifty percent of the principal support structure including columns, structural frames and other similar primary structural elements, is removed.

- C. Notwithstanding anything to the contrary in this Section, an existing nonconforming building will not lose its nonconforming status if the existing building is nonresidential and is altered in accordance with all of the following criteria:
 - 1. The alterations only involve the replacement of the footings, cripple walls, stem walls, or similar structural components between the structure's footings and the finished floor of the first story.

 - 2. The alterations are only undertaken to the minimum extent necessary to maintain a safe structure.

 - 3. The existing exterior wall elements or principal support structure remain in place at all times and provide necessary structural support to the building upon completion of the alterations.

- D. Notwithstanding anything to the contrary in this Section, an existing nonconforming building will not lose its nonconforming status if the existing building is residential and is altered or added to in accordance with all of the following criteria:
1. The alterations or additions to the existing building include the replacement of the footings, cripple walls, stem walls, or similar structural components between the structure's footings and the finished floor of the first story.
 2. The existing first story exterior wall elements remain in place at all times and provide necessary structural support to the building upon completion of the alteration or addition.

17.92.140: NONCONFORMING STRUCTURES – RECONSTRUCTION OF MULTI-FAMILY RESIDENTIAL STRUCTURES.

Pursuant to Government Code § 65852.25, a multifamily dwelling that is involuntarily damaged or destroyed is allowed to be reconstructed, restored, or rebuilt according to standards set forth in Government Code § 65852.25, unless the Planning Commission determines that:

- A. The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood; and
- B. The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted.

17.92.150: NONCONFORMING STRUCTURES IN PROPER ZONE – RECONSTRUCTION OF SINGLE-FAMILY DWELLINGS AND NON-RESIDENTIAL STRUCTURES.

Except as otherwise provided by applicable law, an involuntarily damaged single-family dwelling or non-residential structure may be reconstructed in compliance with this Code as follows:

- A. **Less Than Fifty Percent Destruction.** A structure with 50 percent or more of the total length of its original exterior walls remaining in place after the damaging event,, may be reconstructed provided that:

1. The reconstructed structure occupies the same footprint or decreases the nonconformity of the structure, and is of no greater height than the original structure; and
 2. A complete application for reconstruction is submitted within 12 months of the date of damage, and reconstruction is commenced within one year of land use permit approval.
- B. More Than Fifty Percent Destruction. A structure that is damaged so that more than 50 percent of the total length of its exterior walls must be replaced, may also be reconstructed provided that:
1. The reconstructed structure occupies the same footprint or decreases the nonconformity of the structure, complies with the City's design objectives to the extent feasible and practicable as determined by the Director and is of no greater height than the original structure; and
 2. A complete application for reconstruction is submitted within 12 months of the date of damage, and reconstruction is commenced within one year of land use permit approval.
 3. The reconstructed structure must be provided at least as much parking as previously existed and as much as determined the Director to be feasible.
- C. Replacement After destruction of nonconforming single-family residential structure. A nonconforming single-family structure that is completely destroyed by fire, earthquake, or other calamity beyond the property owner's control may be replaced provided that:
- 1 The replacement structure occupies the same footprint or decreases the nonconformity of the structure, complies with the city's design objectives to the extent feasible, and is of no greater height than the original structure; and
 2. A complete application for reconstruction is submitted within 12 months of the date of damage, and reconstruction is commenced within one year of land use permit approval.
- D. Replacement after destruction of nonconforming non-residential structure. A nonconforming non-residential structure that is completely destroyed by fire, earthquake, or other calamity beyond the property owner's control can be replaced only with a structure that complies with all applicable provisions of this Code.

17.92.160: NONCONFORMING FENCES AND WALLS.

Nonconforming fences and walls cannot be enlarged or altered (except for minor repairs). Any proposed change must comply with this Code.

17.92.170: NONCONFORMING LANDSCAPING, OPEN SPACE, DRIVEWAYS AND TRASH FACILITIES

Except as otherwise provided, nonconforming properties that are nonconforming for failure to comply with landscaping, open space, driveway width, and trash facility regulations, are deemed “conforming” for purposes of this code. Such lots must comply with existing regulations in this code if any one of the following occurs:

- A. Residential: Alterations, remodels and additions that reduce useable required open space or landscaping, create additional unit(s) or additions more than one hundred percent (100%) of the current square footage of existing residence(s). However, noncompliant driveways may be maintained if approved by the Director.
- B. Nonresidential: Alterations, remodels and additions that reduce required landscaping or constitute substantial remodels or result in expansion of more than fifty percent (50%) of the gross floor area of all structures on the property.

17.92.180: HISTORIC PROPERTIES.

Based upon substantial evidence, the Planning Commission can find that a national, state, or locally designated historic use or structure is nonconforming and exempt from this Chapter.

17.92.190: NONCONFORMING LOT.

- A. Allowed Use of a Nonconforming Lot. A lot that does not comply with the applicable requirements of this Code for minimum lot area, dimensions, or access, is considered to be a legal building site for the purposes of development or the establishment of a new land use only if:
 - 1. The parcel was a previously a legal lot of record; and
 - 2. The parcel has a valid certificate of compliance or conditional certificate of compliance issued in accordance with this code and the Subdivision Map Act (Government Code §§ 66410, *et seq.*).

- B. Development and Use Standards. Any proposed development or use of a nonconforming lot must comply with all applicable requirements of this Code.
- C. Further Division Prohibited. A nonconforming lot cannot be further subdivided, and its boundaries may be changed through lot line adjustment only if the extent of the nonconformity remains unchanged or is reduced.

17.92.200: DEVELOPMENT REVIEW BY THE DIRECTOR.

Unless otherwise noted, reconstruction, remodels, alterations or expansion of a nonconforming use, structure, or building, regulated by this chapter may be authorized with a minor use permit issued pursuant to Chapter 17.96 of this code.

17.92.210: APPEALS.

All appeals must be processed as provided by this Title.

17.92.220: NONCONFORMITY ABATEMENT – NOTICE.

- A. Upon determination by the Director that a use or structure on a given parcel of land is nonconforming and the permitted abatement period lapsed, the Director must promptly send a notice to the owner of the parcel, as shown on the last equalized assessment roll, identifying the requirement for abatement. Such notice must be sent by a method certifying delivery of the notice.
- B. The notice required by this section must state the following:
 - 1. The property in question contains a nonconforming structure or use;
 - 2. The date the use or structure became nonconforming; and
 - 3. The date of required abatement established in this Code.

17.92.230: PUBLIC HEARING.

- A. Within 30 days after the City issues a notice, the owner of the subject property may request a public hearing before the Planning Commission to consider the matter.
- B. The Planning Commission must receive written and oral testimony at such hearing with regard to abatement of the nonconformity.

- C. At the close of the public hearing, the Planning Commission must find and determine whether the nonconformity should be abated or whether a time extension should be granted. The Commission must base its decision as to the length of the permitted abatement period on evidence including, without limitation, the depreciation schedule attached to the owner's latest federal income tax return.
- D. The Planning Commission must also find and determine whether the nonconformity can economically be used in its present condition or if the nonconformity can be successfully modified for a purpose permitted by the zone in which it is located.

17.92.240: FINDINGS AND DECISIONS.

- A. The decision of the Planning Commission and the findings in support of the decision must be in the form of a written order and be served to the property owner personally or by a method certifying delivery within ten calendar days after the decision is rendered.
- B. Findings must be made as to whether or not the balancing of the public interest and the request by the owner for continuance complies with the intent of this Code.
- C. The decision of the Planning Commission may be appealed to the City Council in accordance with Chapter 17.112.

17.92.250: EXTENSION OF TIME.

- A. In establishing the time periods for the termination of nonconforming uses, the City recognizes that there may be some uses which entail a substantial investment in time and money and which require a greater period of time for abatement of the investment than that set forth in the timetable. Any party may file a petition to the Planning Commission for an extension of time for the termination of a nonconforming use. The Planning Commission may direct the Director to conduct a study of the specific use and prepare a report recommending the appropriate time for termination of the use.
- B. The Planning Commission, or the City Council on appeal, at its discretion, may grant an extension of time for the abatement of a nonconformity where it finds that an unreasonable hardship would otherwise be imposed on the property owner.

17.92.260: CITY REMOVAL.

If removal of a nonconforming use is not performed within the termination period determined by the Planning Commission in accordance with this Chapter, the City can remove the nonconforming use. Any cost of removal can be charged to the property owner or recorded as a lien on the subject property, in accordance with this Code.

17.92.270: PUBLIC NUISANCES.

Nothing in this chapter is intended to affect the ability of the City to terminate any use or remove any structure that is found to be a public nuisance, whether or not any applicable amortization period has expired.”

SECTION 9: ENVIRONMENTAL DETERMINATION. In accordance with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; “CEQA”) and CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, et seq.), an Initial Study and Negative Declaration have been prepared in accordance with the provisions of CEQA. The City Council adopted the Initial Study and Negative Declaration at its meeting on _____, 2016. The Initial Study and Negative Declaration determined that this adoption of this ordinance will not result in significant environmental impacts and that no further environmental review is required.

SECTION 10: SAVINGS CLAUSE. Repeal of any provision of the BMC or any other regulation by this Ordinance 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 11: 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 12: VALIDITY OF PREVIOUS CODE SECTIONS. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the BMC or other regulation by this Ordinance will be rendered void and cause such BMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 13: The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Bellflower.

ORDINANCE NO. 13XX HAD ITS FIRST READING ON _____, ITS SECOND READING ON _____, AND WAS DULY PASSED, APPROVED, AND ADOPTED BY THE CITY CO UNCIL 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

The City of Bellflower

Families. Businesses. Futures.

16600 Civic Center Drive, Bellflower, CA 90706

Tel 562.804.1424 Fax 562.925.8660 www.bellflower.org



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

Notice is hereby given that the City of Bellflower has prepared an Environmental Initial Study for the following location:

PROJECT: Zoning Ordinance Text Amendment Case No. ZOTA 16-02
Negative Declaration No. ND 16-02

LOCATION: Citywide

PROJECT DESCRIPTION: Zoning Ordinance Text Amendment ("ZOTA") amending Chapters 17.16 (SF: Single Family Zone), 17.24 (R-1: Low Density Residential Zone), 17.28 (R-2: Medium Density Residential Zone), 17.32 (R-3: Multiple Residential Zone), 17.44 (C-G: General Commercial Zone), and 17.92 (Nonconforming Buildings and Uses) of Title 17 of the Bellflower Municipal Code. The ZOTA is to address nonconforming conditions by deleting outdated regulations, modifying existing regulations, and introducing new regulations as they apply to each zone. The types of standards may relate to building setbacks, lot coverage, parking requirements, and other similar standards.

APPLICANT: City of Bellflower

Based on the environmental information gathered and analyzed for the project during the Initial Study process, the City of Bellflower has determined that there is no substantial evidence, in light of the whole record, that the project may have a significant effect on the environment. Therefore, a Negative Declaration for the project is proposed pursuant to the requirements of the California Environmental Quality Act (CEQA).

The 20-day public review period for this document begins on July 7, 2016 and expires on July 26, 2016.

The Initial Study, and Negative Declaration are available online (www.bellflower.org) and may be reviewed by the public during normal business hours at: 1) The City of Bellflower, Planning Division located at 16600 Civic Center Drive, Bellflower, CA, and 2) Los Angeles County Library in the City of Bellflower located at 9945 E. Flower Street, Bellflower, CA.

The Planning Commission of the City of Bellflower will conduct a public hearing to consider the proposed Negative Declaration in conjunction with Zoning Ordinance Text Amendment Case No. ZOTA 16-02 on **Monday, August 1, 2016**, at 7:00 pm or as soon thereafter as possible, in the Bellflower City Council Chambers, City Hall, 16600 Civic Center Drive, Bellflower, California.

Please address all public comments (before the close of the environmental review period noted above) to: City of Bellflower, Attn: Art Bashmakian, Director of Planning and Building Services, 16600 Civic Center Drive, Bellflower, CA 90706, (562) 804-1424, ext. 2276, abashmakian@bellflower.org.

ORIGINAL FILED

JUL 06 2016

**CITY OF BELLFLOWER
ENVIRONMENTAL CHECKLIST FORM**

PROJECT TITLE: Zoning Ordinance Text Amendment Case No. ZOTA 16-02
Negative Declaration No. ND 16-02

**LEAD AGENCY
NAME AND ADDRESS:** City of Bellflower
16600 Civic Center Drive
Bellflower, CA 90706

**CONTACT PERSON(S)
AND PHONE NUMBER:** Art Bashmakian, Director of Planning and Building Services
(562) 804-1424, ext. 2276

PROJECT LOCATION: Citywide

**PROJECT SPONSOR'S
NAME AND ADDRESS:** City of Bellflower
16600 Civic Center Drive
Bellflower, CA 90706

GENERAL PLAN DESIGNATION: The proposed text amendment will pertain to the following land use designations within the City: Single Family Residential, Low Density Residential, Medium Density Residential, High Density Residential, and Commercial.

ZONING CLASSIFICATION: The proposed text amendment will pertain to the following zoning classifications within the City: SF (Single Family), R-1 (Low Density Residential), R-2 (Medium Density Residential), R-3 (Multiple Residential Zone), and C-G (General Commercial).

PROJECT DESCRIPTION (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.):

Zoning Ordinance Text Amendment ("ZOTA") amending Chapters 17.16 (SF: Single Family Zone), 17.24 (R-1: Low Density Residential Zone), 17.28 (R-2: Medium Density Residential Zone), 17.32 (R-3: Multiple Residential Zone), 17.44 (C-G: General Commercial Zone), and 17.92 (Nonconforming Buildings and Uses) of Title 17 of the Bellflower Municipal Code. The ZOTA is to address nonconforming conditions by deleting outdated regulations, modifying existing regulations, and introducing new regulations as they apply to each zone. The types of standards may relate to building setbacks, lot coverage, parking requirements, and other similar standards.

SURROUNDING LAND USES AND SETTING (Briefly describe the project's surroundings.):

The proposed text amendments apply to the entire City and do not specifically impact any one property.

OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (i.e., permits, financing approval, or participation agreement):

None

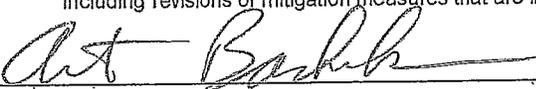
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Agriculture Resources | <input type="checkbox"/> | Air Quality |
| <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Geology/Soils |
| <input type="checkbox"/> | Greenhouse Gas Emissions | <input type="checkbox"/> | Hazards & Hazardous Materials | <input type="checkbox"/> | Hydrology/Water Quality |
| <input type="checkbox"/> | Land Use/Planning | <input type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Noise |
| <input type="checkbox"/> | Population/Housing | <input type="checkbox"/> | Public Services | <input type="checkbox"/> | Recreation |
| <input type="checkbox"/> | Transportation/Traffic | <input type="checkbox"/> | Utilities/Service Systems | <input type="checkbox"/> | Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency): On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

July 6, 2016
Date

Art Bashmakian, Director of Planning & Building Services
Printed Name

City of Bellflower
For

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (i.e., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (i.e., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact”. The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated”, describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (i.e., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE RESOURCES.
 In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the Calif. Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the Calif. Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. AIR QUALITY.
 Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY, continued.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Expose sensitive receptors to substantial pollutants concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IV. BIOLOGICAL RESOURCES.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. CULTURAL RESOURCES.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES, continued.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation Adopted for the purpose of reducing the emission of Greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and , as a result, would create a significant hazard to the public or environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING.

Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. MINERAL RESOURCES. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XII. NOISE. Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XIII. POPULATION AND HOUSING. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. PUBLIC SERVICES.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| v) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. RECREATION.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. TRANSPORTATION/TRAFFIC.

Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (i.e., sharp curves or dangerous intersections) or incompatible uses (i.e., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. UTILITIES AND SERVICE SYSTEMS.

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
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XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

I. AESTHETICS. Would the project:

- a. Have a substantial adverse effect on a scenic vista?

No Impact. The proposed zoning ordinance text amendment amends the Bellflower Municipal Code to delete outdated regulations, modify existing regulations, and introduce new regulations as they apply to each zone. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to impact any scenic vistas.

- b. Substantially damage scenic resources, including, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. See reason listed under I.a.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact. See reason listed under I.a.

- d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. See reason listed under I.a.

II. AGRICULTURE RESOURCES. Would the project:

- a. Convert Prime Farmland, Unique Farmland, or Farm-land of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to impact any agricultural resource.

- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. See reason listed under II.a.

- c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact. See reason listed under II.a.

III. AIR QUALITY. Would the project:

- a. Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to impact air quality.

- b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

No Impact. See reason listed under III.a.

- c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

No Impact. See reason listed under III.a.

