



City of Santa Fe Springs

Planning Commission Meeting

AGENDA

ADJOURNED MEETING PLANNING COMMISSION CITY HALL COUNCIL CHAMBERS

November 25, 2013
4:30 P.M.

Frank Ybarra, Chairperson
Susie Johnston, Vice Chairperson
Michael Madrigal, Commissioner
James Velasco, Commissioner
Manuel Zevallos, Commissioner

Public Comment: The public is encouraged to address the Commission on any matter listed on the agenda or on any other matter within its jurisdiction. If you wish to address the Commission, please complete the card that is provided at the rear entrance to the Council Chambers and hand the card to the Secretary or a member of staff. The Commission will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. The Commission will hear public comment on matters not listed on the agenda during the Oral Communications period.

Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda or unless certain emergency or special circumstances exist. The Commission may direct staff to investigate and/or schedule certain matters for consideration at a future Commission meeting.

Americans with Disabilities Act: In compliance with the ADA, if you need special assistance to participate in a City meeting or other services offered by this City, please contact the City Clerk's Office. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

Please Note: Staff reports are available for inspection in the Planning & Development Department, City Hall, 11710 E. Telegraph Road, during regular business hours 7:30 a.m. – 5:30 p.m., Monday – Friday (closed every other Friday) Telephone (562) 868-0511.

1. CALL TO ORDER**2. PLEDGE OF ALLEGIANCE****3. ROLL CALL**

Commissioners Johnston, Madrigal, Velasco, Ybarra, and Zevallos

4. ORAL COMMUNICATIONS

This is the time for public comment on any matter that is not on today's agenda. Anyone wishing to speak on an agenda item is asked to please comment at the time the item is considered by the Planning Commission.

5. MINUTES

Approval of the minutes of the November 12, 2013 Adjourned Planning Commission Meeting.

6. PUBLIC HEARING**Zoning Ordinance Amendment-Density Bonuses and Affordable Housing Incentives**

Ordinance No. 1048: An Ordinance of the City Council of the City of Santa Fe Springs, California, Amending Santa Fe Springs Municipal Code Title 15 and adding Section 155.625.1 to Chapter 155: Zoning, to establish the City's code provisions for density bonuses and affordable housing incentives in accordance with state density bonus laws.

7. PUBLIC HEARING**Zoning Ordinance Amendment-Reasonable Accommodations for Disabled Persons**

Ordinance No. 1049: An Ordinance of the City Council of the City of Santa Fe Springs, California, amending Santa Fe Springs Municipal Code Section 155.003 and adding Section 155.659 to Chapter 155: Zoning, to establish procedures for disabled persons to request a reasonable accommodation from the City's zoning and land use regulations.

8. PUBLIC HEARING**Zoning Ordinance Amendment-Emergency Shelters and Transitional and Supportive Housing**

Ordinance No. 1050: An ordinance of the City Council of the City of Santa Fe Springs, California, amending Santa Fe Springs Municipal Code, Sections 155.003, 155.061, 155.091, 155.180, and 155.181, and adding Section 155.629.1 relating to Emergency Shelters and Transitional and Supportive housing.

9.

CONSENT AGENDA

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

A. CONSENT AGENDA**Conditional Use Permit Case No. 481-4**

A compliance review of an outdoor storage facility involving mobile office trailers on the subject 5-acre property located at 12311 Greenstone Avenue (APN: 8026-041-035), in the M-2, Heavy Manufacturing zone, and within the Consolidated Redevelopment Project Area.
(Rawlins Family Trust for Scotsman Mobile Offices)

B. CONSENT AGENDA**Conditional Use Permit Case No. 693-2**

A compliance review of a meat processing facility at 13538 Imperial Highway-Unit B, and 13540 Imperial Highway-Unit C, in the M-2-BP, Heavy Manufacturing-Buffer Parking, Zone and within the Consolidated Redevelopment Project Area.
(Roman Rodriguez, Paloma Mexican Food Corp.)

C. CONSENT AGENDA**Conditional Use Permit Case No. 732-1**

A compliance review for a tire recycling facility within the 18,969 sq. ft. building located at 9138 Norwalk Blvd., in the M-2, Heavy Manufacturing Zone, and within the Consolidated Redevelopment Project Area.
(Oscar Palencia for Azteca International, Inc.)

10.

ANNOUNCEMENTS

- ♦ Commissioners
- ♦ Staff

11.

ADJOURNMENT

I hereby certify under penalty of perjury under the laws of the State of California, that the foregoing agenda has been posted at the following locations; 1) City Hall, 11710 Telegraph Road; 2) City Library, 11700 Telegraph Road; and 3) Town Center Plaza (Kiosk), 11740 Telegraph Road, not less than 72 hours prior to the meeting.

Teresa Cavallo

Commission Secretary

November 18, 2013

Date

**MINUTES
ADJOURNED MEETING
SANTA FE SPRINGS PLANNING COMMISSION
November 12, 2013**

1. CALL TO ORDER

Chairperson Frank Ybarra called the meeting to order at 4:30 p.m.

2. PLEDGE OF ALLEGIANCE

Chairperson Ybarra led the Pledge of Allegiance.

3. ROLL CALL

Present: Commissioner Madrigal
Commissioner Velasco
Commissioner Zevallos
Vice Chairperson Johnston
Chairperson Ybarra

Staff: Wayne M. Morrell, Director of Planning
Steve Skolnik, City Attorney
Cuong Nguyen, Associate Planner
Rafael Garcia, Planning Consultant
Luis Collazo, Code Enforcement Officer
Teresa Cavallo, Planning Secretary;

4. ORAL COMMUNICATIONS

Oral Communications were opened at 4:32 p.m. There being no one wishing to speak, Oral Communications were closed at 4:32 p.m.

5. APPROVAL OF MINUTES

Minutes of the October 14, 2013 Adjourned Planning Commission Meeting

Commissioner Zevallos moved the approval of the minutes; Commissioner Velasco seconded the motion which passed unanimously.

6. UNFINISHED BUSINESS

**Revocation of Alcohol Sales Conditional Use Permit Case No. 35 and
Entertainment Conditional Use Permit Case No. 13**

Revocation of Alcohol Sales Conditional Use Permit Case No. 35 and Entertainment Permit Case No. 13, which granted approval to allow the operation and maintenance of an alcoholic beverage sales use, and live entertainment, respectively, at a restaurant at 9803 Santa Fe Springs Road, in the M2, Heavy Manufacturing Zone, for failure to comply with the conditions of approval and City Laws. (City of Santa Fe Springs)

Luis informed the Planning Commissioners that the applicant is working with the Planning Department and complying with all the conditions of approval. Luis also indicated that no

further action was necessary.

Commissioner Madrigal inquired about special event permits, since over the weekend it appeared that a bike club held a gathering at this location with over 300 bikes parked around the surrounding area. Commissioner Madrigal requested that Luis speak with the applicant before this becomes a problem.

7. PUBLIC HEARING

Conditional Use Permit Case No. 414-2

Request for an amendment of Conditional Use Permit Case No. 414 to allow the expansion of an existing convenience market use from 112 sq. ft. to approximately 1,681 sq. ft. for property located at 13352 Imperial Highway, in the M-2, Heavy Manufacturing, Zone, and within the Consolidated Redevelopment Project Area. (Thrifty Oil CO.)

Chairperson Ybarra called the Public Hearing open on Item No. 7 at 4:34 p.m.

Cuong Nguyen, Associate Planner presented Item No. 7. Present in the audience was Thrifty Oil CO. representative, Ahmad Ghaderi with A & S Engineering.

Commissioner Johnston requested clarification on the expansion of the existing convenience market use and that only one of the mechanic's bay areas were being converted. Cuong Nguyen corroborated Commissioner Johnston's account of the expansion.

Commissioner Madrigal inquired about graffiti removal and requested that the CUP conditions be amended to add a condition that requires the applicant to remove graffiti within 24 hours.

Luis Collazo, Code Enforcement indicated that the City's PMO already states the time frame for graffiti removal.

Director of Planning Wayne Morrell indicated that we can amend the conditions to include that the applicant is responsible for graffiti removal within a specific time frame.

Representative for Thrifty Oil CO., Ahmad Ghaderi addressed the Planning Commissioners and informed them that Thrifty Oil CO. is in agreement with the graffiti removal condition and that they promptly will remove any and all the graffiti, but requested a minimum 48 hours to remove the graffiti before being considered in noncompliance.

Having no further questions or comments, Chairperson Ybarra closed the Public Hearing at 4:41 p.m. and requested a motion.

Commissioner Madrigal moved to approve Item No. 7; Vice Chairperson Johnston seconded the motion, which passed unanimously.

8. CONSENT AGENDA

Consent Agenda items are considered routine matters which may be enacted by one motion and roll call vote. Any item may be removed from the Consent Agenda and considered separately by the Planning Commission.

The Planning Commissioners requested that the following items be considered separately:

A. CONSENT AGENDA

Conditional Use Permit Case No. 553-6

Request for a Compliance Review to allow the continued operation and maintenance of a 60-bed, 10,925 sq. ft. live-in residential substance abuse treatment center with related administrative office functions on property located at 10425 Painter Avenue, in the M-2, Heavy Manufacturing, Zone. (LACADA)

Commissioner Madrigal inquired about Police calls responding to this facility and also, requested Police service call logs, which Cuong Nguyen will provide at the next Planning Commission meeting. Commissioner Madrigal also commented that he is concerned about extending the compliance review time to ten (10) years for CUP 553-6 and recommended a five (5) year compliance review time instead.

Commissioner Madrigal moved to approve Item No. 8A for a five (5) year compliance review; Commissioner Zevallos seconded the motion, which passed unanimously.

B. CONSENT AGENDA

Conditional Use Permit Case No. 671-2

Compliance review to allow the continued operation and maintenance of an ambulance service use within the 11,932 sq. ft. building located at 14325 Iseli Road, in the M-2-PD, Heavy Manufacturing-Planned Development Overlay Zone. (Matt Armstrong for Care Ambulance Service, Inc.)

Commissioner Madrigal inquired about vehicle repairs being made at this location and about ambulances that are no longer in service.

Representative, Matt Armstrong replied that vehicle repairs are not done at this location and all vehicle repairs are outsourced. Mr. Armstrong also replied that Los Angeles County has very strict policies in place regarding outdated ambulance vehicles.

Vice Chairperson Johnston moved to approve Item No. 8B; Commissioner Madrigal seconded the motion, which passed unanimously.

C. CONSENT AGENDA

Conditional Use Permit Case No. 694-4

Request for a time extension of Conditional Use Permit (CUP) Case No. 694 to allow the planned development of a new 50-unit residential condominium project (totaling approximately 107,384 sq. ft.) for property located at 9830 Jersey Avenue (APN: 8005-002-059), 9841 Alburdis Avenue (APN: 8005-002-016) and 9851 Alburdis Avenue (APN: 8005-002-058), in the ML, Limited Manufacturing Administration and Research, Zone, within the Consolidated Redevelopment Project Area. (Astani Enterprises)

Vice Chairperson Johnston stated that when CUP 694-3 was brought before the Planning Commission the Planning Commissioners stated that no more time extensions would be granted.

Cuong Nguyen informed Vice Chairperson Johnston that only one Planning Commissioner did not support the time extension. The property owner is coming before the Planning Commission because it is his intent to sell the property with the

entitlements.

Commissioner Velasco asked Cuong what is the harm in continuing this CUP since the owner will be selling the property to be developed.

Commissioner Zevallos stated the public should have been notified since they are upset.

Commissioner Madrigal gave a brief overview of the history of CUP 694-4 and Comstock's involvement.

Director of Planning Wayne Morrell clarified that Comstock was never mentioned.

Chairperson Ybarra asked everyone where they stood on granting another time extension.

A discussion ensued amongst everyone.

Property Owner, Greg Nordbak addressed the Planning Commission and stated that he was confused about the comments. Mr. Nordbak also gave an overview of the history of CUP 694-4 and confirmed that he is in escrow with Comstock but that everything came to a halt due to CUP 694-4's expiration date. Mr. Nordbak also stated that he has 100% tenant agreements to relocate them and stated that it is silly to not take this development forward since it is going to be a gated community consisting of 50 units with a pool and gym made of the highest quality. Mr. Nordbak also stated that he has a number of developers interested in the property as long as the entitlement is a part of the purchase.

Wayne Morrell state that staff has reviewed elevations and agreed they are of the highest quality. Mr. Morrell also confirmed that staff has scheduled meetings with interested developers regarding development of the property.

Commissioner Zevallos comments on the time frame. Cuong Nguyen responded that staff received the request on October 7 which was not enough time to present the case to the Planning Commission on October 14, 2013.