- d. Expose sensitive receptors to substantial pollutants concentrations?

No Impact. See reason listed under III.a.

- e. Create objectionable odors affecting a substantial number of people?

No Impact. See reason listed under III.a.

IV. BIOLOGICAL RESOURCES. Would the project:

- a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. The City of Bellflower is located within a highly developed urban area of southeast Los Angeles County, within the greater metropolitan Los Angeles region. The City of Bellflower is bounded by three (3) major freeway corridors, including the I-605, the I-710 and the SR 91. There are no designated wildlife habitat areas within the municipal boundaries of the City of Bellflower, nor are there any designated wildlife corridors intersecting the community. In addition, the project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, it is concluded that the proposed text amendment would not have impact on any biological resources or habitat.

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. See reason listed under IV.a.

- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other mean?

No Impact. See reason listed under IV.a.

- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. See reason listed under IV.a.

- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. See reason listed under IV.a.

- f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. See reason listed under IV.a.

V. CULTURAL RESOURCES. Would the project:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

No Impact. The City of Bellflower is located within a highly developed urban area of southeast Los Angeles County and does not have any historical area recorded with the State Historic Preservation Office. In addition, the project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, it is concluded that the proposed text amendment would not have an impact on any cultural resources.

- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No Impact. See reason listed under V.a.

- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. See reason listed under V.a.

- d. Disturb any human remains, including those interred outside of formal cemeteries?

No Impact. See reason listed under V.a.

VI. GEOLOGY AND SOILS. Would the project:

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial of a known fault? Refer to Division of Mines and Geology Special Publication 42.

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential for any person or structures to be adversely affected by potential seismic-related, geological, and/or soil hazards.

- ii) Strong seismic ground shaking?

No impact. See reason listed under VI.a.i.

- iii) Seismic-related ground failure, including liquefaction?

No impact. See reason listed under VI.a.i.

- iv) Landslides?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential for any soil erosion or loss of topsoil. Furthermore, the City of Bellflower is characterized by gently sloping topography and is not subject to any potential landslide hazards.

- b. Result in substantial soil erosion or the loss of topsoil?

No Impact. See reason listed under VI.a.iv.

- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

No Impact. See reason listed under VI.a.iv.

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No impact. See reason listed under VI.a.i.

VII. GREENHOUSE GAS EMISSIONS

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

No impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, the project will not generate greenhouse gas emissions. All future development will be in compliance with the City of Bellflower's Climate Action Plan and be evaluated on a case-by-case basis. For these reasons, it is concluded that the proposed text amendment will have no impact on greenhouse gas emissions.

- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions or greenhouse gases?

No impact. See reason listed under VII.a.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to create a hazard to the public or environment through the transport, use or disposal of hazardous material. Furthermore, there is no potential to conflict with any airport land use plan or City emergency response plan.

- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

No Impact. See reason listed under VIII.a.

- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. See reason listed under VIII.a.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and , as a result, would create a significant hazard to the public or environment?

No Impact. See reason listed under VIII.a.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. See reason listed under VIII.a.

- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?

No Impact. See reason listed under VIII.a.

- g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

No Impact. See reason listed under VIII.a.

- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. See reason listed under VIII.a.

IX. HYDROLOGY AND WATER QUALITY. Would the project:

- a. Violate any water quality standards or waste discharge requirements?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to violate any water quality standard or water discharge requirement. Stormwater drainage systems will not be directly affected by the proposed text amendment.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. There will be no person or structure exposed to any potential flood hazard. Furthermore, the City of Bellflower is not subject to any dam failure, seiche, or tsunami. Therefore, there is no opportunity to deplete groundwater supplies, interfere with groundwater recharge, increase runoff, or affect drainage patterns or flows. Water quality will not be degraded.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

No Impact. See reason listed under IX.b.

- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

No Impact. See reason listed under IX.b.

- e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

No Impact. See reason listed under IX.b.

- f. Otherwise substantially degrade water quality?

No Impact. See reason listed under IX.b.

- g. Place housing within 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

No Impact. See reason listed under IX.b.

- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

No Impact. See reason listed under IX.b.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

No Impact. See reason listed under IX.b.

- j. Inundation by seiche, tsunami, or mudflow?

No Impact. See reason listed under IX.b.

X. LAND USE AND PLANNING. Would the project:

- a. Physically divide an established community?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. There will be no conflict with any land use plan or habitat conservation plan. Therefore, there is no potential to divide an established community.

- b. Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. See reason listed under X.a.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

No Impact. See reason listed under X.a.

XI. MINERAL RESOURCES. Would the project:

- a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and

of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to impact any mineral resources within the City of Bellflower.

- b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. See reason listed under XI.a.

XII. NOISE. Would the project result in:

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to create additional noise or groundborne vibration in excess of General Plan standards.

- b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

No Impact. See reason listed under XII.a.

- c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no opportunity to permanently or temporarily increase ambient noise levels.

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

No Impact. See reason listed under XII.c.

- e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no opportunity for conflict with any public airport, private airstrip, or airport land use plan.

- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. See reason listed under XII.e.

XIII. POPULATION AND HOUSING. Would the project:

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no opportunity to potentially induce any population or employment growth in the area.

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, it will not displace housing or people. The City will evaluate all future proposals on a case-by-case basis and undergo the appropriate environmental review for these proposals, including a review of potential displacement issues.

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. See reason listed under XIII.b.

XIV. PUBLIC SERVICES.

- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- i) Fire protection?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no opportunity to potentially burden public services, such as fire, police, schools, parks or other public facilities.

- ii) Police protection?

No Impact. See reason listed under XIV.a.i.

- iii) Schools?

No Impact. See reason listed under XIV.a.i.

- iv) Parks?

No Impact. See reason listed under XIV.a.i.

- v) Other public facilities?

No Impact. See reason listed under XIV.a.i.

XV. RECREATION.

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to burden existing regional parks or other recreational facilities within the City.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. See reason listed under XV.a.

XVI. TRANSPORTATION/TRAFFIC. Would the project:

- a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to increase traffic. Accordingly, there will not be any conflicts with the County's Congestion Management Agency, the City's parking requirements, or air traffic levels or patterns. No transportation or traffic issues will directly result with the proposed text amendment.

- b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

No Impact. See reason listed under XVI.a.

- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. See reason listed under XVI.a.

- d. Substantially increase hazards due to a design feature (i.e., sharp curves or dangerous intersections) or incompatible uses (i.e., farm equipment)?

No Impact. See reason listed under XVI.a.

- e. Result in inadequate emergency access?

No Impact. See reason listed under XVI.a.

- f. Result in inadequate parking capacity?

No Impact. See reason listed under XVI.a.

XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading or other physical alterations to the environment that are not already permissible. Therefore, there is no potential to burden utility and service systems.

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. See reason listed under XVII.a.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

No Impact. See reason listed under XVII.a.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

No Impact. See reason listed under XVII.a.

- e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. See reason listed under XVII.a.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

No Impact. See reason listed under XVII.a.

- g. Comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. See reason listed under XVII.a.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading, other physical alterations to the environment that are not already permissible or change the land use. Therefore, there is no potential to degrade the quality of the environment, including biological and cultural resources.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading, other physical alterations to the environment that are not already permissible or change the land use. Therefore, there is no potential to degrade the quality of the environment or generate any cumulative impacts.

- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact. The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading, other physical alterations to the environment that are not already permissible or change

the land use. Therefore, there is no potential to degrade the quality of the environment or cause substantial adverse effects on human beings, either directly or indirectly.

XIX. DISCUSSION OF ENVIRONMENTAL EVALUATION.

The project involves amendments to the zoning regulations that currently address such items as setbacks, lot coverage, parking and other similar regulations that govern primarily additions, remodels and reconstruction of existing structures. The modified regulations will not, in and of itself, lead to or allow new construction, grading, other physical alterations to the environment that are not already permissible or change the land use. Site specific environmental impacts that result from future development proposals will be evaluated on a case-by-case basis.

XX. SOURCES.

1. The City of Bellflower General Plan, *City of Bellflower*, 1994, 1998, 2003, 2010, 2013
2. The City of Bellflower Municipal Code, City of Bellflower, 2016
3. State Register of Historical Buildings, *California Office of Historic Preservation*, 1994

Doc 343548



staff report

TO: Honorable Chairman and Members of the Planning Commission

FROM: Art Bashmakian, AICP
Director of Planning and Building Services

SUBJECT: Consideration and possible action to conduct a public hearing to consider a Negative Declaration (ND 16-02) and a Zoning Ordinance Text Amendment (ZOTA 16-02) to amend Chapters 17.16 (SF: Single Family Zone), 17.24 (R-1: Low Density Residential Zone), 17.28 (R-2: Medium Density Residential Zone), 17.32 (R-3: Multiple Residential Zone), 17.42 (Reasonable Accommodation for Persons with Disabilities), 17.44 (C-G: General Commercial Zone), and 17.92 (Nonconforming Buildings and Uses) of Title 17 of the Bellflower Municipal Code. The ZOTA is to address nonconforming conditions by deleting outdated regulations, modifying existing regulations, and introducing new regulations as they apply to each zone.

DATE: August 1, 2016

RECOMMENDATION

- 1) Open the public hearing, receive testimony, close the public hearing, consider the evidence, and adopt Resolution No. PC 16-08 recommending approval of Negative Declaration No. ND 16-02, and Zoning Ordinance Text Amendment Case No. ZOTA 16-02; 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 July 7, 2016; and public hearing notices were posted at City Hall, Brakensiek Library, Bellflower Substation, Thompson Park, and Simms Park on July 6, 2016.

CEQA STATUS

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, *et seq.*), an environmental assessment has been conducted for this project in compliance with the California Environmental Quality Act (CEQA) guidelines. An Initial Study and a Negative Declaration have been prepared which were made available for public review from July 7, 2016 through July 26, 2016.

BACKGROUND

On October 28, 2013, the City Council directed staff to implement a three-phase plan to address nonconforming conditions throughout the City:

Phase 1 - Immediate (within 1 year) Relief EFFECTIVE MAY 28, 2014

- Extend the abatement period an additional 20 years (changed abatement period from 40 years to 60 years) - **Approved**
- Establishing and modifying the thresholds for improvements and additions – **Approved**

On March 3, 2014, the Planning Commission recommended approval of amendments and on April 14, 2014, the City Council approved amendments related to Phase 1.

Phase 2 - Short-term (2-6 years) Remedy ONGOING

- Review and consider modifications to various development standards that can result in nonconformities (*i.e. setbacks, driveways length, lot coverage, open space, parking, driveways width, etc.*)
- Review and consider Alternative Development Standards to allow existing conditions to address common nonconforming issues that cause friction (*i.e., setbacks, etc.*)
- Review other possible strategies within the Zoning Code.

Part 1

On September 2, 2014, the Planning Commission considered a plan to address Part 1 of Phase 2 of the abatement of nonconforming buildings, structures, and uses. The plan including the application of analysis conducted for Neighborhoods 1, 2, and 3 that identified common issues, potential solutions, and the possible affects the solutions could have.

On October 20, 2014, the Planning Commission recommended approval of amendments related to Part 1 of Phase 2 (Short-Term Remedy) of the plan. The amendment included:

- The reduction of the required setback for side-street facing garages from twenty (20) feet to ten (10) feet;
- The allowance for attached or detached carports to be located within the side yard setback; and
- The required setback for accessory buildings, garages, and carports that rear upon an alley shall be no less than twenty (20) feet from the opposite side of the alley and no less than fifteen (15) feet for single loaded alley.

On December 8, 2014, the City Council approved the amendments.

Part 2

On November 17, 2014, the Planning Commission directed staff to move forward with Part 2 of Phase 2, which focused on Neighborhoods 4, 5, 6, 9, and D. The review and analysis identified present nonconforming issues and allowed staff to develop remedies for reducing nonconforming conditions.

On July 20, 2015, the Planning Commission recommended approval of amendments related to Part 2 of Phase 2 (Short-Term Remedy) of the plan. The amendments below applied only to properties zoned SF and R-1:

- For legally constructed, existing single family structures on interior lots, a reduction of the required minimum side yard setback of 5'-0";
- For legally constructed, existing single family structures, a reduction of the required minimum, unobstructed interior dimension for a two-car garage from 20'-0" by 20'-0" to 18'-0" by 18'-0"; and
- For legally constructed, existing single family structures, a reduction of the required minimum driveway width of 10'-0" to a width agreed upon by the Planning Director and the Fire Department.

The City Council approved the zoning ordinance text amendments from Part 2 of Phase 2 on September 14, 2015.

Part 3

On August 3, 2015, the Planning Commission directed staff to move forward with the nonconformity review and analysis of Part 3 of Phase 2, which focused on Neighborhoods 10, 12, 13, 14, and B. The Commission reviewed each neighborhood:

- ✓ Neighborhood 10 on October 19, 2015
- ✓ Neighborhood 12 on March 7, 2016
- ✓ Neighborhood 13 on December 21, 2015
- ✓ Neighborhood 14 on September 21, 2015
- ✓ Neighborhood B on May 16, 2016

Phase 3 – Long-term (6 years plus) Solution

- Comprehensive Zoning Code update
- Update to General Plan Land Use Element

Report Card

Phase 1 amendments positively impacted every nonconforming property in the City so that property owners can process a remodel, tenant improvement or substantial additions. The Phase 2 amendments, adopted by the City Council in December 2014, have had a positive impact on reducing the nonconforming conditions citywide in the corresponding zones. A "report card" for Phase 2, Part 3 is included so that we can track the positive impacts of prior amendments (i.e. Phase 2, Parts 1 and 2) and make sure that the amendments are helping us reach our goal of reducing nonconforming conditions. Please see Attachment F for the report card summary for neighborhoods 10, 12, 13, 14, and B.

Neighborhoods

Figure 1 below depicts the neighborhoods that were selected by the Commission to survey.

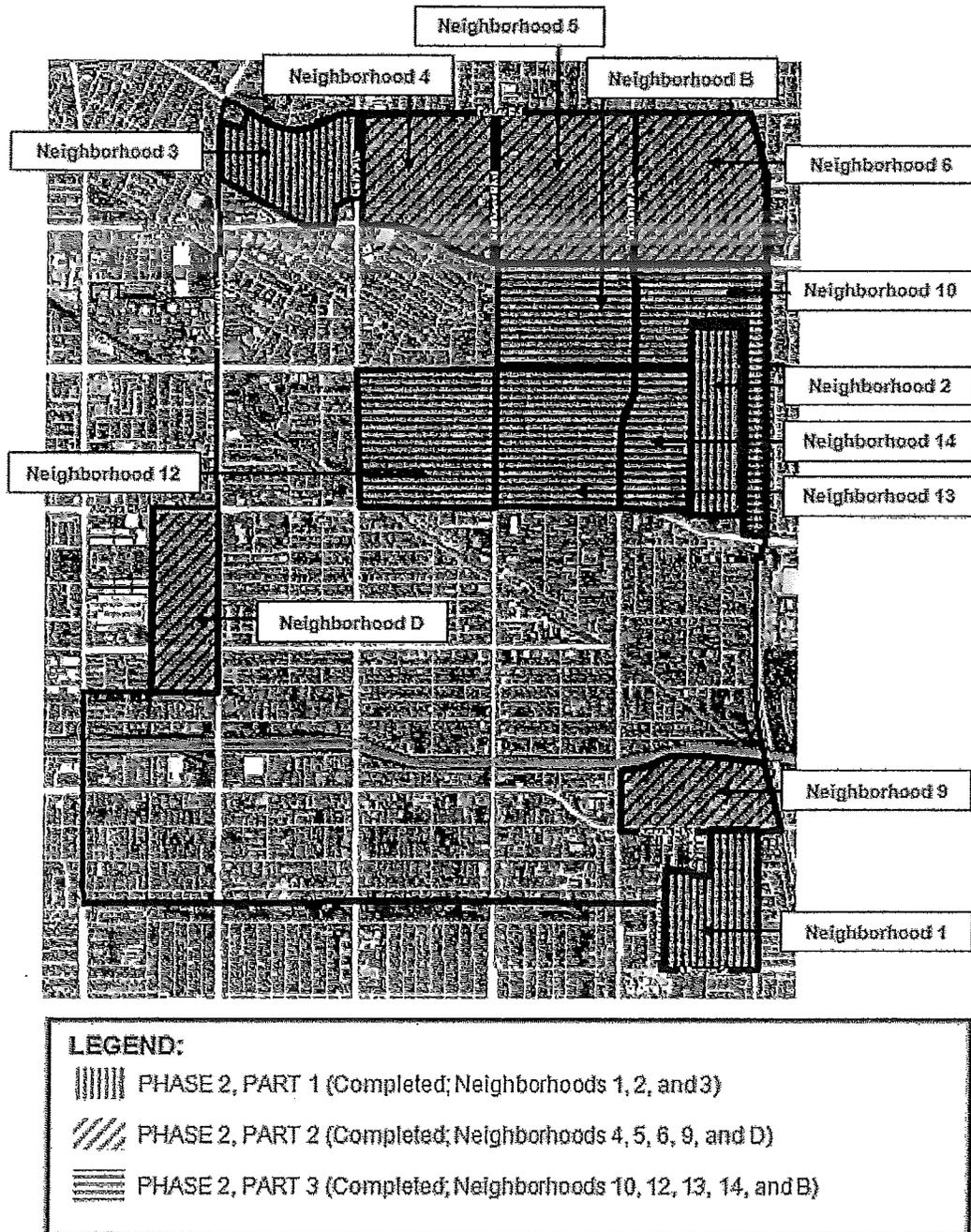


Figure 1

rw

The work began by systematically going through each neighborhood by electronic records as well as field visual survey to identify what nonconforming issues were present. It is important to note that all evaluation and analysis was accomplished without the benefit of physical property review, surveying or field measurements. The data collected are best estimates and not intended to be actual verified numbers.