Commissioner Madrigal stated that he has known Mr. Greg Nordbak a long time and feels that he has no commitment to moving forward and can not approve another time extension.

Commissioner Velasco asked the Commissioners what they want to see happen with this property.

Commissioner Velasco moved to approve Item No. 8C for a time extension of one year; Vice Chairperson seconded the motion which carried by the following roll call vote:

Ayes: Vice Chairperson Johnston, and Commissioner Velasco

Noes: Commissioner Zevallos, Commissioner Madrigal, and Chairperson Ybarra

Abstain: None

Absent: None

City Attorney Steve Skolnik suggested that if the majority of the Planning Commissioners would consider granting an extension, but for a sufficient period of time, to allow the applicant enough time to appeal this matter before the City Council.

Discussion ensued regarding granting a shorter extension of time.

Commissioner Madrigal moved to approve Item No. 8C for a sixty (60) day extension of time; Vice Chairperson Johnston seconded the motion which passed unanimously.

D. CONSENT AGENDA

Conditional Use Permit Case No. 736

Request for a one (1) year extension of Conditional Use Permit (CUP) Case No. 736 to allow the establishment, operation, and maintenance of a food processing facility using poultry and pork products to produce broth on the property located at 13930 Borate Street (APN: 8069-007-046), in the M-2, Heavy Manufacturing zoning district. (Wakou USA)

Having no questions, Commissioner Velasco moved to approve Item No. 8D; Vice Chairperson Johnston seconded the motion, which passed unanimously.

6. ANNOUNCEMENTS

Commissioners: All Planning Commissioners wished everyone a Happy Thanksgiving.

Staff: Wayne Morrell, Director of Planning reminded everyone that a second meeting was necessary on November 25th to approve the Housing Element update.

7. ADJOURNMENT

Chairperson Ybarra adjourned the meeting at 5:24 p.m. to November 25, 2013.

Chairperson Frank Ybarra

ATTEST:

Teresa Cavallo, Planning Secretary



PUBLIC HEARING

Zoning Ordinance Amendment-Density Bonuses and Affordable Housing Incentives

Ordinance No. 1048: An Ordinance of the City Council of the City of Santa Fe Springs, California, Amending Santa Fe Springs Municipal Code Title 15 and adding Section 155.625.1 to Chapter 155: Zoning, to establish the City's code provisions for density bonuses and affordable housing incentives in accordance with state density bonus laws.

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Open the Public Hearing and receive any comments from the public regarding proposed Ordinance No. 1048, and thereafter close the Public Hearing.
2. Find that the proposed amendment to the text of the City's Zoning Regulations relating to standards for Density Bonus/Affordable Housing Incentives is in compliance with the City's General Plan.
3. Find that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. The application of the Ordinance and future development any affordable housing project will be subject to CEQA on a case and site-specific basis.
4. Recommend that the City Council adopt Ordinance No. 1048, which establishes definitions and standards for affordable housing projects, including incentives and density bonus provisions.
5. Adopt Resolution No. 41-2013, which incorporates the Commission's findings and recommendation regarding this matter.

BACKGROUND

The proposed Zoning Text Amendment is a City initiated amendment proposed to implement Section 65915 et seq. of the California Government Code which requires all cities adopt an ordinance to provide a mechanism of offering density bonuses and/or other incentives to developers who propose to construct housing affordable to very low, low and moderate income households. In addition to implementing State law, the proposed ordinance will help to implement the affordable housing goals contained within the City's 2014-2021 Housing Element.

Implementation of a density bonus ordinance for affordable housing is identified as Program #14 (Affordable Housing Density Bonus) in the Draft Housing Element. With certain exceptions, Government Code Section 65915 requires cities and counties provide for a density bonus and other incentives or concessions if a developer, among other things, agrees to construct specific numbers of affordable housing units at various levels of affordability.

State Density Bonus Law History

California first passed the Density Bonus Law in 1979. The law was subsequently amended in 1989. It mandated that every city and county adopt a density bonus ordinance consistent with state law and required all local governments to grant developers who offer affordable units in their new developments a 25% density bonus. The density bonus is above the density range in the zoning code and General Plan.

In 2004, the State enacted significant changes to the Density Bonus Law, which went into effect on January 1, 2005. The legislation SB 1818 (Government Code Section 65915) required cities and counties to overhaul their ordinances to bring them into conformance with new State mandates. Cities and counties must comply with, and developers may take advantage of, the State Density Bonus law, even if local regulations do not conform to State law. The changes in the law significantly reduced the amount of units that a developer must provide in order to receive a density bonus and required cities and counties to provide between one to three concessions or incentives, depending upon the percentage of affordable units that the developer provided. It also imposed a new land donation rule and statewide parking standards.

Summary of SB 1818 (State Density Bonus Law)

The overall purpose of SB 1818 is to encourage developers to build affordable housing by requiring local governments provide meaningful incentives. A density bonus means an increase of 20 to 35 percent over the maximum allowable residential density under the applicable zoning ordinance and General Plan. There are five components to SB 1818: (1) density bonus for affordable housing developments that

meet prescribed affordability levels; (2) incentives or concessions; (3) waiver of development standards; (4) imposition of maximum parking standards; and (5) bonuses for land donation or childcare facilities. Units for low or very low income must be income restricted for a minimum of 30 years or longer term under another regulatory agreement, such as a development or housing agreement. In the case of for sale moderate income units, the initial occupant must meet income qualifications. However, upon sale the seller of the unit retains the value of any improvements, the down payment, and the seller's proportionate share of the appreciation. The unit generally then becomes a market rate home. A summary of the major provisions is as follows:

Land Uses Qualifying for a Density Bonus

A density bonus applies to housing developments with five or more dwelling unit. The density bonus requirements are triggered when the developer sets aside:

- a) Minimum of 5% of the total units as affordable to very low-income households; or
- b) Minimum of 10% of the total units as affordable to low income households; or
- c) At least 35 units for occupancy by qualifying residents (senior housing); or
- d) Minimum of 10% of total dwelling units in a condominium or planned development project affordable to moderate income households.
- e. Additional density bonus is allowed for qualified housing developments that include a child care facility within and/or adjacent to the development and for land donations for affordable housing to local jurisdiction.

Calculating the Bonus: The amount of the density bonus is based on a sliding scale that corresponds to the number of affordable units. These bonuses reach a maximum of 35% when a project provides either 11% Very Low units, 20% Low income units, or 40% Moderate income units. Senior housing developments are granted up to a 20% density bonus if at least 35 senior only units are constructed. The density bonus is calculated on the maximum allowable density under the applicable zoning ordinance. An applicant may opt to accept a lower percentage.

SB 1818 was further amended by SB 435 in 2005 and AB 2280, in 2008. Most notably, SB 435 clarified that the density bonus for senior developments applied to senior mobile home parks as well. It also clarified that upon resale of a moderate-income unit, the local government shall recapture both the initial subsidy and a proportionate share of appreciation, unless it conflicts with another funding source or law. Additionally, it altered the density bonus for moderate-income units by expanding it to all common interest developments, as opposed to just condominium or planned developments, and also required that the units be for sale as opposed to rented by the developer.

AB 2280 required a developer to request a density bonus at the same time of submitting the application for the initial discretionary approval. Additionally, the legislation instituted a 10% across the board increase in the percentage of affordable units that must be included in a housing development project to qualify for incentives. The legislation also provided that local governments may grant density bonuses greater than what is provided under state law, or lower for developments that do not meet the requirements of state law.

Since the law was enacted, the City has not had any request for the State Density Bonus Program. Notwithstanding, the proposed ordinance will be consistent with State law and will help to implement the affordable housing goals contained within the City's 2014-2021 Housing Element.

DISCUSSION:

The draft ordinance is proposed as Section 155.625.1 of the Santa Fe Springs Municipal Code and is applicable City-wide to all residential developments. Applications for density bonuses and additional incentives would be processed concurrently with any other application required for new housing. The requests would be reviewed by the Planning Commission with final action by the City Council.

The provisions contained within the draft ordinance mirror State law as to what type of "other incentives" are to be made available, the definitions of the various household types that qualify for the housing units, the target rents or mortgage payments for the affordable housing units, the total number of units required to be affordable, the period of time that the subject units must remain affordable, and the requirement for a "Density Bonus Housing Agreement" guaranteeing the continued affordability of the units.

Upon the adoption of this Ordinance, developers will have the option of requesting a 5% to 35% density bonus in return for providing affordable units for a guaranteed period of time. The range is based on the developer's option in providing units for very-low, low, or moderate income families. Generally, the lower the affordability provided by the developer, the higher the density bonus. For example, if a property is currently zoned to permit 50 units, a developer may build 50 market rate units, or request a density bonus to allow more units provided a certain percentage of the units are restricted to lower income families. If developers choose to request a density bonus, they may also request that certain development standards or development fees be reduced or waived. In return for the City's grant of the density bonus, the developer would be required to record a "Density Bonus Housing Agreement" on the property assuring that a specific number of units would be maintained at rents affordable to very low, low, or moderate income households for the specified number of years.

Adoption of this Ordinance is not intended to serve as a comprehensive affordable housing program by itself, but is intended to provide a voluntary affordable housing program for interested developers. Further, the adoption of this Ordinance will bring the City into compliance with State Law by providing a mechanism for the City to approve density bonuses and provide other incentives to developers in return for providing assured affordable housing.

RECOMMENDATION:

Staff recommends that the City Council approve for first reading the Ordinance (Attachment 1) adopting Section 155.625.1 of the Santa Fe Springs Municipal Code establishing Density Bonus and other incentives for Affordable Housing.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Section 65090 and 65091 of the State Planning, Zoning and Development Laws and the requirements of Sections 155.860 through 155.864 of the City's Municipal Code.

Legal notice of the Public Hearing was posted in Santa Fe Springs City Hall, the City Library and Town Center on November 15, 2013, and published in a newspaper of general circulation (Whittier Daily News) on November 15, 2013, as required by the State Zoning and Development Laws and by the City's Zoning Regulations. The Notice was also placed on the City's website.

ENVIRONMENTAL DOCUMENT-

The proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. The application of the Ordinance and development of any Affordable Housing project will be subject to CEQA on a case and site-specific basis.

SUMMARY

Ordinance No. 1048 establishes definitions and development provisions for affordable housing projects with various incentives for density bonuses and long term affordability. With the adoption of the new Ordinance, the proposed amendment

will indirectly provide assistance to lower income households in the City of Santa Fe Springs, and will bring the City further into compliance with the goals and policies cited in the City's Housing Element.



Wayne M. Morrell
Director of Planning

Attachments:

1. Ordinance No. 1048
2. Resolution No. 41-2013

Exhibit A

ORDINANCE NO. 1048

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS,
CALIFORNIA, AMENDING SANTA FE SPRINGS MUNICIPAL CODE TITLE 15 AND
ADDING SECTION 155.625.1 TO CHAPTER 155: ZONING, TO ESTABLISH THE CITY'S
CODE PROVISIONS FOR DENSITY BONUSES AND AFFORDABLE HOUSING
INCENTIVES IN ACCORDANCE WITH STATE DENSITY BONUS LAW**

**THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS, DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1. Section 155.625.1 entitled Residential Density Bonus/Affordable Housing Incentives and its following sub-sections are added to read as follows:

**SECTION 155.625.1 RESIDENTIAL DENSITY BONUS/AFFORDABLE HOUSING
INCENTIVES**

155.625.1.010 Intent

(A) In enacting this Section, it is the intent of the City of Santa Fe Springs to encourage the development of affordable housing to meet a variety of economic needs within the City and to implement the goals, objectives, and policies of the City's Housing Element of the General Plan. The provisions of Section 155.625.1 is intended to facilitate the construction of residential developments that will be long lasting, quality places to live, and compatible with surrounding land uses and residential neighborhoods. This Section provides incentives for the production of housing for very low-, lower-, and moderate-income households and senior citizen housing in accordance with Sections 65915 through 65917 of the California Government Code.

(B) The regulations and procedures set forth in this Section shall be publicized by the City and shall apply throughout the City. Sections of the California Government Code referenced in this Section and application forms for complying with this Section, shall be available to the public.

155.625.1.020 Definitions

Whenever the following terms are used in this Chapter, they shall have the meaning established by this Section.

(A) **"Additional Incentives"** means the regulatory concessions and incentives as specified in California Government Code Subsections 65915 (k) to include, but not be limited to, the reduction of site development standards or zoning code requirements, direct financial assistance, approval of mixed-use zoning in conjunction with the Housing Development, and any other regulatory incentive which would result in identifiable cost avoidance or reductions that are offered in addition to a density bonus.