Nonconforming Statistics

Our total sample size included 1,619 lots. Of these properties 874 or 54% were found to have one or more issues of nonconformity with the City's current Zoning Code. This is a high percentage of nonconformity and represents areas of the code where relief would be helpful to property owners. Attachment E is included, which summarizes the results of the surveys that were conducted for Part 3 of Phase 2.

Based on the results of the surveys, the common nonconforming conditions observed among the properties that were surveyed are:

- Front Yards within the SF (Single Family) Zone and the R-1 (Low Density Residential) Zone. Out of 1,314 properties zoned SF and R-1, 214 properties (16.3%) were observed to have a nonconforming front yard setback. In addition,
- Front Yards, Useable Open Space, Driveways, and Refuse Storage within the R-2 (Medium Density Residential) Zone and the R-3 (Multiple Residential) Zone. Out of 95 properties zoned R-2 and R-3, 21 properties (22.1%) were observed to have a nonconforming front yard setback. 52 properties (54.7%) were observed to have a nonconforming useable open space. 47 properties (49.5%) were observed to have a nonconforming driveway width. 52 properties (54.7%) were observed without a refuse storage.
- Front Yards and Trash Facilities within the C-G (General Commercial) Zone. Out of 108 properties zoned C-G, 28 properties (25.9%) were observed to have a nonconforming front yard setback. 26 properties (24.1%) were observed without a refuse storage.

Existing Nonconforming Provisions of Chapter 17.92

One of the issues identified in the Nonconforming Abatement Game Plan is the relation between the public and city staff. This has been identified as an issue that needs to be addressed among all other issues. And to that effect, and in support of the Game Plan, staff is suggesting language to clarify the existing nonconforming code section. While the City continues to conduct neighborhood surveys and continues to make various code amendments (at the conclusion of the surveys), the City is still subject to the current nonconforming code provision in addressing daily issues related to nonconformities. In order to improve customer service and to improve the administration of the current nonconforming code section, staff is recommending to restructure the code. In addition, staff is recommending language that can clarify and enhance the applicability of the code.

In the following Analysis section of this staff report, instead of discussing the various changes, staff has prepared a table (Attachment I) that identifies the various sections of the current code together with issues that arise from the administration of the code followed by recommendations that will enhance the code. The modifications suggested in the draft ordinance and discussed in the attached table will substantially help with the administration the code. Having a code that's easy to understand, follow and to administer will benefit the public. In its current format, different people could have differing interpretations of the code. And on top of that, there are various issues that are not clearly articulated in the code that can further foster different interpretations. In the draft code, staff is also suggesting some new items for the Commission's consideration. For example, allowing additions to homes that are simply nonconforming because they are not in a residential zone. The attached table further discusses this and other issues.

ANALYSIS

In order to address the nonconforming conditions, staff is proposing the following:

- **Front Yards:** Staff is recommending that for existing properties developed with legally constructed structures, the existing front yard setbacks be considered conforming if the existing setback is compatible with the surrounding neighborhood and adjacent properties. This allows for expansions and additions to existing structures without abating a nonconforming front yard setback while maintaining the character of the neighborhood. Any new expansions or additions to the existing single family homes would have to meet current development standards. This is a similar approach that was recommended by the Planning Commission and approved by the City Council for buildings encroaching into side yard setbacks.
- **Driveways:** Staff is recommending that for existing legally developed properties with less than the minimum required driveway widths, the existing driveway widths be considered conforming. In addition, to allow some flexibility, on a case-by-case basis, staff is recommending that when an improvement is proposed on the property, the homeowner will be allowed to apply for a modification to this requirement. The property owner can request review and approval by both the Fire Department and Planning Director to allow a driveway width to be maintained even if it is less than what is currently required. This modification process is proposed because the Fire Department does not always need to gain access to the property via the driveway to fight fires. Depending on the size (especially the depth) of the lot and the configuration of the structures, the Fire Department can, in certain cases, park on the street and use the length of the fire hose (150') to eliminate fires. Although this amendment will not eliminate the nonconformity outright, it would assist those who may be nonconforming in this standard, while still maintaining public safety. This is a similar approach that was recommended by the Planning Commission and approved by the City Council as part of the Phase 2, Part 2 approach. The proposed language prohibits any new encroachment to the existing driveways and any proposed driveways or extension of existing driveways must meet the current minimum driveway width requirements.

- **Useable Open Space:** Staff is recommending that for existing legally developed properties not having the minimum required useable open space, the existing useable open space be considered conforming. In addition, staff is recommending that improvements be permitted to legally developed properties without having to address the useable open space if such improvements do not result in: reduction of existing useable open space, a substantial remodel, additional units, additional bedrooms, or an addition that is more than one hundred percent (100%) of the current square footage of existing residence(s).
- **Refuse Storage/Trash Facilities:** Staff is recommending that legally developed properties that do not have refuse storage/trash facilities be considered conforming, as it relates to refuse storage/trash facilities. In addition, staff is recommending that alteration and modification be permitted on the property if it does not result in: a substantial remodel, additional units, additional bedrooms, or an addition that is more than one hundred percent (100%) of the current square footage of the gross floor area of all structures on the property.
- **Clarifying and Simplifying the Nonconforming Provisions of Chapter 17.92:** In addition to the recommended changes listed above, and to better support City Council's directive in addressing the nonconforming issues and challenges faced by homeowners, the following describes the recommended changes to the existing chapter on nonconformities.

As stated earlier, while the City continues to move forward with the Game Plan (which is a multi-year effort), it's imperative that we also improve the chapter on nonconformities. Waiting till we are done with the Game Plan means we will still need to deal with the inconsistencies and issues with the current code.

The attached table identifies the various code sections that need further clarification together with staff's suggested language. The table also identifies code sections that conflict with one another with staff's recommended language. And finally, the table identifies some additional recommended measures that the Commission could consider and discuss which may further assist with the overall Game Plan.

The proposed zoning code provisions addressing the issues indicated above are included in the Draft Ordinance attached to Resolution No. PC 16-08 (Attachment A). Existing text found in the Zoning Code to be removed is shown as ~~strikethrough~~ and new text to be added is shown as **underlined and bold**.

CONCLUSION

The City of Bellflower is working to reduce the number of nonconforming properties and structures in the City. The amendments proposed in this staff report and accompanying resolution is another step toward the goal of reducing the number of nonconforming properties over a six-year time frame.

Next steps will include:

- Continuing on a systematic and efficient review, analysis and recommendation process for remedies to each of the nonconforming conditions in residential, commercial and industrial zones.
- Develop long-term solutions to fully address site design, lack of land, and assisting property owner's with full compliance. These solutions could include changes to the Code, design alternatives or some combination of these elements. It is important to understand that without a long-term solution any single-focused policy or Code change will only continue to perpetuate impacts on these properties and increase the negative interaction between the public and City staff.

ATTACHMENTS

- A. Resolution No. PC 16-08
- B. Negative Declaration No. ND16-02
- C. Background
- D. Glossary
- E. Summary Table of Survey Results
- F. Report Cards for Neighborhoods 10, 12, 13, 14, and B
- G. California Government Code Section 65852.25 (Multifamily Dwelling Restoration)
- H. Nonconforming Provisions (Chapter 17.92)
- I. Summary Table of Proposed Code Amendments

CITY OF BELLFLOWER

RESOLUTION NO. PC 16-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELLFLOWER RECOMMENDING THE CITY COUNCIL ADOPT NEGATIVE DECLARATION NO. ND 16-02 AND APPROVE ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 16-02 AMENDING CHAPTERS 17.16 (SF: SINGLE FAMILY ZONE), 17.24 (R-1: LOW DENSITY RESIDENTIAL ZONE), 17.28 (R-2: MEDIUM DENSITY RESIDENTIAL ZONE), 17.32 (R-3: MULTIPLE RESIDENTIAL ZONE), 17.42 (REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES), 17.44 (C-G: GENERAL COMMERCIAL ZONE), AND 17.92 (NONCONFORMING BUILDINGS AND USES) OF TITLE 17 OF THE BELLFLOWER MUNICIPAL CODE.

The Planning Commission of the City of Bellflower does resolve as follows:

SECTION 1. Recitals.

1. On October 28, 2013, the City Council directed staff to implement a three-phase plan to address nonconforming conditions throughout the City.
2. On March 3, 2014, the Planning Commission recommended approval of amendments to Title 17 (Zoning) of the Bellflower Municipal Code ("BMC") related to Phase 1 (Immediate Relief) of the plan; such amendments were later approved by the City Council on April 14, 2014.
3. On September 2, 2014, the Planning Commission considered a plan to address Part 1 of Phase 2 of the abatement of nonconforming buildings, structures, and uses.
4. On October 20, 2014, the Planning Commission recommended approval of amendments to the BMC related to Part 1 of Phase 2 (Short-Term Remedy) of the plan; such amendments were later approved by the City Council on December 8, 2014.
5. On November 17, 2014, the Planning Commission directed staff to move forward with Part 2 of Phase 2.
6. On July 20, 2015, the Planning Commission recommended approval of zoning amendments to the BMC related to Part 2 of Phase 2 (Short-Term Remedy) of the plan; such amendments were later approved by the City Council on September 14, 2015.
7. On August 3, 2015, the Planning Commission directed staff to move forward with Part 3 of Phase 2. As part of Part 3 of Phase 2, City staff have prepared the proposed Zoning Ordinance Text Amendment, amending BMC Chapters 17.16 (SF: Single Family Zone), 17.24 (R-1: Low Density Residential Zone), 17.28 (R-2: Medium Density Residential Zone), 17.32 (R-3: Multiple Residential Zone),

17.42 (Reasonable Accommodation for Persons with Disabilities), 17.44 (C-G: General Commercial Zone), and 17.92 (Nonconforming Buildings and Uses) of Title 17, as reflected in Exhibit "A" of this Resolution (the "Project").

8. The City has reviewed the Project's environmental impacts under the California Environmental Quality Act (Pub. Res. Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Reg. §§ 15000-15387). In accordance with the provisions of CEQA, an Initial Study and Negative Declaration have been prepared.
9. Notice of a Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law.
10. The Planning Commission opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by Applicant, and closed the hearing at the August 1, 2016 meeting.
11. The Planning Commission considered the information provided by City staff, public testimony, and the Applicant. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its August 1, 2016 hearing including, without limitation, the staff report.

SECTION 2. Environmental Review Findings. The Planning Commission finds as follows:

1. An Initial Study of Environmental Impacts and Negative Declaration were prepared for the project in accordance with the provisions of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and the City of Bellflower's Procedures for Implementing CEQA.
2. That the Initial Study and Mitigated Negative Declaration were made available to the public for review and comment from July 7, 2016, to and including July 26, 2016.
3. A duly noticed Public hearing was held by the Planning Commission of the City of Bellflower on August 1, 2016 at which time evidence was heard on the Initial Study and Negative Declaration and staff report. At the hearing, the Planning Commission fully reviewed and carefully considered the Initial Study and Negative Declaration, together with any comments received during the public review period, and determined that the Negative Declaration was consistent with CEQA.

SECTION 3. Zoning Ordinance Text Amendment Findings. The Planning Commission finds as follows:

1. It is the purpose of the Zoning Ordinance to encourage the most appropriate use of the land; to conserve and stabilize the value of property; and promote the public peace, health, safety, morale, and general welfare, all in accordance with the General Plan.
2. There are changed conditions since the existing code became effective to warrant modification and/or addition to Chapters 17.16 (SF: Single Family Zone), 17.24 (R-1: Low Density Residential Zone), 17.28 (R-2: Medium Density Residential Zone), 17.32 (R-3: Multiple Residential Zone), 17.42 (Reasonable Accommodation for Persons with Disabilities), 17.44 (C-G: General Commercial Zone), and 17.92 (Nonconforming Buildings and Uses) of Title 17 of the BMC.
3. The proposed Zoning Ordinance Text Amendment modifies and/or adds provisions to the above-referenced chapters of BMC Title 17 without adversely affecting property values or establishing adverse land use precedent.
4. The changes effected by the proposed Zoning Ordinance Text Amendment to BMC Title 17 will contribute to the preservation of the public, peace, health, safety, and welfare by clarifying provisions of the Zoning Ordinance that were previously unclear or erroneous and effectuating City policy regarding land use and development.
5. The proposed Zoning Ordinance Text Amendment to Title 17 of the BMC is consistent with the General Plan.
6. An Initial Study and Negative Declaration have been prepared in accordance with the provisions of CEQA and the Planning Commission recommended to the City Council approval of this Resolution approving Negative Declaration Case No. ND 16-02.

SECTION 4. *General Plan Findings.* The proposed amendments to the zoning regulations of the Bellflower Municipal Code (Title 17) are consistent with the General Plan. The General Plan's goals, objectives, and policies to serve the public health, safety, and general welfare, and the amendment are necessary.

SECTION 5. *Recommendation.* Based on the foregoing, the Planning Commission recommends the City Council adopt Negative Declaration No. ND 16-02 and approve Zoning Ordinance Text Amendment Case No. ZOTA 16-02 in a form substantially similar to the draft attached as Exhibit "A."

SECTION 6. *Reliance on Record.* Each and every finding and determination in this Resolution is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project, and reflect the independent judgment of the Planning Commission. 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 7. *Effective Date.* This Resolution will become effective immediately upon adoption and remain effective until superseded by a subsequent resolution.

SECTION 8. 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.

SECTION 9. The Planning Commission Secretary is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

PASSED AND ADOPTED this 1st day of August 2016.

Ray Hamada, Chairman

ATTEST:

Art Bashmakian, AICP
Secretary

APPROVED AS TO FORM:

David H. King, Assistant City Attorney

Attachment: Draft Ordinance Amending BMC Title 17.

BACKGROUND

The following provides a background on the issue of nonconforming properties within the City of Bellflower.

The Bellflower Condition

The City of Bellflower is an older built out community. Most of the commercial and residential properties in the City were developed prior to the City incorporating on September 3, 1957. At the time of incorporation, Bellflower was the principal shopping center for the surrounding population. From the mid to late 1960s, the impact of regional shopping centers and large discount stores eliminated the business centers of many small cities and began to chip away at the vitality of the stores owned by family members with a single location also known as "Mom and Pop stores." During the 1970s, several Southeast Los Angeles cities were reaping the benefits of bringing regional auto and shopping malls to their communities. Bellflower continued to court the smaller "Mom and Pop" stores that had sustained it for decades. However, as retail shopping centers caught on, Bellflower's choice to focus on smaller businesses left the community behind and, as a result, properties experienced less investment and redevelopment, buildings became outdated, obsolete, and in some instances fell into disrepair. In addition, many commercial properties were originally designed as small, shallow lots limiting the potential for business and property expansion in many instances as commercial corridors are flanked by residential development. Development standards (i.e. setbacks) and allowable uses were introduced initially in 1962 with the adoption of the City's first Zoning Code. Over time these standards have been improved and the list of uses amended in order to improve the overall appearance of residential and business areas throughout Bellflower.

The Zoning Code was established to implement the policy and future direction of development for the City of Bellflower. However, since the majority of the land in Bellflower was developed prior to the Code, the result was most of the residential and commercial properties and structures being categorized as nonconforming from the start.

The City of Bellflower is faced with the challenge of addressing existing nonconforming conditions throughout the majority of the City in both residential and commercial zones. Nonconforming conditions are reduced over time as uses turn over and buildings are replaced. This can also be encouraged through an abatement period. However, in Bellflower's case many of the buildings/structures have been maintained in their original condition over time. Given the expiration of the abatement period the City was faced with developing a game plan to address nonconforming uses and properties. Immediate and short-term fixes are intended to help the City find temporary relief and address portions of the problem. Only a long-term, permanent solution in the form of a total review and rewrite of the Zoning Code which is anticipated to be a part of the General Plan Update process will ultimately set the course for the future

development of the City of Bellflower and address policies related to health, safety, legal and financial challenges for all of the residential and commercial properties throughout the City.