(B) **"Affordable"** means housing units offered at an affordable rent or affordable sales price.

(C) **"Affordable Rent"** means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low- and lower-income households, not exceeding the following calculations:

(1) Very low-income: 50 percent of the area median income for Los Angeles County, adjusted for household size appropriate for the unit, multiplied by 30 percent and divided by 12.

(2) Lower-income: 60 percent of the area median income for Los Angeles County, adjusted for household size appropriate for the unit, multiplied by 30 percent and divided by 12.

(D) **"Affordable Sales Price"** means a sales price at which very low- or lower-income households can qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing available for the development.

(E) **"Childcare Facility"** means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school age childcare centers.

(F) **"Density Bonus"** means a minimum density increase over the otherwise maximum allowable residential density.

(G) **"Density Bonus Housing Agreement"** means a legally binding agreement between a developer and the City to ensure that the requirements of this Chapter are satisfied. The agreement, among other things, shall establish the number of target units, their size, location, terms and conditions of affordability, and production schedule. See Section 155.625.1.100.

(H) **"Density Bonus Units"** means those residential units granted pursuant to the provisions of this Section which exceed the maximum allowable residential density for the development site.

(I) **"Equivalent Financial Incentive"** means a monetary contribution, based upon a land cost per dwelling unit savings that would otherwise result from a density bonus or additional incentive(s).

(J) **"Household Size"** means the number of persons assumed, as detailed in the table below, in determining the affordable rent or affordable sales price of target units, unless the housing development is subject to different assumptions imposed by other government regulations.

Housing Unit Type	Assumed Persons Per Housing Unit	
	Non-Senior Units	Senior Units
SRO (residential hotel) unit	75% of 1 person	75% of 1 person
0 bedroom (studio)	1 person	1 person
1 bedroom	2 persons	1 person
2 bedrooms	3 persons	2 persons

(K) **"Housing Cost"** means the sum of actual or projected monthly payments for all of the following associated with for-sale target units, principal and interest on a mortgage loan, including any loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs, homeowner association fees, and a reasonable allowance for utilities.

(L) **"Housing Development"** means construction projects consisting of five or more residential units, including single-family, multi-family, and mobile homes for sale or rent.

(M) **"Lower-Income Household"** means households whose income does not exceed the lower income limits applicable to Los Angeles County, as published and periodically updated by the State's Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

(N) **"Maximum Allowable Residential Density"** means the maximum number of residential units permitted by the City's General Plan and Zoning Ordinance on the project site at the time of application, excluding the provisions of this Section. If the housing development is within a planned development overlay zone, the maximum residential density shall be determined on the basis of the General Plan and the maximum density of the underlying zoning district.

(O) **"Moderate-Income Household"** means households whose income does not exceed the moderate-income limits applicable to Los Angeles County, as published and

periodically updated by the State's Department of Housing and Community Development pursuant to Section 50093 of the California Health and Safety Code.

(P) **"Non-restricted Units"** mean all units within a housing development excluding the target units.

(Q) **"Qualified Housing Development"** means a housing development in which the applicant agrees to provide the following:

(1) At least five percent of the total units of the housing development as target units affordable to very low-income households; or

(2) At least ten percent of the total units of the housing development as target units affordable to lower-income households; or

(3) At least ten percent of the total units in a common interest development, as defined in Section 1351 of the Civil Code, as target units affordable to moderate-income households, provided that all units in the development are offered to the public for sale subject to the equity sharing and restrictions specified in Government Code Section 65915(c)(2).

(4) Senior Citizen Housing.

(R) **"Qualifying Resident"** means senior citizens or other persons eligible to reside in a senior citizen housing.

(S) **"Senior Citizen Housing"** means a senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code, or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

(T) **"Target Unit"** means a dwelling unit in a housing development which will be reserved for sale or rent to, and affordable to, very low-, lower-income or moderate-income households, and qualifying residents, so as to qualify for a density bonus and additional incentives pursuant to this Section.

(U) **"Very Low-Income Household"** means households whose income does not exceed the very low-income limits applicable to Los Angeles County, as published and periodically updated by the State's Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

155.625.1.030 Density Bonus

(A) This Section describes the minimum density bonus, which shall be provided, at the request of an applicant of a qualified housing development when that applicant agrees to provide the following:

(1) At least five percent of the total units of the housing development as target units affordable to very low-income households; or

(2) At least ten percent of the total units of the housing development as target units affordable to lower-income households; or

(3) At least ten percent of the total units in a common interest development, as defined in Section 1351 of the Civil Code, as target units affordable to moderate-income households, provided that all units in the development are offered to the public for sale subject to the equity sharing and restrictions specified in Government Code Section 65915(c)(2).

(4) Senior Citizen Housing.

(B) For purposes of calculating the amount of density bonus, the applicant who requests a density bonus pursuant to this Chapter shall elect whether the bonus shall be awarded on the basis of 1, 2, 3, or 4 of Subsection A above.

(C) In determining the minimum number of density bonus units to be granted to a housing development in a residential district pursuant to above Subsection A, the maximum allowable residential density for the site shall be multiplied by a density bonus percentage. The density bonus percentage is determined according to the percentage of units in the housing development provided as target units affordable to very low-income households, lower-income

households, and moderate-income households if a common interest development, or the housing development's status as senior citizen housing. The density bonus percentages for very low-income households, lower-income households, and moderate-income households if a common interest development are as shown below in Tables 155.625.1.030 A through 155.625.1.030 C, and the density bonus percentages for senior citizen housing are set forth in Subsection D below.

Table 155.625.1.030 A Very Low Income Units	
Percentage of Very Low-Income Units	Density Bonus Percentage
5	20.0
6	22.5
7	25.0
8	27.5
9	30.0
10	32.5
11	35.0

Table 155.625.1.030 B Lower-Income Units	
Percentage of Lower-Income Units	Density Bonus Percentage
10	20.0
11	21.5
12	23.0
13	24.5
14	26.0
15	27.5
16	29.0
17	30.5
18	32.0
19	33.5
20	35.0

Table 155.625.1.030 C Moderate-Income Common Interest Development	
Common Interest Development Percentage of Moderate-Income Units	Density Bonus Percentage
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

(D) For senior citizen housing, the density bonus shall be 20 percent of the number of senior housing units.

(E) The density bonus units shall not be included when determining the total number of target units in the housing development. When calculating the number of permitted density bonus units, any fractions of units shall be rounded to the next larger integer.

(F) The granting of a density bonus shall not be interpreted, in or of itself, to require a General Plan Amendment, Change of Zone, or other discretionary approval.

(G) Each housing development meeting the criteria of above Subsection A is entitled to only one bonus density and may not combine density bonuses from more than one category listed above in Subsection A.

(H) The applicant may elect to accept a lesser density bonus percentage than what is shown in the above tables. If the applicant elects to accept a lesser density bonus percentage, no reduction will be allowed in the number of target units required.

155.625.1.040 Target Unit Requirements

(A) Target units should be constructed concurrently with non-restricted units unless both the City and applicant agree within the density bonus housing agreement to an alternative scheduled for development.

(B) Target units shall remain restricted and affordable to the designated group for a period of 30 years (or longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program).

(C) In determining the maximum affordable rent or affordable sales price of target units the following household and unit size assumptions shall be used, unless the housing development is subject to different assumptions imposed by other governmental regulations:

Housing Unit Type	Assumed Persons Per Housing Unit	
	Non-Senior Units	Senior Units
SRO (residential hotel) unit	75% of 1 person	75% of 1 person
0 bedroom (studio)	1 person	1 person
1 bedroom	2 persons	1 person
2 bedrooms	3 persons	2 persons

(D) Target units shall be built on-site and, when practical, be reasonably dispersed within the housing development. Where feasible, the number of bedrooms in the target units should be equivalent to the bedroom mix of the non-target units of the housing development; except that the applicant may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those which may be modified as provided by this Section.

(E) Circumstances may arise in which the public interest would be served by allowing some or all of the target units associated with one housing development to be produced and operated at an alternative site. Where the applicant and the City form such an agreement, the resulting linked developments shall be considered a single housing development for purposes of this Section. Under these circumstances, the applicant shall be subject to the same requirements of this Section for the target units to be provided on the alternative site.

(F) A density bonus housing agreement shall be made a condition of the discretionary planning permits (e.g., tract maps, parcel maps, site plans, planned development or conditional use permits, etc.) for all housing developments provided a density bonus or a development incentive pursuant to this Section. The agreement shall be recorded as a restriction on the parcel or parcels on which the target units will be constructed. The density bonus agreements shall be consistent with Section 155.625.1.100. In the event that the applicant enters into an inclusionary or other regulatory agreement with the City, then a separate density bonus housing agreement shall not be required.

155.625.1.050 Senior Citizen Housing Development Standards

The following development standards apply to senior citizen housing that qualifies the applicant for a density bonus pursuant to this Section, except if otherwise reduced/revised at the request of the applicant and approved by the City as an additional incentive(s) pursuant to Section 155.625.1.060.

- (A) Minimum Floor Area per Dwelling Unit:
 - (1) 0-bedroom: 400 sq. ft.
 - (2) 1-bedroom: 450 sq. ft.
 - (3) 2-bedroom: 600 sq. ft.
- (B) Minimum Building Facilities and Features:
 - (1) Laundry facilities – One washer and dryer per 5 dwelling units or fraction thereof.
 - (2) Elevator(s) – required for 2+ story buildings, number dependent on design.
 - (3) Lounge, lobby & group recreation facilities, including kitchen & bathrooms - 20 sq. ft. per dwelling unit
 - (4) Private storage space in interior or exterior of units in addition to clothes closets: 150 cu. ft. per dwelling unit
 - (5) 24-hour medical, security, and smoke detector alarm system to central location required in each unit
 - (6) Grab bars installed per standards of California Administrative Code Title 24 required in all bathrooms.
 - (7) Handrails required in all public hallways.
- (C) Minimum Open Space:
 - (1) Private open space per unit, in a patio or balcony: 60 sq. ft.
 - (2) Common open space per unit with minimum 15' dimension: 125 sq. ft.

155.625.1.060 Additional Incentives

(A) This Section includes the provision for providing additional incentives as specified in California Government Code Section 65915(d), (e) and (h) for qualified housing developments. An applicant may request specific incentives pursuant to this Section only when the housing development is eligible for a density bonus pursuant to Section 155.625.1.030.

(B) By Right Parking Incentives.
Qualified housing developments shall be granted the following maximum parking standards listed below, inclusive of handicapped and guest parking, which shall apply to the entire development, not just the restricted target units, when requested by the project applicant.

- (1) Studio and one bedroom dwelling units: One on-site parking space
- (2) Two to three bedroom dwelling units: Two on-site parking spaces
- (3) Four or more bedroom dwelling units: Two and one-half on-site parking spaces.

If the total number of spaces required results in a fractional number, it shall be rounded up to the next whole number. For purposes of the above subsection A, this parking may be provided through tandem parking or uncovered parking, but not through on-street parking.

(C) By Right Additional Incentives.
In addition to by right parking incentives identified in the above Subsection A, qualified housing developments shall be granted one, two or three additional incentives as follows:

- (1) For qualified housing developments with target units affordable to very low-income households:
 - (a) One additional incentive if five percent of the units (not including the density bonus units) are target units affordable to very low-income households.
 - (b) Two additional incentives if ten percent of the units (not including the density bonus units) are target units affordable to very low-income households.

(c) Three additional incentives if 15 percent of the units (not including the density bonus units) are target units affordable to very low-income households.

(2) For qualified housing developments with target units affordable to lower-income households:

(a) One additional incentive if ten percent of the units (not including the density bonus units) are target units affordable to lower-income households.

(b) Two additional incentives if 20 percent of the units (not including the density bonus units) are target units affordable for lower-income households.

(c) Three additional incentives if 30 percent of the units (not including the density bonus units) are target units affordable to lower-income households.

(3) For qualified housing developments in a common interest development with target units affordable to moderate-income households:

(a) One incentive if ten percent of the units (not including the density bonus units) are target units affordable to moderate-income households.

(b) Two additional incentives if 20 percent of the units (not including the density bonus units) are target units affordable for moderate-income households.

(c) Three additional incentives if 30 percent of the units (not including the density bonus units) are target units affordable to moderate-income households.