In most cases the current Code does not reflect the character and development patterns that existed in the community prior to adoption in 1962. When this condition exists, the typical remedy would be to correct the Code. This is not as easy as it sounds. Because the solutions are policy decisions that should involve a cooperative effort between the community and the elected officials, appointed representatives and the technical staff, this is not a quick fix. Most comprehensive Zoning Code Updates take up to 18 months and can cost more than \$100,000.00. Bellflower is in need of a more immediate solution to provide relief for property owners within the City.

When the Bellflower Zoning Code was adopted in 1962, a 20-year abatement period was adopted for existing nonconforming properties. The abatement period was later extended for 20 additional years, bringing the abatement deadline to 2002. At the end of this 40-year period, all properties and structures out of compliance would be required to be removed or brought into compliance. This additional extension unfortunately only deferred the problem of what to do with the large numbers of nonconforming properties. It did not provide a solution to the conformity issue. In essence this extension put some properties into a permanent "pause". Properties that were out of compliance with one or more standards of the Code were unable to expand their current structures, make necessary improvements to their properties, address current market demands or meet ever changing State and Federal laws. This condition also impacted the property values, limiting financing and hindering sales and investment. Any solution that considered simply removing or extending the abatement period did not provide a path to bring properties into conformance with the Code. Instead this option likely increased the number of nonconforming properties and further compounded the untenable situation.

Other Communities

Bellflower is not alone in this issue. Abatement periods are set in nearly every City. Staff has confirmed that the abatement process exists in the following immediately adjacent communities: Long Beach, Norwalk, Downey, Whittier, Lakewood, Paramount, Cerritos, and Artesia.

City	Abatement Period	Code Section
Bellflower	40 years; Discontinued Use is subject to abatement after 180 days. Other provisions applicable.	17.92.060
Downey	10-20 years depending on the type of structure or use. Residences in the C-P are not considered nonconforming. Other provisions applicable.	9410.08.
Norwalk	10-45 years depending on the type of structure or use. Other provisions applicable.	17.01.230

Cerritos	Discontinued Use is subject to abatement after 90 days. Massage establishments - 2 years (with other exceptions). Other provisions applicable.	23.5
Artesia	Automatic termination of a nonconforming use or building when enlarging the building, change of use, demolition or destruction of 50% of the building. Discontinued Use is subject to abatement after 1 year. Other provisions applicable.	9-2.2102
Lakewood	10-45 years depending on structure type and use. Also, residential uses are excepted from various provisions relating to setbacks within certain zones. Other provisions applicable.	9390
Long Beach	Discontinued Use is subject to abatement after 1 year. Other provisions applicable.	21.27
Paramount	Abatement of Nonconforming uses in conforming buildings within residential zones is 3 years. Abatement of Nonconforming uses in conforming buildings within commercial and manufacturing zones is 10 years. Abatement of nonconforming use of land (no structure involved) – 1 year. Discontinued Use is subject to abatement after 180 days. Other provisions applicable.	44.136
Whittier	25 years for Nonconforming structure in Commercial & Manufacturing Zone; 20 years for Nonconforming use of a structure or site; 1 year for a nonconforming, non-structural use. Other provisions applicable.	18.62

Measures Taken To Address Nonconforming Conditions

Having the majority of the properties (60-80%) categorized as nonconforming is an untenable situation for the community and in conflict with the desired customer-friendly operations. The City took several steps to begin addressing the nonconforming conditions.

ZOTA Clean-up Measures – An on-going series of City-initiated Zoning Ordinance Text Amendments (ZOTAs) have been completed to update, address procedural and “clean-up type” of issues currently found in the Zoning Code. During the daily administration and implementation of the provisions of the Zoning Code, Staff is presented with challenges as to the intent and interpretation of the code. In addition, the Planning Commission and City Council consider development projects and public testimony that often lead to suggested modifications of the Zoning Code. In other instances, the Commission issued a Determination of Similarity or supported a Director’s Determination related to a specific use. Eight “bundles” of code amendments have been approved since 2005.

Zoning Ordinance Text	Date
ZOTA Bundle No. 1	November 14, 2005
ZOTA Bundle No. 2	May 8, 2006 and June 12, 2006
ZOTA Bundle No. 3	February 26, 2007
ZOTA Bundle No. 4	May 11, 2011
ZOTA Bundle No. 5	September 26, 2011
ZOTA Bundle No. 6	August 12, 2013
ZOTA Bundle No. 7	April 28, 2014
ZOTA Bundle No. 8	September 8, 2014
ZOTA Bundle No. 9	PC Recommended Approval on 7-6-15.

Each text amendment bundles has impacted the nonconforming status of properties. In addition, the City has completed several focused amendments to the Zoning Code that have also had a positive impact on the nonconforming conditions in Bellflower. Two specific examples are provided below:

Nonconforming Allowance Amendment – An amendment to the Nonconforming Ordinance was approved in November 26, 2007 to allow greater flexibility when nonconforming conditions exist. This provision has been invoked dozens of times since it was passed to allow non-habitable construction (i.e. workshop, garages, pools, carports) to be built. This has been used where the proposal is found consistent with the General Plan, the proposal is compatible with the surrounding neighborhood in that the nonconforming conditions found on-site are consistent with the neighborhood pattern of development and the existing development on-site has no hazardous life/safety conditions.

Reasonable Accommodation For Persons With Disabilities Amendment – An amendment to the Nonconforming Ordinance and other provisions of the Zoning Code was approved June 24, 2013 to allow modification of any zoning regulation where the modification is necessary to allow improvements to an existing building or property in order to provide a reasonable accommodation to individuals with disabilities. This amendment also established relevant criteria to be used when considering such requests.

In recent history, California businesses have been threatened with Civil Rights lawsuits because their facilities are not compliant with ADA. Like so many California cities, Bellflower businesses have been the target of these typically construction-related Civil Rights lawsuits carrying with them settlement demands of \$5,000.00 to over \$35,000.00. The remedy for the business or property owner is to make the necessary improvements or modifications to be in compliance with ADA and/or Title 24 or face the potential legal action. More often than not, the changes required cannot be accommodated on the small lots or are in conflict with another requirement in the Building or Zoning Code. For instance, a commercial center gets a demand to comply with handicap accessible parking for

their site. In order to accommodate the requirement, the overall parking would be reduced causing the site to be out of compliance with the Zoning Code. Prior to 2013, the City did not have a mechanism to resolve the conflict with ADA and/or Title 24 requirement, the Zoning Code, and the conditions and limitations of the property.

Given an immediate crisis facing commercial properties in the City related to ADA compliance, the City initiated a study in 2012. This included study sessions and workshops at the February 12, 2012, April 12, 2012 and August 20, 2012 Planning Commission meetings to review the challenges facing property owners and the business community related to compliance with disabled access law as well as the nonconforming conditions citywide. The purpose of this study was to review options other agencies have used to respond to this issue, analyze what impacts and obstacles are presented by the current requirements and identify potential policies, procedures and Code changes necessary to provide reasonable solutions to the challenges facing Bellflower.

Most if not all of the commercial properties in the City of Bellflower were developed prior to the Americans Disabilities Act (ADA) and State Building Code requirements for providing access for persons with disabilities. Since the adoption of ADA there has been an understanding that some reasonable consideration should be given to allow nonconforming properties to comply with these new standards. The manner in which compliance has been triggered relates to the site or building being significantly altered or the property or business owners reasonable ability to do so.

The Zoning Ordinance Text Amendment provides an allowance for modifications to the Zoning Code for necessary improvements to an existing building or property to provide reasonable accommodations for individuals with disabilities. Specific provisions for reasonable accommodations exist for parking, setbacks, open yards and distance between main building encroachments. Finally the amendment allowed for staff review process of these applications to ensure the requests can be processed quickly, minimize the cost associated with the request and relieve the Planning Commission from reviewing too many applications. It is important to note that this solution was intended to be a short-term, emergency fix to allow property and business owners some relief while the City continued on its process to fully address nonconforming issues in the City.

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GLOSSARY

Because this is a complex project with many terms and acronyms, a list of common terms, definitions and explanations is provided below:

Abatement Period: Based on the standards in today's Zoning Code nearly 60-80 percent of the residential and commercial properties are existing, nonconforming in nature and subject to the abatement process. An abatement period is the time set by a City to require all buildings, uses, structures and lots that do not comply with the approved development standards to either come into compliance or be removed.

Amortization Period: This is the period of time and the process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the current Zoning ordinance at the end of a specified period of time (Abatement Period).

California State Law (Title 24): Title 24 contains a comprehensive set of standards covering all areas of accessibility for persons with physical and sensory disabilities.

CASp: CASp stands for Certified Access Specialist program. On January 1, 2009 Senate Bill 1608 became law and brought about a voluntary certification program by the State of California regarding construction related disability access issues. It is legislation protecting the disabled public and businesses alike. The bill encourages property owners and business owners to take proactive measures in becoming compliant with applicable state and federal requirements. It also clarifies and amends disability access laws to reduce the unwarranted "drive-by" lawsuits that have cost businesses and property owners millions of dollars.

Commercial Accessibility Requirements: Most if not all of the commercial properties in the City of Bellflower were developed prior to the Americans Disabilities Act (ADA) and State Building Code requirements for providing access for persons with disabilities. Since the adoption of ADA there has been an understanding that some reasonable consideration should be given to allow nonconforming properties to comply with these new standards. The manner in which compliance has been triggered relates to the site or building being significantly altered or the property or business owners reasonable ability to do so.

How disabled access laws apply to nonconforming accessible features of existing commercial buildings and properties can be a confusing issue. The confusion is well founded since the laws that apply are not always clear in their scope or intent. There are two main laws affecting the cities in California, and the City of Bellflower: Federal ADA and Title 24 of the California Code of Regulations.

Enforcing the Abatement Process: There are properties and conditions that are unsafe and unhealthy. It is important to recognize that there may not be remedies

through the Code, policies and procedures for all nonconforming conditions. To avoid emergencies or other consequences of these conditions abatement of nonconforming uses may require enforcement.

Existing Nonconforming: A condition or use that was valid when brought into existence, but new or additional regulation makes the use or condition no longer conforming. Thus, any use lawfully existing on any piece of property that is inconsistent with a new or amended general plan, and that in turn is a violation of a new Zoning ordinance amendment subsequently adopted in conformance with the general plan, will be a nonconforming use. Typically, nonconforming uses are permitted to continue for a designated period of time, subject to certain restrictions.

Continuing the abatement period and maintaining the properties as existing nonconforming results in the following:

- Inability for property owners to improve a portion of their property without addressing nonconforming conditions;
- Public frustration with the City development process without a solution to address concerns;
- Planning function that is reactive and enforcement focused rather than productive and solution oriented;
- Properties and buildings in disrepair and deteriorating with no mechanism or incentive from the City to improve; and
- Growing number of unsafe, unhealthy living conditions.

Federal Law (ADA): The key goals of the Americans with Disabilities Act (ADA) are to ensure that all people with disabilities have equality of opportunity, economic self-sufficiency, full participation in American life, and independent living. In 1990 Title III of the Americans with Disabilities Act (ADA) was passed to prohibit the exclusion of people with disabilities from everyday activities. The passing of this Act requires new construction and existing structures both public and private to ensure access and usability by people with disabilities. These requirements specifically address standards for entrances, aisles, bathrooms, service counters, and other features. The Act requires that obstacles to access and usability be removed if the remedy is "readily achievable," which means easily accomplished and able to be carried out without much difficulty or expense. Facilities constructed or altered after January 26, 1992, must comply with the ADA Standards for Accessible Design (ADA Standards).

General Plan: The general plan is the foundation for local land use planning. The plan provides a vision for the foreseeable planning horizon – usually 20 years. All other land use goals and policies flow from the general plan.

General Plan Amendment: A general plan amendment is a change to the land use designation of a particular parcel or area. It involves a modification of the general plan map to reflect a change in the land use designation of a particular parcel or parcels of land. An amendment may involve a change in the General Plan, which can either be a comprehensive revision or a focused text change in goals and policies.

Grandfathering: An exception to a restriction that allows all those already doing something to continue doing it, even if they would be stopped by the new restriction. So grandfathering is allowing an existing condition or use to continue legally when a new condition or use would not be allowed. When the existing condition ends or is interrupted, the grandfathering discontinues. Grandfathering is an interim or temporary fix and is not intended to be a long-term solution.

Illegal (Illegal Nonconforming): Conditions, structures, uses and standards that exist and were created without the benefit of the review and approval of the City's process and/or not in compliance with all applicable codes, policies and procedures of the City at the time of installation. The City's process includes permits, inspections and final approval if applicable. If something is illegal, it is not eligible for "grandfathering."

Minor Modification – The Director may provide administrative relief for certain development standards per the Zoning Code.

Legal (Legal Nonconforming): Conditions, structures, uses and standards that exist and were created with the benefit of the review and approval of the City's process and in compliance with all applicable codes, policies and procedures of the City at the time of installation. The City's process includes permits, inspections and final approval if applicable.

Phase I: In the nonconforming process the City of Bellflower has undertaken, this is a stopgap or "bandage" to temporarily bring some relief to the immediate issues related to nonconforming uses, structures and conditions. This process was anticipated to take up to one year. The first of a three-phased approach initiated by the City Council of the City of Bellflower to address nonconforming buildings, structures and uses and the abatement period related. Phase I of this process included:

1. Adoption a ZOTA to address ADA compliance for improvements on properties with nonconforming conditions.
2. Extending/postponing the abatement period to allow for the City to complete the review and remedy of the issues related to nonconforming uses and structures.
3. Adopting a ZOTA to address the thresholds for both commercial and residential properties that require property owners to be subject to the abatement period. These thresholds included the financial level of property improvements and the size or square footage of improvements.

Phase II: In the nonconforming process the City of Bellflower has undertaken this as a short-term and "simple" solution to review and consider modifications to various development standards that can result in common non-conformities (*i.e.*, setbacks). In addition this phase includes the review and consideration of an Alternative Development Standards process to allow existing conditions to be considered when addressing common nonconforming issues that cause friction (*i.e.*, driveway length, lot coverage, open space, parking, driveway width, etc.). This process is intended to be Citywide and is expected to take between 2 and 6 years.

Test Case: In the nonconforming process the City of Bellflower has undertaken, neighborhoods or small portions of a common zoning area have been identified as a review area. These neighborhoods represent a larger portion of the zone or City as a whole and have been identified as a means by which to review, analyze and formulate solutions prior to proposing options for the policy makers to review.

Zone Change: A zone change is a change to the application of zoning to a particular parcel or area. It involves a modification of the zoning map to reflect a change in the zoning designation of a particular parcel or parcels of land.

Zoning Ordinance Text Amendment: An amendment to make a change in the zoning ordinance. Zoning amendments can either be a comprehensive revision or a focused text change in zoning requirements.

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Summary Table of Survey Results for Phase 2 – Part 3

	# of Lots	Conforming Properties	Properties with at least one Nonconforming Condition	Less than Minimum Required Front Yard Setback	Less Than Minimum Required Driveway Width	Less than Minimum Required Usable Open Space	No Refuse Storage / Trash Facilities
Neighborhood 10							
Total	114	46	68	53	64	0	2
Percentage		40.35%	59.65%	46.49%	56.14%	N/A	1.75%
Neighborhood 12							
Total	478	212	266	76	86	18	32
Percentage		44.35%	55.65%	15.90%	17.99%	3.76%	6.69%
Neighborhood 13							
Total	396	138	258	96	61	26	36
Percentage		34.85%	65.15%	24.24%	15.40%	6.56%	9.09%
Neighborhood 14							
Total	13	0	13	2	3	4	2
Percentage		N/A	100%	15.38%	23.07%	30.77%	15.38%
Neighborhood B							
Total	466	197	269	36	97	4	6
Percentage		42.27%	57.73%	7.72%	20.81%	0.86%	1.29%
Summary							
Total	1,467	593	874	263	311	52	78
Percentage		40.42%	59.58%	17.92%	21.2%	3.54%	5.31%

“NEIGHBORHOOD 10” REPORT CARD

This Report Card evaluates the impact of the Zoning Ordinance Text Amendments (ZOTA's) approved by City Council on the lots within “Neighborhood 10.” Three ZOTA's from Part 1 of Phase 2 were approved on December 8, 2014 and applied to SF, A-E, and R-1 zoned properties. The ZOTA's from Part 2 of Phase 2 were approved on September 14, 2015 and applied to SF and R-1 zoned properties. Given that “Neighborhood 10” contains zero (0) lots zoned A-E, all prior ZOTA's only impact SF and R-1 zoned properties.