(D) Other Concession or Incentives

An applicant of a qualified housing development may also submit a proposal for other concessions or incentives necessary to make the development economically feasible and to accommodate the density bonus and additional incentives otherwise permitted by this Section. The need for other additional incentives will vary for different housing developments and shall be determined on a case-by-case basis. The applicant shall provide evidence that the proposed concessions and incentives result in identifiable, financially sufficient, and actual cost reduction. A proposal for concessions or incentives pursuant to this Subsection shall neither reduce nor increase the number of additional incentives the applicant is otherwise entitled to pursuant to the above Subsections (B) and (C). Concessions or incentives proposed pursuant to this Subsection may include, but are not limited to, any of the following:

(1) A reduction of site development standards or a modification of zoning code or architectural design requirements which exceed the minimum building standards provided in Part 2.5 (commencing with Section 18901) of Division 13 of the California Health and Safety Code. These may include, but are not limited to, one or more of the following:

(a) Reduced minimum lot sizes and/or dimensions.

(b) Reduced minimum lot setbacks.

(c) Reduced minimum outdoor and/or private outdoor living area.

(d) Increased maximum lot coverage.

(e) Increased maximum building height and/or stories.

(f) Reduced on site-parking standards, including the number or size of spaces and covered parking requirements.

(g) Reduced minimum building separation requirements.

(h) Reduced street standards; e.g. reduced minimum street widths.

(i) Minimum floor area requirements.

(j) Location of walls/fences in setbacks.

(k) Exterior noise standards for second and third story balconies.

(2) Approval of mixed-use zoning in conjunction with the qualified housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the qualified housing development will be located.

(3) Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions or avoidance.

(E) The City may approve or deny the additional incentive(s) requested by the applicant pursuant to Subsection D in its sole and absolute discretion.

(F) The granting of an additional incentive(s) pursuant to this Section shall not be interpreted to require a General Plan Amendment, a change of zone, or other discretionary approval.

(G) Equivalent Financial Incentive.

The City may offer an equivalent financial incentive in lieu of granting a density bonus and/or a development incentive(s). The value of the equivalent financial incentive shall be equal to at least the land cost per dwelling unit savings that would result from a density bonus and must contribute significantly to the economic feasibility of providing the target units pursuant to this Section.

155.625.1.070 Qualified Housing Developments with Childcare Facilities

(A) A qualified housing development that includes a childcare facility, which will be located on the premises of, as part of, or adjacent to, the housing development, is eligible for either of the following:

(1) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility.

(2) One additional incentive to that otherwise allowed pursuant to Section 155.625.1.060 that contributes significantly to the economic feasibility of the construction of the childcare facility.

(B) If an additional density bonus or development incentive is granted pursuant to this Section, the following conditions of approval are required of the development:

(1) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the target units are required to remain affordable pursuant to Section 155.625.1.040.

(2) Of the children who attend the childcare facility, the number children of the very low-, lower- and moderate-income households shall equal a percentage that is equal to or greater than the percentage of target units in the housing development for very low-, lower-, or moderate-income households.

(C) Notwithstanding any provisions of this Section, the City shall not be required to grant the additional density bonus or addition development incentive if it finds, based upon substantial evidence, that the City has adequate childcare facilities.

155.625.1.080 Donation of Land for Very Low-Income Units

(A) An applicant for a tentative parcel map, parcel map, or other residential development project, that donates land to the City is eligible for a density bonus above the otherwise maximum allowable residential density for the applicant's development project, if all of the following conditions are met:

(1) The applicant donates and transfers the land to the City or a housing developer approved by the City no later than the date of approval of the final subdivision map, parcel map, or residential development application for the applicant's project.

(2) The developable acreage and zoning classification of the land transferred are sufficient to permit construction of units affordable to very low-income households in an amount that is equal to ten percent or more of the number of residential units in the applicant's project.

(3) The land transferred is at least one acre in size or is of sufficient size to permit development of at least 40 target units, has the appropriate General Plan designation, is appropriately zoned for residential development at the density of no less than 30 units per acre, and is or will be served by adequate public facilities and infrastructure.

(4) The land transferred shall have, no later than the date the land is transferred, all of the permits and approvals that are necessary for the development of the very low-income housing units on the transferred land, other than architectural review and building permits.

(5) The land transferred and the target units shall be subject to a deed restriction ensuring continued affordability and restricted use of the target units consistent with the requirements set forth in Subsection C of Section 155.625.1.100.

(6) The land transferred is within the boundary of the residential development, or if the City agrees, within one-quarter mile of the boundary of the applicant's project.

(7) The proposed source of funding for the very low-income residential units is identified before the land is transferred.

(8) The bonus density mandated by this Section is in addition to a density bonus to which the applicant may otherwise be entitled for a qualified housing development pursuant to Section 155.625.1.030, up to a maximum combined density bonus of 35 percent if an applicant requests a bonus density pursuant to this Section and Section 155.625.1.030. The density bonus provided by this Section is determined by the number of units affordable to very low-income households on the transferred land that is equal to a percentage of the number of units in the applicant's project. When the number of target units is equal to ten percent or more of units in the applicant's project before the density bonus, the maximum allowable residential density of the applicant's project is multiplied by the density bonus percentage shown below in Table 155.625.1.080.

Table 155.625.1.080 Density Bonus for Land Transferred for Very Low-Income Units	
Percentage of Units in Applicant's Project Equal to Number of Very Low-Income Units on Transferred Land	Density Bonus Percentage
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

155.625.1.090 Application Process

(A) An application for a density bonus and additional incentives pursuant to this Section shall be processed concurrently with any other application(s) required for the housing development.

(B) Preliminary Plan and Pre-application Meeting.

An applicant proposing a housing development pursuant to this Section may submit a preliminary plan prior to submittal of any formal request for approval of a qualified housing development. Applicants are encouraged to schedule a pre-application conference with the Director of Planning, or designated staff, to discuss and identify potential application issues, and for early feedback and guidance on the means for complying with this Section. No charge shall be required for the pre-application conference. The preliminary plan shall be made on forms provided by the Planning and Development Department and shall include the following information:

(1) A brief description of the proposed housing development, including the number of units, target units, density bonus units proposed, and additional incentive(s) requested.

(2) The zoning and General Plan designations and assessors parcel number(s) of the project site.

(3) A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway and parking layout.

(C) Residential Density Bonus Application and Filing Fee

(1) Filing

Application for a density bonus and additional incentives for a qualified housing development shall be made on forms provided by the Planning and Development Department. The application shall include such plans as may reasonably be required for a complete understanding of the proposal.

(2) Reapplication

A person may not file and the Planning and Development Department shall not accept an application which is the same, or substantially the same, as an application on which final action has been taken by the City of Santa Fe Springs within 12 months prior to the date of said application, unless accepted by a motion of the City Council.