As discussed on pages 1 and 2 of this document, 67 SF zoned lots and 18 R-1 zoned lots were eligible for review. Therefore, a total of 85 lots were evaluated in this report card.

ZOTA's from Part 1 of Phase 2:

Side Street Facing Garage (former code required a 20-foot side yard setback; code now requires a 10-foot side yard setback)

Side street facing garages were identified on six (6) lots, of which three (3) conformed to former code (50%). Under current code, five (5) side street facing garages are in conformance (83.3%).

Carport Side Yard Setback (former code required a 5-foot side yard setback; code now allows for carports to encroach into the side yard setback)

Carports were identified on four (4) lots, of which zero (0) conformed to former code (0%). Under current code, all four (4) carports are in conformance (100%).

Alley Facing Garage (former code required a minimum 5-foot setback from an alley, code now requires that the setback for accessory buildings, garages, and carports that rear upon an alley shall be no less than twenty (20) feet from the opposite side of the alley and no less than fifteen (15) feet for single loaded alley)

Alley facing garages were identified on twenty four (24) lots, of which eight (8) conformed to former code (28.2%). Under current code, all twenty four (24) alley facing garages are in conformance (100%).

ZOTA's from Part 2 of Phase 2:

Interior Lot Side Yard Setback (former code required a 5-foot side yard setback; code now allows legally constructed, existing single family structures to remain inside the setback)

Interior lot side yard setbacks were identified on seventy seven (77) lots, of which nineteen (19) conformed to former code (24.7%). Under current code, all seventy seven (77) interior lot side yard setbacks are in conformance (100%).

Two Car Garage Requirement, Per Residence (former code required an enclosed, two-car parking area per unit, with a minimum interior dimension of 20-feet by 20-feet of clear, unobstructed floor space; code now allows legally constructed, existing single family homes to have garages with a minimum interior dimension of 18-feet by 18-feet of clear, unobstructed floor space)

Garages were identified on eighty five (85) lots, of which fifty three (53) conformed to former code (62.4%). Under current code, seventy five (75) lots with garages are in conformance (88.2%).

Driveway Width (former code required a minimum driveway width of 10 feet for properties with one residence; code now allows these owners of legally constructed, existing single family structures to apply for a modification to this standard, which must be approved by the Fire Department and the Planning Director)

Driveways for properties with one residence were identified on seventy six (76) lots, of which sixty eight (63) conformed to former width requirements (82.9%). As of October 1, 2015, zero applications for a driveway width modification have been received by the City. Therefore, the new ZOTA for driveway width has not yet impacted the percentage of conforming lots in "Neighborhood 10."

"Neighborhood 10" Review Complete: October 1, 2015

"Neighborhood 10" Review Presented to the Planning Commission: October 19, 2015

“NEIGHBORHOOD 12” REPORT CARD

This Report Card evaluates the impact of the Zoning Ordinance Text Amendments (ZOTA’s) approved by City Council on the lots within “Neighborhood 12.” Three ZOTA’s from Part 1 of Phase 2 were approved on December 8, 2014 and applied to SF, A-E, and R-1 zoned properties. The ZOTA’s from Part 2 of Phase 2 were approved on September 14, 2015 and applied to SF and R-1 zoned properties. Given that “Neighborhood 12” contains no lots zoned A-E or SF, all prior ZOTA’s would only impact R-1 zoned properties (and lots zoned R-2 or R-3, if they contain a single dwelling unit).

Impacts from prior ZOTA’s are not only limited to specific zoning designations, as some ZOTA’s apply only to certain lot types (corner lot, interior lot, etc.) and to properties with a single dwelling unit. *Table 2* below shows the number of eligible lots, by zoning designation, pertaining to each ZOTA in this report card. The impacts of each prior ZOTA on the existing inventory in “Neighborhood 12” are then summarized following *Table 2*.

Table 1 – Eligible Lots, by Zone, and by ZOTA				
ZOTA	Eligible Lots, by Zone			
	R-1	R-2 (single residence)	R-3 (single residence)	Total
Side Street Facing Garage ¹	30	0	0	30
Carport Side Yard Setback	400	1	0	401
Alley Facing Garage	400	1	0	401
Interior Lot Side Yard Setback ²	291	1	0	292
Two Car Garage Requirement ³	317	1	0	318
Driveway Width ³	317	1	0	318

(1) Applicable to Corner Lots only.

(2) Applicable to Interior Lots with a Single Residence only.

(3) Applicable to all lot types with a Single Residence only.

ZOTA’s from Part 1 of Phase 2:

Side Street Facing Garage (former code required a 20-foot side yard setback; code now requires a 10-foot side yard setback)

Side street facing garages were identified on 16 out of 30 eligible lots (53.3%), of which 15 conformed to former code (93.8%). Under current code, all 16 lots with side street facing garages are in conformance (100%).

Carport Side Yard Setback (former code required a 5-foot side yard setback; code now allows for carports to encroach into the side yard setback)

Carports were identified on 47 out of 401 eligible lots (11.7%), of which 11 conformed to former code (23.4%). Under current code, all 47 lots with carports are in conformance (100%).

Alley Facing Garage (former code required a minimum 5-foot setback from an alley, code now requires that the setback for accessory buildings, garages, and carports that rear upon an alley shall be no less than twenty (20) feet from the opposite side of the alley and no less than fifteen (15) feet for single loaded alley)

Due to the lack of alleys in “Neighborhood 12”, no alley-facing garages were identified. This ZOTA has no impact on the 401 eligible lots.

ZOTA’s from Part 2 of Phase 2:

Interior Lot Side Yard Setback (former code required a 5-foot side yard setback; code now allows legally constructed, existing single family structures to remain inside the setback)

Interior lot side yard setbacks were identified on 283 out of 292 eligible lots (96.9%), of which 176 conformed to former code (62.2%). Under current code, all 283 lots with interior lot side yard setbacks are in conformance (100%).

Two Car Garage Requirement, Per Residence (former code required an enclosed, two-car parking area per unit, with a minimum interior dimension of 20-feet by 20-feet of clear, unobstructed floor space; code now allows legally constructed, existing single family homes to have garages with a minimum interior dimension of 18-feet by 18-feet of clear, unobstructed floor space)

Garages were identified on 309 out of 318 eligible lots (97.2%), of which 169 conformed to former code (54.7%). Under current code, 250 lots with garages are in conformance (80.9%).

Driveway Width (former code required a minimum driveway width of 10 feet for properties with one residence; code now allows these owners of legally constructed, existing single family structures to apply for a modification to this standard, which must be approved by the Fire Department and the Planning Director)

Driveways were identified on 309 out of 318 eligible lots (97.2%), of which 232 conformed to former width requirements (75.1%). Under current code, the 77 lots with nonconforming driveway widths may be deemed conforming, assuming a width modification application is received—and approved—by the City. For purposes of this report card, it assumed that all 309 driveways (100%) are now in conformance.

“Neighborhood 12” Review Complete: February 11, 2016
“Neighborhood 12” Review Presented to the Planning Commission: March 7, 2016

“NEIGHBORHOOD 13” REPORT CARD

This Report Card evaluates the impact of the Zoning Ordinance Text Amendments (ZOTA’s) approved by City Council on the lots within “Neighborhood 13.” Three ZOTA’s from Part 1 of Phase 2 were approved on December 8, 2014 and applied to SF, A-E, and R-1 zoned properties. The ZOTA’s from Part 2 of Phase 2 were approved on September 14, 2015 and applied to SF and R-1 zoned properties. Given that “Neighborhood 13” contains zero (0) lots zoned A-E or SF, all prior ZOTA’s may only impact R-1 zoned properties (and lots zoned R-2 or R-3, if they contain a single dwelling unit).

Impacts from prior ZOTA’s are not only limited to specific zoning designations, as some ZOTA’s apply only to certain lot types (corner lot, interior lot, etc.) and to properties with a single dwelling unit. *Table 2* below shows the number of eligible lots, by zoning designation, pertaining to each ZOTA in this report card. The impacts of each prior ZOTA on the existing inventory in “Neighborhood 13” are then summarized following *Table 2*.

ZOTA	Eligible Lots, by Zone			
	R-1	R-2 (single residence)	R-3 (single residence)	Total
Side Street Facing Garage ¹	23	2	1	26
Carport Side Yard Setback	336	9	1	346
Alley Facing Garage	336	9	1	346
Interior Lot Side Yard Setback ²	262	7	1	270
Two Car Garage Requirement ³	292	9	1	302
Driveway Width ³	292	9	1	302

Table 2 - Eligible Lots, by Zone, and by ZOTA

(1) *Applicable to Corner Lots only.*

(2) *Applicable to Interior Lots with a Single Residence only.*

(3) *Applicable to all lot types with a Single Residence only.*

ZOTA’s from Part 1 of Phase 2:

Side Street Facing Garage (former code required a 20-foot side yard setback; code now requires a 10-foot side yard setback)

Side street facing garages were identified on 18 out of 26 eligible lots (69.2%), of which 10 conformed to former code (38.5%). Under current code, 17 lots with side street facing garages are in conformance (65.4%).

Carport Side Yard Setback (former code required a 5-foot side yard setback; code now allows for carports to encroach into the side yard setback)

Carports were identified on 57 out of 346 eligible lots (16.8%), of which 20 conformed to former code (5.9%). Under current code, all 57 lots with carports are in conformance (16.8%).

Alley Facing Garage (former code required a minimum 5-foot setback from an alley, code now requires that the setback for accessory buildings, garages, and carports that rear upon an alley shall be no less than twenty (20) feet from the opposite side of the alley and no less than fifteen (15) feet for single loaded alley)

Alley facing garages were identified on seven (7) out of 346 eligible lots (2.1%), of which six (6) conformed to former code (1.8%). Under current code, seven (7) lots with alley facing garages are in conformance (2.1%).

ZOTA's from Part 2 of Phase 2:

Interior Lot Side Yard Setback (former code required a 5-foot side yard setback; code now allows legally constructed, existing single family structures to remain inside the setback)

Interior lot side yard setbacks were identified on 258 out of 270 eligible lots (98.1%), of which 100 conformed to former code (38.0%). Under current code, all 258 lots with interior lot side yard setbacks are in conformance (98.1%).

Two Car Garage Requirement, Per Residence (former code required an enclosed, two-car parking area per unit, with a minimum interior dimension of 20-feet by 20-feet of clear, unobstructed floor space; code now allows legally constructed, existing single family homes to have garages with a minimum interior dimension of 18-feet by 18-feet of clear, unobstructed floor space)

Garages were identified on 290 out of 302 eligible lots (98.3%), of which 127 conformed to former code (43.1%). Under current code, 225 lots with garages are in conformance (76.3%).

Driveway Width (former code required a minimum driveway width of 10 feet for properties with one residence; code now allows these owners of legally constructed, existing single family structures to apply for a modification to this standard, which must be approved by the Fire Department and the Planning Director)

Driveways were identified on 290 out of 302 eligible lots (98.3%), of which 223 conformed to former width requirements (75.6%). Under current code, the 67 lots with nonconforming driveway widths may be deemed conforming, assuming a width modification application is received—and approved—by the City. For purposes of this report card, it assumed that all 290 driveways are in conformance (98.3) under current code.

“Neighborhood 13” Review Complete: December 7, 2015

“Neighborhood 13” Review Presented to the Planning Commission: December 21, 2015

"NEIGHBORHOOD 14" REPORT CARD

Prior Zoning Ordinance Text Amendments (including amendments in the pipeline at the time this document was prepared) **do not impact** Neighborhood 14. The approved and pending amendments applied only to parcels zoned A-E, S-F, or R-1. Neighborhood 14 does not contain any lots zoned A-E, S-F, or R-1, nor does it contain any R-2 or R-3 zoned lots developed with a single-family use.

"Neighborhood 14" Review Complete: September 1, 2015

"Neighborhood 14" Review Presented to the Planning Commission: September 21, 2015

“NEIGHBORHOOD B” REPORT CARD

This Report Card evaluates the impact of the Zoning Ordinance Text Amendments (ZOTA's) approved by City Council on the lots within “Neighborhood B.” ZOTA's from Part 1 of Phase 2 were approved on December 8, 2014 and applied to SF, A-E, and R-1 zoned properties. The ZOTA's from Part 2 of Phase 2 were approved on September 14, 2015 and applied to SF, and R-1 zoned properties. Given that “Neighborhood B” contains no lots zoned AE, all prior ZOTA's would only impact R-1 and SF zoned properties (and lots zoned R-2 or R-3, if they contain a single dwelling unit).

Impacts from prior ZOTA's are not only limited to specific zoning designations, as some ZOTA's apply only to certain lot types (corner lot, interior lot, etc.) and to properties with a single dwelling unit. *Table 2* below shows the number of eligible lots, by zoning designation, pertaining to each ZOTA in this report card. The impacts of each prior ZOTA on the existing inventory in “Neighborhood B” are then summarized following *Table 2*.

Table 3 –
Eligible Lots, by Zone, and by ZOTA

ZOTA	Eligible Lots, by Zone		
	R-1	SF	Total
Side Street Facing Garage ¹	13	32	45
Carport Side Yard Setback	175	277	452
Alley Facing Garage	175	277	452
Interior Lot Side Yard Setback ²	130	243	373
Two Car Garage Requirement ³	143	275	418
Driveway Width ³	143	275	418

- (1) *Applicable to Corner Lots only.*
- (2) *Applicable to Interior Lots with a Single Residence only.*
- (3) *Applicable to all lot types with a Single Residence only.*

ZOTA's from Part 1 of Phase 2:

Side Street Facing Garage (former code required a 20-foot side yard setback; code now requires a 10-foot side yard setback)

Side street facing garages were identified on 34 out of 45 eligible lots (75.6%). Eleven lots (32.4%) conformed to former code. Under current code, 32 lots (94.1%) with side street facing garages are in conformance.

Carport Side Yard Setback (former code required a 5-foot side yard setback; code now allows for carports to encroach into the side yard setback)

Carports were identified on 65 lots (14.4%) out of 452 eligible lots, of which six lots (9.2%) conformed to former code. Under current code, 64 lots (98.5%) with carports are in conformance.

Alley Facing Garage (former code required a minimum 5-foot setback from an alley, code now requires that the setback for accessory buildings, garages, and carports that rear upon an alley shall be no less than twenty feet from the opposite side of the alley and no less than fifteen feet for single loaded alley)

Alley facing garages in "Neighborhood B" were identified on 45 lots (10%) out of 452 eligible lots, of which 29 lots (64%) conformed to former code. Under current code, all 45 lots (100%) with alley-facing garages are in conformance.

ZOTA's from Part 2 of Phase 2:

Interior Lot Side Yard Setback (former code required a 5-foot side yard setback; code now allows legally constructed, existing single family structures to remain inside the setback)

Interior lot side-yard setbacks were identified on 372 lots (99.7%) out of 373 eligible lots, of which 129 lots (34.7%) conformed to former code. Under current code, all 372 lots (100%) with interior side-yard setbacks are in conformance.

Two Car Garage Requirement, Per Residence (former code required an enclosed, two-car parking area per unit, with a minimum interior dimension of 20-feet by 20-feet of clear, unobstructed floor space; code now allows legally constructed, existing single family homes to have garages with a minimum interior dimension of 18-feet by 18-feet of clear, unobstructed floor space)

Two-car garage requirement was identified on 417 lots (99.8%) out of 418 lots, of which 234 lots (56.1%) conformed to former code. Under current code, 316 lots (75.6%) with a two-car garage requirement are in conformance.

Driveway Width (former code required a minimum driveway width of 10 feet for properties with one residence; code now allows these owners of legally constructed, existing single family structures to apply for a modification to this standard, which must be approved by the Fire Department and the Planning Director)

The driveway width requirement was identified on 417 lots (99.8%) out of 418 lots, of which 345 lots (82.7%) conformed to the former code. Under the current code, 415 lots (99.5%) with a driveway width requirement are in conformance.

"Neighborhood B" Review Complete: May 4, 2016
"Neighborhood B" Review Presented to the Planning Commission: May 16, 2016

65852.25. (a) No local agency shall enact or enforce any ordinance, regulation, or resolution that would prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy.

(b) Notwithstanding subdivision (a), a local agency may prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy, if the local agency determines that:

(1) The reconstruction, restoration, or rebuilding will be detrimental or injurious to the health, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.

(2) The existing nonconforming use of the building or structure would be more appropriately moved to a zone in which the use is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted.

(c) The dwelling may be reconstructed, restored, or rebuilt up to its predamaged size and number of dwelling units, and its nonconforming use, if any, may be resumed.

(d) Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to all of the following:

(1) The California Building Standards Code as that code was in effect at the time of reconstruction, restoration, or rebuilding.

(2) Any more restrictive local building standards authorized pursuant to Sections 13869.7, 17958.7, and 18941.5 of the Health and Safety Code, as those standards were in effect at the time of reconstruction, restoration, or rebuilding.

(3) The State Historical Building Code (Part 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures.

(4) Local zoning ordinances, so long as the predamage size and number of dwelling units are maintained.

(5) Architectural regulations and standards, so long as the predamage size and number of dwelling units are maintained.

(6) A building permit which shall be obtained within two years after the date of the damage or destruction.

(e) A local agency may enact or enforce an ordinance, regulation, or resolution that grants greater or more permissive rights to restore, reconstruct, or rebuild a multifamily dwelling.

(f) Notwithstanding subdivision (a), a local agency may prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or by the public enemy, if the building is located in an industrial zone.

(g) For purposes of this section, "multifamily dwelling" is defined as any structure designed for human habitation that is divided into two or more independent living quarters.

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[Title 17 ZONING](#)

[Chapter 17.16 SF SINGLE FAMILY ZONE](#)

17.16.070 Front Yard.

A. Every lot shall have a front yard of not less than twenty (20) feet from the front line, and no building or structure or garage door or the enlargement thereof, shall hereafter be erected unless the required front yard is provided.

B. Driveways, walkways or other areas available for parking shall not exceed forty percent (40%) of the required front yard area. (Prior code § 19-4.4(b))

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[Title 17 ZONING](#)[Chapter 17.16 SF SINGLE FAMILY ZONE](#)**17.16.120 Driveways.**

- A. A minimum ten (10) foot-wide driveway is required. Properties with one (1) single-family residence shall provide a minimum ten (10) foot-wide driveway; provided that an owner of a single-family home legally constructed may apply for a modification to this standard. That modification must be reviewed and approved by both the Fire Department and the Director of Planning.
- B. The minimum required back-out space shall be in compliance with the "Parking Standards" diagram shown under Section [17.88.020](#).
- C. If a portion of the required driveway width is also used as a back-out space and the minimum required back-out space is greater than the minimum required driveway width, the minimum required back-out space requirement shall apply for the portion of the driveway used as back-out space. (Prior code § 19-4.4(g); Ord. 1179 § 1 (Exh. A), 5/26/09; Ord. 1298 § 3, 9/28/15)
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17.24.070 Front Yards.

- A. Every lot shall have a front yard of not less than twenty (20) feet from the front line, and no building or structure or garage door or the enlargement thereof shall be erected unless the required front yard is provided.
- B. Driveways, walkways or other areas available for parking shall not exceed forty (40) percent of the required front yard area. (Prior code § 19-5.4(b))
-

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[Title 17 ZONING](#)[Chapter 17.24 R-1 LOW DENSITY RESIDENTIAL ZONE](#)**17.24.120 Driveways.**

- A. A minimum ten (10) foot-wide driveway is required. Properties with one (1) single-family residence shall provide a minimum ten (10) foot-wide driveway; provided that an owner of a single-family home legally constructed, may apply for a modification to this standard. That modification must be reviewed and approved by both the Fire Department and the Director of Planning.
- B. Properties with two (2) or more residential units shall provide:
1. Minimum twelve (12) foot wide driveway, if wall exposures are less than one hundred fifty (150) lineal feet from a street;
 2. Minimum twenty (20) foot wide driveway, if wall exposures are less than three hundred (300) lineal feet from a street for ten (10) or fewer units. Minimum twenty (20) foot wide driveway maybe reduced to fifteen (15) feet if:
 - a. Sufficient fire flow exists;
 - b. Units more than one hundred fifty (150) feet from the street are equipped with a domestic sprinkler system(s);
 - c. Encroachment into the fifteen (15) foot access requirement is only allowed if an existing front structure protrudes into the fifteen (15) foot access and cannot be reasonably moved or remodeled. However, in no case shall the encroachment reduce access to less than twelve (12) feet wide.
 3. Minimum twenty-six (26) foot wide driveway with turnaround, if exposures are equal to or greater than three hundred (300) lineal feet from a street or more than ten (10) units.
- C. The minimum required back-out space shall be in compliance with the "Parking Standards" diagram shown under [Section 17.88.020](#).
- D. If a portion of the required driveway width is also used as a back-out space and the minimum required back-out space is greater than the minimum required driveway width, the minimum required back-out space requirement shall apply for the portion of the driveway used as back-out space. (Prior code § 19-5.4(g); Ord. 1150 § 1 (Exh. 3), 11/26/07; Ord. 1179 § 1 (Exh. D), 5/26/09; Ord. 1298 § 4, 9/28/15)

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Title 17 ZONING

Chapter 17.28 R-2 MEDIUM DENSITY RESIDENTIAL ZONE

17.28.080 Yards.

A. Front Yard. There shall be a front yard setback as determined by the following table and formula:

Number of Stories	Building Wall Length							
	20	40	60	80	100	120	140	160
1	20	22	24	26	28	30	32	34
2	22	24	26	28	30	32	34	36

Based on the formula:

$$\frac{16 \text{ feet} + 2 \text{ feet (number of stories)} + 1 \text{ foot building wall (length)}}{10}$$

“Building wall” shall be defined as the exterior building wall(s) parallel to the subject yard.

B. Averaged Yards. When an entire block face is to be developed as a unit, the front yard setback shall be varied such that the average is equal to that determined by the yard formula shown above, providing that no portion of the front yard setback is less than fifteen (15) feet.

C. Side Yards. The side yard for residential buildings shall be determined by the following standards. This method creates a yard area based upon the building wall type.

1. Wall Type Definitions.

- Living Area Walls. Such a wall contains the principal windows of a habitable room, such as living rooms, family rooms, dining rooms and the like.
- Bedroom Walls. This is a wall that contains the principal windows of bedrooms.
- Secondary Walls. This type of wall contains the windows of kitchens or bathrooms as well as those walls that have no windows.

2. Yard Dimensions. The minimum side yard shall be as follows:

- Living area walls and bedroom walls: Eight (8) feet.
- Secondary walls: Five (5) feet.

D. Corner Lots or Reverse Corner Lots. The side yard fronting a street shall be determined from the following tables and formula:

Number of Stories	Building Wall Length						
	20	40	60	80	100	120	140
1	10	12	14	16	18	20	22

2

12

14

16

18

20

22

24

Based on the formula:

$$\frac{6 \text{ feet} + 2 \text{ feet (number of stories)} + 1 \text{ foot building wall (length)}}{10}$$

E. Rear Yards.

1. Interior lots shall have a rear yard for residential buildings and structures determined pursuant to the method set forth in Subsection (C) of this section.
2. Through lots shall have a rear yard for residential buildings and structures of twenty (20) feet or as determined pursuant to the method set forth in Subsection (A) of this section, whichever is greater.

(Prior code § 19-6.4(d))

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[Title 17 ZONING](#)[Chapter 17.28 R-2 MEDIUM DENSITY RESIDENTIAL ZONE](#)**17.28.110 Usable Open Space.**

- A. Usable open space shall be provided in two (2) forms: private and group open space. Usable open space that consists of water-efficient landscaping shall comply with the following:
1. Water-efficient landscape designs shall consist of low-water-use plants;
 2. Decorative hardscape such as pavers, rocks, stone, brick, etc., may be used in the landscape design as an accent only. In no case shall the landscape design use a majority of decorative hardscape;
 3. Water-efficient landscaping shall be provided with a permanent irrigation system adequate to meet the water needs of all landscape material. Irrigation systems shall be designed to minimize maintenance and water consumption; and
 4. Site plan approval for water-efficient landscaping is required to ensure compliance with this subsection. An application, accompanied by plans, supporting information, and an application fee as established by City Council resolution must first be submitted to the Planning Department. The required content of the application, supporting information, and the plans shall be as determined by the Director of Planning.
- B. 1. Private Open Space. All of the units shall have an appurtenant private patio, deck or balcony, atrium or solarium with a minimum area of one hundred fifty (150) square feet, with a minimum dimension of eight (8) feet. The space shall be designed for the sole enjoyment of the unit owner and his/her guest, and shall have one (1) or more weatherproof electrical convenience outlets. In addition, a detached single-family dwelling project shall provide private yard areas for each of the dwelling units.
2. Private Yard Areas. The private yard area required for developments of ten (10) dwelling units or less shall be twenty percent (20%) of the lot area and shall be designated as private open space and allocated to each individual unit. The required front yard setback shall be included in the twenty percent (20%) lot area calculations, but private yard area shall not be placed in the front yard setback. All required front-yard and street-facing side-yard setbacks, excluding driveways and walkways, shall be landscaped and maintained.
- C. Group Open Space.
1. Group open space for ten (10) dwelling units or less is not required.
 2. For developments of eleven (11) or more dwelling units, "group open space" shall be defined as usable open space on the site which is available to all occupants of the development to be used by all residents. This open space shall be generally distributed throughout the development and must be reasonably accessible to all the dwelling units, except within the front yard setback, which shall not be counted toward the group open space requirement.
 - a. Area. The area required will be based upon the number of bedrooms per unit as follows:
 - (1) Bachelor unit (no bedrooms): three hundred (300) square feet per unit.
 - (2) One (1) bedroom unit: four hundred (400) square feet per unit.
 - (3) Two (2) bedroom unit: five hundred fifty (550) square feet per unit.
 - (4) Three (3) bedroom unit: seven hundred (700) square feet per unit.
 - (5) Larger units: one hundred (100) square feet per unit.
 - b. For developments of eleven (11) dwelling units or more a maximum of seventy-five percent (75%) of the total required group open space may be allocated as additional private open space purposes upon approval of the Development Review Board.

c. Landscaping. A minimum of fifty percent (50%) of the group open space shall be appropriately landscaped with natural plant material. One-half (1/2) of this amount shall be lawn or turf. The remainder of this space shall be planted in groundcover, trees, shrubs, and the entire area provided with a permanent irrigation system. Such landscaping shall include a minimum of one (1) tree, a minimum size of forty-eight (48) inch box pursuant to the standard of the trade for such variety used, for every dwelling unit.

d. Recreation Facilities. A maximum of forty percent (40%) of the group open space may be in paved surface including a swimming pool, walks, patios, terraces, courts, and fountains. Recreation buildings or other communal buildings may cover not more than ten percent (10%) of this area.

D. Pilot Program. Notwithstanding the landscaping requirements for natural plant materials, the City Council hereby declares, for informational gathering only, one (1) or more pilot programs to allow landscaping to consist of artificial turf may be approved by the Director of Planning; provided, that the Director shall first establish criteria and installation and maintenance standards for the artificial turf pilot program. If at any time in the future the City Council determines artificial turf will not be allowed in the City, including as a pilot program, then, within ten (10) years after notice from the City, any artificial turf approved as a pilot program shall be removed and replaced with natural plant materials by the owner of the property upon which the artificial turf was installed. Artificial turf may also be installed in the immediately adjacent parkway. (Prior code § 19-6.4(g); Ord. 1281 § 8, 9/8/14)

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17.28.120 Driveways.

Concrete driveways shall be provided with:

- A. Minimum twelve (12) foot wide, if wall exposures are less than one hundred fifty (150) lineal feet from a street;
- B. Minimum twenty (20) foot wide, if wall exposures are less than three hundred (300) lineal feet from a street for ten (10) or fewer units;
- C. Minimum twenty-six (26) foot wide with turnaround, if exposures are equal to or greater than three hundred (300) lineal feet from a street or more than ten (10) units;
- D. The minimum required back-out space shall be in compliance with the "Parking Standards" diagram shown under Section 17.88.020; and
- E. If a portion of the required driveway width is also used as a back-out space and the minimum required back-out space is greater than the minimum required driveway width, the minimum required back-out space requirement shall apply for the portion of the driveway used as back-out space. (Prior code § 19-6.4(h); Ord. 1150 § 1 (Exh. 4), 11/26/07; Ord. 1179 § 1 (Exh. C), 5/26/09)

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17.28.160 Refuse Storage.

A refuse storage area, completely enclosed within a six (6) foot high decorative wall (split face concrete block, or equivalent) with solid metal gates, large enough to accommodate standard sized commercial trash bins, shall be located on the property in such a manner as to be accessible to refuse collection vehicles for all properties with multiple residential units, residential planned development or planned development overlays. Wall and gate materials, textures, colors, and design shall be architecturally compatible with the surrounding buildings. All trash enclosures shall be securely designed to prevent access to anyone other than the authorized users and the refuse service company. (Prior code § 19-6.4(l))

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Title 17 ZONING
Chapter 17.32 R-3 MULTIPLE RESIDENTIAL ZONE

17.32.080 Yards.

A. Front Yard. There shall be a front yard setback as determined by the following table and formula:

Number of Stories	Building Wall Length			
	20	60	100	140
1	9	11	13	15
2	11	13	15	17

Note: Setbacks for building wall lengths not specified within the table are determined based on the formula:

$$6 \text{ feet} + 2 \text{ feet (number of stories)} + \frac{1 \text{ foot building wall (length)}}{20}$$

“Building wall” shall be defined as the exterior building wall(s) parallel to the subject yard.

B. Averaged Yards. When an entire block face is to be developed as a unit, the front yard setback shall be varied such that the average is equal to that determined by the yard formula shown above, provided that no portion of the front yard setback is less than eight (8) feet.

C. Side Yards. The side yard for residential buildings shall be determined by the following standards. This method creates a yard area based upon the building wall type.

1. Wall Type Definitions.
 - a. Living Area Walls. Such a wall contains the principal windows of a habitable room, such as living rooms, family rooms, dining rooms and the like.
 - b. Bedroom Walls. This is a wall that contains the principal windows of bedrooms.
 - c. Secondary Walls. This type of wall contains the windows of kitchens or bathrooms as well as those that have no windows.
2. Yard Dimensions. The minimum side yard shall be as follows:
 - a. Living area walls and bedroom walls: Eight (8) feet.
 - b. Secondary walls: Five (5) feet.

D. Corner Lots or Reverse Corner Lots. The side yard fronting a street shall be determined from the following tables and formula:

Number of Stories	Building Wall Length						
	20	40	60	80	100	120	140
1	7	8	9	10	11	12	13
2	9	10	11	12	13	14	15

Note: Setbacks for building wall lengths not specified within the table are determined based on the formula:

$$\frac{4 \text{ feet} + 2 \text{ feet (number of stories)} + 1 \text{ foot building wall (length)}}{20}$$

E. Rear Yards.

1. Interior lots shall have a rear yard for residential buildings and structures determined pursuant to the method set forth in Subsection (A) of this section.
2. Through lots shall have a rear yard for residential buildings and structures of twenty (20) feet or as determined pursuant to the method set forth in Subsection (A) of this section, whichever is greater.

(Prior code § 19-7.4(d); Ord. 1179 § 1 (Exh. E), 5/26/09; Ord. 1217 §§ 6—8, 9/26/11)

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Title 17 ZONINGChapter 17.32 R-3 MULTIPLE RESIDENTIAL ZONE**17.32.110 Usable Open Space.**

- A. Usable open space shall be provided in two (2) forms: private and group open space. Usable open space that consists of water-efficient landscaping shall comply with the following:
1. Water-efficient landscape designs shall consist of low-water-use plants;
 2. Decorative hardscape such as pavers, rocks, stone, brick, etc., may be used in the landscape design as an accent only. In no case shall the landscape design use a majority of decorative hardscape;
 3. Water-efficient landscaping shall be provided with a permanent irrigation system adequate to meet the water needs of all landscape material. Irrigation systems shall be designed to minimize maintenance and water consumption; and
 4. Site plan approval for water-efficient landscaping is required to ensure compliance with this subsection. An application, accompanied by plans, supporting information, and an application fee as established by City Council resolution must first be submitted to the Planning Department. The required content of the application, supporting information, and the plans shall be as determined by the Director of Planning.
- B. 1. Private Open Space. All of the units shall have an appurtenant private patio, deck or balcony, atrium or solarium with a minimum area of one hundred fifty (150) square feet, with a minimum dimension of eight (8) feet. In addition, a detached, single-family dwelling project shall provide private yard areas for each of the dwelling units.
2. Private Yard Areas. The private yard area required for developments of ten (10) dwelling units or less shall be twenty percent (20%) of the lot area and shall be designated as private open space and allocated to each individual unit. The required front yard setback shall be included in the twenty percent (20%) lot area calculations, but private yard area shall not be placed in the front yard setback. All required front-yard and street-facing side-yard setbacks, excluding driveways and walkways, shall be landscaped and maintained.
- C. Group Open Space.
1. Group open space for ten (10) dwelling units or less is not required.
 2. For developments of eleven (11) or more dwelling units, group open space shall be defined as usable open space on the site which is available to all occupants of the development to be used by all residents. This open space shall be generally distributed throughout the development and must be reasonably accessible to all the dwelling units, except the front yard setback, which shall not be counted toward the group open space requirement.
 - a. Area. A minimum of twenty-five percent (25%) of the total land area shall be in group open space. For developments of eleven (11) dwelling units or more a maximum of seventy-five percent (75%) of the total required group open space may be allocated as additional private open space purposes upon approval of the Development Review Board.
 - b. Landscaping. A minimum of fifty percent (50%) of the group open space shall be appropriately landscaped with natural plant material. One-half (1/2) of this amount shall be lawn or turf. The remainder of this space shall be planted in ground cover, trees, shrubs, and in the entire area provided with a permanent irrigation system. Such landscaping shall include a minimum of one (1) tree, a minimum size of forty-eight (48) inch box pursuant to the standard of the trade for such variety used, for every dwelling unit.
 - c. Recreation Facilities. A maximum of forty percent (40%) of the group open space may be in paved surface including a swimming pool, walks, patios, terraces, courts, and fountains.

Recreation buildings or other communal buildings may cover not more than ten percent (10%) of this area.

D. Pilot Program. Notwithstanding the landscaping requirements for natural plant materials, the City Council hereby declares, for informational gathering only, one (1) or more pilot programs to allow landscaping to consist of artificial turf may be approved by the Director of Planning; provided, that the Director shall first establish criteria and installation and maintenance standards for the artificial turf pilot program. If at any time in the future the City Council determines artificial turf will not be allowed in the City, including as a pilot program, then, within ten (10) years after notice from the City, any artificial turf approved as a pilot program shall be removed and replaced with natural plant materials by the owner of the property upon which the artificial turf was installed. Artificial turf may also be installed in the immediately adjacent parkway. (Prior code § 19-7.4(g); Ord. 1176 § 1, 4/13/09; Ord. 1281 § 9, 9/8/14)

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[Title 17 ZONING](#)[Chapter 17.32 R-3 MULTIPLE RESIDENTIAL ZONE](#)**17.32.120 Driveways.**

Concrete driveways shall be provided with:

- A. Minimum twelve (12) foot wide, if wall exposures are less than one hundred fifty (150) lineal feet from a street;
- B. Minimum twenty (20) foot wide, if wall exposures are less than three hundred (300) lineal feet from a street for ten (10) or fewer units;
- C. Minimum twenty-six (26) foot wide with turnaround, if exposures are equal to or greater than three hundred (300) lineal feet from a street or more than ten (10) units;
- D. The minimum required back-out space shall be in compliance with the "Parking Standards" diagram shown under Section 17.88.020; and
- E. If a portion of the required driveway width is also used as a back-out space and the minimum required back-out space is greater than the minimum required driveway width, the minimum required back-out space requirement shall apply for the portion of the driveway used as back-out space. (Prior code § 19-7.4(h); Ord. 1150 § 1 (Exh. 5), 11/26/07; Ord.1179 § 1 (Exh. E), 5/26/09)

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17.32.160 Refuse Storage.

A refuse storage area, completely enclosed within a six (6) foot high decorative wall (split face concrete block, or equivalent) with solid metal gates, large enough to accommodate standard sized commercial trash bins, shall be located on the property in such a manner as to be accessible to refuse collection vehicles for all properties with multiple residential units, residential planned development or planned development overlays. Wall and gate materials, textures, colors, and design shall be architecturally compatible with the surrounding buildings. All trash enclosures shall be securely designed to prevent access to anyone other than the authorized users and the refuse service company. (Prior code § 19-7.4(I))

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Chapter 17.42 REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

17.42.010 Intent and Purpose.

The intent and purpose of this chapter is to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests. (Ord. 1253 § 3, 10/14/13)

17.42.020 Applicability.

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one (1) or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are defined as disabled under the Acts. (Ord. 1253 § 3, 10/14/13)

17.42.030 Application Requirements.

A. Requests for reasonable accommodation, in a form approved by the Planning Department, together with the appropriate fee, as established by resolution adopted by the City Council, and other required information, shall be filed with the Planning Division. The applicant is requested to provide the following information:

1. Name and address of the applicant;
2. Name and address of the property owner(s);
3. Address of the property for which accommodation is requested;
4. The current use of the property for which accommodation is requested;
5. Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;
6. The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;
7. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
8. How the property will be used by the applicant and individual(s) with disabilities.

B. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval under this title (including, but not limited to, a conditional use permit, design review, variance, General Plan amendment or zone change), then the application shall be submitted and reviewed at the same time as the related applications. (Ord. 1253 § 3, 10/14/13)

17.42.040 Approval Process.

A. Approval Authority.

1. Administrative Review. The Director of Planning, or designee, has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Director of Planning, or designee, may refer the matter to the Planning Commission, as appropriate.

2. Planning Commission Review. The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Director of Planning or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.

B. Notice. No advance notice or public hearing is required for consideration of reasonable accommodation requests by the Director of Planning. Requests for reasonable accommodation subject to review by the Planning Commission shall require advance notice and a public hearing pursuant to the requirements of Chapter 17.108 of the Bellflower Municipal Code.

C. Decision.

1. The Director of Planning, or designee, shall render a decision or refer the matter to the Planning Commission within thirty (30) days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 17.42.050. The decision shall be in writing and mailed to the applicant and to all residents and property owners within three hundred (300) feet of the project site.

2. If the application for reasonable accommodation involves another discretionary decision, then the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Director of Planning or an appointed designee, unless the reasonable accommodation request has been referred by the Director of Planning or an appointed designee to the Planning Commission for consideration.

3. If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, then a decision to approve, approve with conditions, or deny the application shall be rendered within twenty (20) City-working days after the close of the public hearing, based on the findings set forth in Section 17.42.050.

(Ord. 1253 § 3, 10/14/13)

17.42.050 Findings and Decision.

A. Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:

1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including, but not limited to, land use and zoning.
5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.
6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.

B. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) of this section. (Ord. 1253 § 3, 10/14/13)

17.42.060 Appeal Determination.

Any decision on an application under this chapter shall be subject to appeal pursuant to Chapter 17.112 of this Code. (Ord. 1253 § 3, 10/14/13)

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[Title 17 ZONING](#)[Chapter 17.44 C-G GENERAL COMMERCIAL ZONE](#)**17.44.120 Required Yards.**

In the General Commercial (C-G) Zone, every lot or parcel shall have setbacks or yards as follows:

- A. Front Yards—Interior Lots. Interior lots shall have a front yard setback of not less than ten (10) feet from the front property line or ultimate right-of-way, whichever is greater, and no building nor structure, nor the enlargement thereof, shall hereafter be erected unless the required front yard setback is provided, and through lots shall maintain the required front yard setback on both abutting streets.
- B. Front Yards—Corner Lots. Corner lots, reversed corner lots, and properties fronting more than one street shall provide setbacks per separate street frontage as required by Subsection (A) of this section, including minimum setback from ultimate right-of-way.
- C. Side and Rear Yard. No setback is required. Any structure to be constructed within three (3) feet of a side or rear property line shall be constructed of concrete block, concrete tilt up or equivalent material. Permanent wall, color, texture, and/or relief shall be cast into concrete and shall not be painted. (Prior code § 19-10.4(a)(8))

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17.44.130 Trash Facilities.

Each such lot shall be provided with facilities for the storage and collection of trash as follows:

- A. The trash area shall be enclosed by a five (5) foot high solid masonry, brick or concrete wall except for access way which shall be enclosed with solid decorative gates of the same height.
- B. Location and size shall be subject to approval by the planner.
- C. Adequate vehicular access to and from such trash area shall be provided.

- D. Trash area enclosures shall be maintained in a closed manner at all times to prohibit unauthorized access and to prevent visibility from public rights-of-way or adjacent property. Trash area enclosures shall incorporate an architecturally consistent trellis cover. All trash enclosures shall meet applicable Fire Code provisions, including, but not limited to fire-rated construction, and where deemed appropriate by the Building Official, shall incorporate the use of an overhead sprinkler system. (Prior code § 19-10.4(a)(11))

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Note

- * Section 19-20 was originally adopted by Ord. 116 and amended by Ord. 367, Ord. 630, Ord. 635, Ord. 666 and Ord. 821. Section 19-20 was deleted and replaced in its entirety by Ord. 917.

17.92.010 Application of Regulations.

The following regulations shall apply to all nonconforming uses, buildings or structures, located within any zone in the City. (Prior code § 19-20.1)

17.92.020 Continuation of Nonconforming Uses and Buildings.

Each and every nonconforming use, building or structure may be continually utilized and maintained, subject to the provisions of this title, provided that no addition, intensification or enlargement as to any such use or building shall be permitted, except as otherwise expressly provided herein. (Prior code § 19-20.2)

17.92.030 Limitations on Other Uses.

So long as a nonconforming use, or building exists upon any lot, no new use or building may be established or constructed thereon, except as hereinafter expressly provided. (Prior code § 19-20.3)

17.92.040 Abatement and Termination Generally.

Nonconforming uses or buildings shall be subject to abatement and termination of usage, in the manner hereafter described. (Prior code § 19-20.4)

17.92.050 Abatement and Termination—When.

Whenever any of the following facts are found by the Planner to exist with reference to a nonconforming use or building, the same shall automatically be deemed abated and usage thereof shall forthwith be terminated, except as otherwise expressly provided in this chapter:

- A. A change from a nonconforming use to conforming use; or
- B. Whenever such use has been discontinued for any reason under the control of the property owner for a period of one hundred eighty (180) days or more. An additional one hundred eighty (180) days may be approved by the Planner upon showing of cause by property owner. (Prior code § 19-20.5)

17.92.060 Abatement and Termination—Upon Expiration of Time Periods.

Nonconforming buildings or uses shall be abated and such usage thereof shall be terminated upon the expiration of the periods of time indicated hereinafter in this section. The periods of time shall be deemed to commence to run as of the date that such use or building first became nonconforming by reason of the application thereto of the zoning regulations of this City:

- A. Nonconforming residential buildings and/or uses shall be abated and the usage thereof terminated within sixty (60) years.
- B. Nonconforming commercial or industrial buildings and/or uses shall be abated and the usage thereof terminated within sixty (60) years. (Prior code § 19-20.6; Ord. 1272 § 13, 4/28/14)

17.92.070 Abatement and Termination—Order of Abatement.

A. Where the nonconforming use has been abated automatically either because it has been changed to a conforming use or because it has been discontinued for one hundred eighty (180) days as set forth in Section 17.92.050 of this chapter, the Planner shall give a preliminary order of abatement. The preliminary order of abatement shall become final in thirty (30) days if no appeal is filed.

B. Where a nonconforming building and/or use is still in effect and the sixty (60) year abatement period has or will expire, as set forth in Section 17.92.060 of this chapter, the Planner shall give a preliminary order of abatement one hundred eighty (180) days prior to abatement. The preliminary order of abatement shall become final in thirty (30) days if no appeal is filed. (Prior code § 19-20.7; Ord. 1272 § 13, 4/28/14)

17.92.080 Abatement and Termination—Appeal—Hearing.

A. An appeal may be filed with the secretary of the Planning Commission within thirty (30) days after the mailing of a preliminary order by the Planner. Any person who is the owner or has possession of the property to which such order relates may file an appeal on an application form provided by the Planner. Each such appeal application shall be accompanied by a filing and processing fee in the amount set by resolution of the City Council.

B. Upon receipt of an appeal, the Planning Commission shall conduct a hearing thereon. Notice thereof shall be given in the manner prescribed in this Code for zone variances. At the time and place set for the hearing, the Commission shall give the appellant a reasonable opportunity to be heard, and may consider any applicable staff reports or other evidence it deems relevant.

C. If the appeal is from an order of abatement given under Section 17.92.070(A), the Commission shall determine whether the circumstances required for automatic abatement are present. The Commission shall grant the appeal if such circumstances are not present and shall deny the appeal if such circumstances are present.

D. If the order of abatement has been given under Section 17.92.070(B), the Commission shall determine whether the applicable abatement period is appropriate as applied to the facts of the case. In making such determination, the Commission shall consider the date the buildings were constructed or the use was established; the original cost thereof; whether such cost has been, or could have been recovered by the owner under generally accepted accounting practices; and whether it is feasible to relocate such buildings or structures. Based upon such evidence, the Commission shall determine whether such abatement period should be extended.

E. The Commission's decision shall be final and conclusive in the absence of an appeal to the City Council in the time and manner set forth herein. The action of the Council on an appeal, after a de novo hearing thereon, shall be final and conclusive. (Prior code § 19-20.8)

17.92.090 Ordinary Repair and Maintenance.

The ordinary repair and maintenance of a nonconforming building or structure shall be permitted. Examples include roofing, window replacement, changes to exterior finishes, and other similar improvements deemed similar by the Director of Planning. (Prior code § 19-20.9; Ord. 1272 § 13, 4/28/14)

17.92.100 Repair, Reconstruction or Remodeling Permitted When.

The repair, reconstruction or remodeling of any building or structure shall be permitted where such reconstruction, alteration or repair shall be limited to that necessary to render the building or structure reasonably safe for continued use or as required by law or ordinance. (Prior code § 19-20.10)

17.92.110 Applicability to Conforming Buildings with Nonconforming Use.

Any reconstruction, repair or remodeling deemed appropriate by the property owner is allowed where the building or structure is conforming but the use thereof is not allowed. (Prior code § 19-20.11)

17.92.120 Partial Destruction—Restoration.

Where any nonconforming building is damaged or partly destroyed by fire, explosion, act of God or any other casualty, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty, provided that the aggregate total reconstruction does not exceed the existing permitted square footage of the building or structure; provided that all such construction and/or repair work shall be commenced within a period of one (1) year from and, after the date of the occurrence of the casualty, and provided that the restoration does not result in any greater degree of nonconformity than previously existed. (Prior code § 19-20.12)

17.92.130 Assessed Value Defined.

For the purpose of this chapter "assessed value" means the then assessed value of the building as shown on the current assessment role in effect at the time of the occurrence of such casualty, or, the time of the maintenance and repair. (Prior code § 19-20.13)

17.92.140 Permitted Alterations and/or Additions.

Nothing in this title shall be deemed to prevent the extension, expansion, construction, reconstruction or enlargement (hereinafter "work") as to a nonconforming building under any of the following conditions:

- A. Elimination or Improvement of Nonconforming Conditions. Such work shall be permitted in order to render the use, building or structure in conformity with the provisions hereof.
- B. Compliance with Laws. Such work shall be permitted in order to comply with any law enacted subsequent to the adoption of the provisions of this chapter, other than zoning regulations.
- C. Nonconforming Building Development Standards.
 1. Residential Uses. Such work shall be permitted as to any residential use which is nonconforming, without abating the nonconforming condition(s) hereof if such work does not result in additional units, or the addition is more than one hundred percent (100%) of the current square footage of existing residence(s), being constructed upon the lot or a reduction in existing parking. If such work results in the addition of residential units, or the addition of more than one hundred percent (100%) of the square footage of existing residence(s), then additional off-street parking shall be provided for such units and current development standards shall be complied with to bring them into compliance with this title and any chain-link fence in the front or street side yard setback area shall be removed.
 2. Commercial and Industrial Uses. Such work shall be permitted as to any commercial or industrial use, without abating the nonconforming conditions hereof if such work does not result in an increase in the off-street parking requirements for the use or a reduction in the existing off-street parking. If such work or such change of use results in an increase of off-street parking requirements, then compliance shall be had with this title for the entire uses upon such lot.
- D. Nonconforming Building—Setbacks.
 1. Residential Zones.
 - a. All new residential construction must meet existing development standards, with the exception of provision subsection D.1.b. Additions shall be limited to no more than twice the existing square footage; if larger, the project shall be deemed new construction.
 - b. A property in a residential zone, having less than the required side setback, may maintain that setback for subsequent additions so long as the addition conforms with then existing Building and Fire Code requirements.

2. Commercial/Industrial Zones. All new commercial/industrial construction must meet existing development standards. Additions shall be limited to no more than twice the existing square footage. If larger, the project shall be deemed new construction.

E. Reconstruction. Such work shall be permitted to replace a nonconforming building in its entirety, or in part, provided:

1. That the new building does not change or intensify the previous use; and
2. That prior to, or concurrently with, the submission of plans to the building division for a plan check or an application for a building permit, the provisions of Chapter 17.80, with regard to development review, shall be complied with; and
3. That prior to the issuance of a building permit the owner of the property submit a statement, in writing, to the City declaring that the accomplishment of any permitted work pursuant to this chapter shall not extend the termination date of the nonconforming building to which the same relates, so that the new building shall have the same termination date as the building that was replaced.

F. Nonconforming Allowance.

1. Intent. A nonconforming allowance is hereby established where practical difficulties result from a strict and literal interpretation of this chapter.
2. Application. A nonconforming allowance application shall be made on forms supplied by the Department of Community Development, with a list of all required supplemental exhibits and material as determined necessary by the Director.
3. Findings for Approval. Prior to approving a nonconforming allowance pursuant to this section, the Director or designee, shall make the following findings:
 - a. That the proposed project is consistent with the General Plan.
 - b. That the proposed project is compatible with the surrounding neighborhood and adjacent properties in that the nonconforming conditions found on-site are consistent with the neighborhood pattern of development.
 - c. That the existing development on-site has no hazardous life/safety conditions.
 - d. That the property is developed with a single-family residence (with or without a second unit per Section 17.16.040(I)).
 - e. The nonconforming condition is not expanded or intensified, that would otherwise not comply with the underlying zone/district development standards or require a variance.
 - f. One (1) of the residential dwellings on a lot where a nonconforming allowance is proposed shall be occupied as the primary residence of the owner of the lot of record. If at any time neither unit on the lot is occupied by the owner thereof, the nonconforming allowance shall automatically be deemed subject to abatement.
 - g. That the proposed project is a nonhabitable area.
4. Planning Commission Review. All decisions of the Director shall be placed on the next Planning Commission agenda for review. The Planning Commission may approve the decision of the Director or may disapprove the decision, in which case the application shall be set for consideration before the Planning Commission at the next meeting. Any decision of the Planning Commission may be appealed to the City Council as set forth in Chapter 17.112 of this Code.
5. Approval or conditional approval of applications shall be valid for one hundred eighty (180) days after the date of approval by the Planning Commission, unless a building permit has been issued for the project within that one hundred eighty (180) day period, in which case the approval shall be valid as long as building permits for the project are valid. Prior to expiration of the approval, one (1) or more extensions of not more than ninety (90) days, in the aggregate, from the original date of expiration may be granted by the Planning Commission.

G. Accommodation of Disabilities. A modification of any zoning regulation where the modification is necessary to allow improvements to an existing building or property in order to provide reasonable accommodations to individuals with disabilities. This modification is not available in the case of new

buildings, demolitions and rebuilds, or additions where the proposed construction precludes a reasonable accommodation that would not require a modification.

1. **Parking Amendments.** The conversion of an existing parking space to an accessible parking space or access aisle for an accessible parking space does not require a modification of the parking requirement, even if the conversion results in fewer parking spaces on the lot than required under Chapter 17.88, as long as the accessible parking requirement is not triggered by a change of use or an expansion of the existing use.

2. **Setback, Open Yards and Distance Between Main Buildings Encroachments.** A modification of setback, lot area, floor area, street frontage, open yard, outdoor living space, or distance between buildings; requirements where the modification is consistent with the purposes and intent of this title, and is necessary to: (a) secure an appropriate improvement on a lot; (b) prevent unreasonable hardship; (c) promote uniformity of improvement; or (d) the modification is necessary to comply with the Americans with Disabilities Act and/or California Code of Regulations, Title 24, requirements.

H. **Reasonable Accommodation Process.**

1. **Director.** The Director, or designee, may permit modifications in accordance with Subsections (G) (1) and (2), if the Director, or designee, finds that:

- a. The requested modification is not part of the approval of a tentative subdivision map, conditional use permit, development plan, site plan, plot plan, or any other matter which requires approval of the Planning Commission; and
- b. If granted, the modification would not significantly affect persons or property owners other than those entitled to notice.
- c. The modification is solely for the purpose of accommodating ADA and/or California Code Regulations, Title 24 requirements to comply with accessibility requirements.

(Prior code § 19-20.14; Ord. 1150 § 1 (Exh. 12), 11/26/07; Ord. 1179 § 1 (Exh. J), 5/26/09; Ord. 1244 § 1, 6/24/13; Ord. 1247 § 3, 8/12/13; Ord. 1272 § 13, 4/28/14)

17.92.150 Effect of Work.

Accomplishment of any work permitted pursuant to this chapter or repair or maintenance permitted pursuant to this chapter, shall not be construed so as to extend the termination date of the nonconforming use or building to which the same relates. (Prior code § 19-20.15)

17.92.160 Change of Commercial or Manufacturing Uses.

A change in use shall be permitted from any commercial or manufacturing use which is nonconforming solely by reason of a lack of off-street parking facilities to another commercial or manufacturing use which would be nonconforming solely for the same reason, if the change in use does not result in an increase in the off-street parking requirement over and above that of the previous use. If the change in use results in the need for additional parking, such parking shall be provided. (Prior code § 19-20.16)

17.92.170 Mixed Uses.

Where a building or buildings located on a lot classified in any C or I Zone, are conforming, but all or a portion of the usage thereof is nonconforming, solely by reason of the fact that such use is not a permitted use in the zone, no new use, building or structure shall be permitted unless the requirements of these regulations are met. (Prior code § 19-20.17)

17.92.180 Buildings or Structures Under Construction.

Any building or structure for which a valid lawful building permit has been issued, and is in force prior to the operative date of the ordinance codified in these regulations, or any amendment hereto, which enactment has

the effect of rendering the building or structure nonconforming, may be completed and utilized provided that the same is completed in accordance with the plans and specifications based upon which such building permit was issued. (Prior code § 19-20.18)

17.92.190 Public Utilities Exempted.

The foregoing provisions of this title concerning the required removal of nonconforming buildings and structures and uses, and the reconstruction of nonconforming buildings and structures partially destroyed, shall not apply to public utility buildings and structures when such building and structures pertain directly to the rendering of the service or distribution of a utility, such as electric-generating stations, electrical distribution and transmission substations, communications equipment buildings, water wells and pumps, gas storage, metering and valve control stations; nor shall any provision of this chapter be construed or applied so as to prevent the expansion, modernization or replacement of such public utility buildings, structures, equipment and facilities, as are used directly for the delivery of or distribution of services. (Prior code § 19-20.19)

17.92.200 Continuation of Existing Nonconforming Uses.

A. Conditional Use Permit Required. Notwithstanding the provisions of this Code, none of the uses set forth in this title for which a Conditional Use Permit is required which were lawfully in existence as of the effective date of the ordinance codified in these regulations, shall be deemed nonconforming unless:

1. The building or structures utilized by any such use are, at any time, partially destroyed.
2. There is any enlargement or expansion of such buildings, structures or uses, not otherwise permitted herein, then such uses shall either be processed and granted as a conditional use permit thereof or be terminated.

B. Keeping of Animals Restricted. For properties previously zoned A-1 (Agricultural Residential Zone) which were allowed one (1) horse, cow, steer, sheep, or goat or a unit of twenty-five (25) hens, capons, fowl, rabbits, or chinchillas on lots of ten thousand (10,000) square feet or more in increments of one (1) unit per five thousand (5000) square feet; these animals shall be allowed to remain on the property for their natural life. Upon the death of the animals they shall not be replaced. (Prior code § 19-20.20; amended during 2008 codification)

17.92.210 Previous Ordinances.

Notwithstanding anything in this title to the contrary, any nonconforming use of structure in existence at the time the ordinance codified in this title becomes effective shall cease and be removed at such time its cessation or removal was required by any previous ordinance or regulation, if such previous regulations or ordinances required such cessation or removal at a time prior to the time such cessation or removal may be required by this chapter. (Prior code § 19-20.21)

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Summary Table of Proposed Code Amendments

Existing Code	Issues	Recommendation
<p>Definition of Nonconforming Building and Use</p> <p>Our current code has a definition for Nonconforming Building and Nonconforming Use like typical codes but the definition for Nonconforming Building also means Nonconforming Use. Since we already have a definition for Nonconforming Use.</p> <p>No current definition for Nonconforming Lots</p>	<p>Typical or most common nonconformities are classified in two categories - Nonconforming Buildings/Structures or Nonconforming Uses. A Nonconforming Use means a use of property that was in compliance with zoning regulations at the time the use was established, but which, because of subsequent change in those regulations, is no longer a permitted use. A Nonconforming Building/Structure means a development that was in compliance with zoning regulations as to setbacks, height, lot coverage, parking, open space and similar building and design limitations at the time it was established, but which because of subsequent change in those regulations, is no longer consistent with those regulations.</p> <p>As our current code's definition for Nonconforming Building could also mean a Nonconforming Use, this causes problems with the implementation and interpretation of the code. The code, as it should, addresses nonconforming uses differently than nonconforming buildings, but when the definition is the same, administration of the code is subject to different interpretations.</p>	<p>Create two distinct definitions for Nonconforming Building and Nonconforming Use</p> <p>Adding the following definitions will further help to clarify the code:</p> <p>Nonconforming Lots Exterior Wall Substantial Remodel</p>
<p>17.92.090 Ordinary Repair and Maintenance</p> <p>This section is very restrictive and allows for very limited repairs.</p> <p>17.92.110 Applicability to Conforming Building with Nonconforming Use</p> <p>This section allows not just repairs and remodels but also reconstruction "deemed appropriate by the property owner".</p>	<p>With so many sections that deal with the same issue, it becomes difficult to clearly understand the intent of the code. For example 17.92.120 allows restoration but only to partially damaged buildings. Does this mean if the damage is total, it cannot be restored? But 17.92.140(E) allows reconstruction without any qualifier (reconstruction because of voluntary demolition or an act of nature, etc.). It appears reconstruction, as a result of damage caused by act of nature is more restrictive than if a building is demolished voluntarily. Typically it's the other way around.</p>	<p>Create separate sections one for nonconforming uses and one for nonconforming buildings and address repairs, alterations and additions separately for each type of nonconformity (e.g. parking, setbacks, etc.).</p> <p>The code would become much clearer and easier to administer once we can clearly understand if the measures are related to nonconforming buildings or uses.</p> <p>The recommended language also creates two clearly distinct sections to address damage or destruction</p>

Existing Code	Issues	Recommendation
<p>17.92.120 Partial Destruction-Restoration</p> <p>This section allows a "partially" damaged nonconforming building (assumed not a nonconforming use) to be restored to the way it used to be</p> <p>17.92.140(E) Permitted Alterations and/or Additions (Reconstruction)</p> <p>This section allows complete reconstruction but the reconstructed building would still be subject to abatement</p>		<p>resulting from act of nature or other calamity beyond the owner's control or demolition caused or desired by the owner.</p> <p>17.92.030 NONCONFORMING USES</p> <p>This section now clearly explains that a nonconforming use can be restored to original use and floor area provided it meets design requirements and on-site parking is replaced to the ratio existing before. It allows multifamily dwellings to be restored per Government Code provisions</p> <p>17.92.100 NONCONFORMING USES – ALLOWABLE CHANGES</p> <p>This section describes the degree of expansion and changes allowed for nonconforming uses. A new recommended provision is to allow expansions to single-family dwellings or duplexes up to 50% by the Director and anything above would be subject to a conditional use permit</p> <p>17.92.120 NONCONFORMING STRUCTURES</p> <p>This section discusses the degree of expansions and alterations to nonconforming structures which include buildings that may not conform to setbacks or parking. These new sections are now placed in logical order with clear parameters.</p> <p>Since no issue is addressed via assessed value, this code provision will not get carried over into the new code.</p>
<p>17.92.130 Assessed Value Defined</p>	<p>Assessed value is not discussed in the chapter. It may have related to an older code provision that establishes a threshold for abatement of a nonconformity based on the assessed value of work associated with a project.</p> <p>This section allows alterations or expansion of residential uses that have nonconforming condition(s) without triggering abatement of the nonconforming condition(s). The maximum expansion is limited to 100% of the existing square footage of existing residence(s). But if an addition results in new unit(s) or</p>	
<p>17.92.140(C)(1) Permitted Alterations and/or Additions – Nonconforming Building Development Standards – Residential Uses</p>		<p>The recommendation separates out single-family residential uses from multi-family residential uses. It also addresses nonconforming parking separate from other nonconforming situations. Because the impact of multi-family development with nonconforming parking to the community is far greater than the impact of a</p>

Existing Code	Issues	Recommendation
<p>No comparable language in the current code but the intent is in Section 17.92.140(C) and (D)</p>	<p>the addition is more than 100% of the current square footage, then "additional off-street parking shall be provided for such nits and current development standards shall be complied with to bring them into compliance with this title..." This appears to say if the addition is more than 100% or involves a new unit (or units), then all the units must conform to current code in terms of parking and all other development standards.</p> <p>Zoning Issues and Real Estate Refinancing</p> <p>Banks/Lenders require that the property be in compliance with applicable zoning ordinances with respect to usage, parking, setbacks, height, density, coverage requirements and more. Because the economics of today's securitized financings are driven in large part by a property's income-producing capacity, loan underwriters want to identify and quantify risks of future interruptions in the cash flow stream. This due diligence includes requiring assurances that the improvements being financed can be rebuilt after a fire or casualty. This raises special issues for legally nonconforming structures.</p> <p>It's recognized that not all nonconformities are the same. Some are benign and others could be detrimental. For situations involving setbacks, open space and even parking to certain degree, the approach the City has taken and continues to take is to clearly say that not only</p>	<p>single-family residence that may be nonconforming because portion of the house encroaches a foot into the required front yard setback. The current code lumps all conformities together which treats the benign situations with single-family homes same as apartments that have parking impacts.</p> <p>The following code sections address this issue plus they clarify past amendments that no longer consider side yard setbacks to be legal nonconforming:</p> <p>17.92.020(D) ESTABLISHING NONCONFORMING STATUS</p> <p>This section states that just because a structure does not meet current standards with regards to setbacks it is not deemed to be nonconforming. However, for front yard setbacks, only those properties that are found to have front yard setbacks that are compatible with surrounding properties would be considered conforming.</p> <p>The following code sections clarify that certain situations are not considered nonconforming in order to eliminate the unnecessary stigma when a property is branded as nonconforming.</p> <p>17.92.170 NONCONFORMING LANDSCAPING, OPEN SPACE, DRIVEWAYS AND TRASH FACILITIES</p> <p>Except as otherwise provided, nonconforming lots that are nonconforming for failure to comply with landscaping, open space, driveway width, and trash facility regulations, are deemed "conforming" for purposes of this code unless a property is substantially altered or added on to.</p> <p>17.92.020(D) ESTABLISHING NONCONFORMING STATUS</p> <p>Unless structures violate front yard setback requirements</p>

Existing Code	Issues	Recommendation
	<p>are certain nonconformities grandfathered, they are simply not subject to the current code and are not nonconforming. By removing the stigma of nonconformity, sale, financing and refinancing would be made easier.</p>	<p>in a manner that is incompatible with surrounding properties, structures that do not comply with minimum setback requirements on the effective date of the ordinance amending this chapter are nevertheless deemed conforming structures for purposes of setback requirements. Proposed expansions and alterations occurring after the effective date of the ordinance amending this chapter must comply with this code unless otherwise exempted.</p>
<p>17.92.140(D)(1) Nonconforming Building- Setbacks – Residential Zones</p>	<p>This section allows a property having less than the required side setback to maintain that setback for subsequent additions. But the addition is limited to no more than twice the existing square footage. But the most significant issue is the matter of abatement. Even though the code has this generous provision, the expansion and the existing encroaching setback are still subject to abatement. And the abatement period is in about six years. This could be a problem for an owner to invest thousands of dollars to make substantial improvement to be later subject to abatement in six years. So this substantial and generous exemption is not very practical. And it should be noted that the current code no longer requires an existing encroachment to be subject to abatement. Only if there is an addition that continues with the encroaching setback.</p>	<p>Multi-unit dwellings existing on the effective date of this ordinance, which are not in compliance with the required minimum lot area per dwelling unit standards, will not be considered nonconforming due solely to noncompliance with the minimum lot area per dwelling unit standards. Such dwellings are considered legal, conforming buildings or structures for the purpose of sale and financing under this Title and other City regulations. However, all future expansions and alterations of such dwellings must comply with all applicable standards of this Title.</p> <p>The recommend clarification would allow continuation of the same setback that encroaches into the side yard provided the wall length of the extension cannot be greater than 50% of the wall length of the existing portion within the required yard. This could be a happy medium between not allowing it at all or allowing with no limits or subjecting the encroachment to an abatement period.</p> <p>The Council could decide to reduce this allowance, say to 25% of the length of the existing wall encroaching into the setback or eliminate such a provision altogether. Since the City currently allows an exemption, although subject to abatement, staff is recommending this compromise solution.</p>

Existing Code	Issues	Recommendation
17.92.140(F) Nonconforming Allowance	This provision allows the Commission to give an "allowance" for a nonhabitable area. But it's not clear when or how this section is implemented.	The various sections of the proposed code address all aspects of exemptions, expansions and alterations of nonconforming structures. The current code section is no longer necessary.