(3) Filing Fee

The filing fee shall be established by resolution of the City Council and paid at the time the application is submitted.

(D) Application Review

(1) Upon receipt of an application for a density bonus and additional incentives, City staff shall review the application and inform the applicant as to the completeness of the submittal, of additional materials required, if any, and project issues of concern. City staff shall also inform applicant of the procedures for compliance with this Section.

(2) Public Hearings

When an application for a density bonus and additional incentives is deemed complete, the matter shall be set for public hearings to be held by the Planning Commission and City Council. Notices of the hearings shall be given pursuant to Government Code Section 65091. Notices shall include the dates, times, and places of the public hearings. Also included shall be a general explanation of the matter to be considered and a general description of the location of the subject property as specified in Government Code Section 65094. Notices shall be sent no less than ten days prior to any action taken on the application. Signs, at least eight inches by ten inches, shall be posted on the subject property setting forth substantially the same information included in the mailed notice. There shall be a minimum of two such signs on the subject property. Said signs shall be posted at least ten days prior to the public hearings.

(3) Prior to the public hearing by the Planning Commission, City staff shall inform the applicant that the requested development incentive(s) shall be recommended for approval with the proposed housing development or, if City staff believes that one of the findings

for City Council denial of the request can be made pursuant to Subsection (F) (2) below, that alternative or modified incentives pursuant to Section 155.625.1.060 shall be recommended in lieu for the requested incentives, or recommended for denial. If alternative or modified incentives are recommended, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentive(s).

(E) Planning Commission Review

(1) The Planning Commission shall investigate the facts bearing on each case to determine if the proposed housing development, density bonus, and additional incentives requested by the applicant are consistent with the intent and purpose of this Section, and shall accordingly recommend approval of the application with conditions, or recommend denial of the application if any one of findings for City Council denial of the application can be made pursuant to Subsection G below.

(2) The Planning Commission shall announce its findings by formal resolution. Said resolution shall recite the recommendation of the Commission and set forth the recommended conditions of approval. The Planning Commission's recommendation shall be filed with the City Council, and a copy shall be mailed to the applicant.

(F) City Council Approval

(1) Final approval or disapproval of an application for a density bonus and additional incentive(s) requested by the applicant for a qualified housing development shall be made by the City Council. Before taking final action, the City Council shall consider the recommendation of the Planning Commission on the application.

(2) The City Council shall grant the density bonus and additional incentive(s) requested by the applicant unless the Council makes a written finding, based on substantial evidence, of any of the following:

(a) The additional incentive(s) is not required in order to provide affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or affordable rents for the target units to be set as specified in Section 155.625.1.040.

(b) The additional incentive(s) would have a specific adverse impact upon the public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact with rendering the development unaffordable to low- and moderate-income households. For purposes of this Subsection, a "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions, as they existed on the date the application was deemed complete. Inconsistency with the City's Zoning Ordinance, or General Plan land use designation, shall not constitute a specific adverse impact upon the public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources.

(c) The incentive(s) would be contrary to state or federal law.

(G) Conditions of Approval

(1) In reviewing an application for a density bonus and additional incentive(s), the Planning Commission shall recommend, and the City Council shall impose in approving an application, such conditions deemed necessary to ensure implementation and compliance with this Chapter.

(2) Approval of an application for a density bonus and additional incentive(s) shall require execution of a density bonus housing agreement pursuant to Section 155.625.1.100 to ensure the continued affordability and restricted use of target units during the restricted period in accordance with Section 155.625.1.040.

155.625.1.100 Density Bonus Housing Agreement

(A) Applicants requesting a density bonus and additional incentive(s) pursuant to this Section shall agree to enter into a density bonus housing agreement with the City. A density bonus housing agreement shall be made a condition of approval for all discretionary City approvals related to the housing development (i.e., tentative maps, parcel maps, planned unit developments, conditional use permits). The terms of the draft agreement shall be reviewed and revised as appropriate by the Director of Planning, who shall formulate a recommendation to the City Council for final approval. Following execution of the agreement by all parties, the completed density bonus housing agreement, or memorandum thereof, the agreement shall be recorded and the conditions therefrom filed on the parcel or parcels designated for the construction of the target units. The approval and recordation shall take place prior to final map approval, or, where a map is not being processed, prior to issuance of building permits for such parcels or units. The density bonus housing agreement shall be binding to all future owners and successors in interest.

(B) The density bonus housing agreement shall include at least the following:

(1) The total number of units approved for the housing development, including the number of target units.

(2) A description of the household income group or qualifying residents to be accommodated by the target units as outlined in Section 155.625.1.030.

(3) The location, unit sizes (square feet), and number of bedrooms of the target units.

(4) Tenure of use restrictions for target units of at least 30 years, in accordance with Section 155.625.1.040.

(5) Schedule for completion and occupancy of target units.

(6) Description of the development incentive(s) or equivalent financial incentives being provided by the City.

(7) A description of remedies for breach of the agreement by either party (the City may identify tenants or qualified purchasers as third party beneficiaries under the agreement).

(8) Other provisions to ensure implementation and compliance with this Section.

(C) The density bonus housing agreement shall also include provisions to ensure the continued affordability and restricted use of target units during the restricted period as follows:

(1) Rents for target units that qualified the housing development for a density bonus shall be set at an affordable rent as defined in Section 50053 of the Health and Safety Code.

(2) Owner-occupied target units shall be available at an affordable housing cost as defined in Section 50052.5 of the Health and Safety Code.

(3) The initial occupants of moderate-income target units in common interest development, which qualified the housing development for a bonus density, shall be persons and families of moderate-income, as defined in Section 50093 of the Health and Safety Code.

(4) Units in senior citizen housing that qualified for a density bonus shall be occupied by qualifying residents during the use restriction period.

(5) The initial owner/occupant of each owner-occupied target unit shall execute an instrument or agreement approved by the City restricting the sale of the target unit in during the applicable use restriction period in accordance with this Section. Such instrument or agreement shall be recorded against the parcel containing the target unit, and shall contain such provisions as the City may require in order to ensure continued compliance with this Section and the state's density bonus law.

(6) The City shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The following shall apply to the equity sharing agreement:

(a) Upon resale, the seller of unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy, and its proportionate share of appreciation.

(b) For purposes of this Subsection, the City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance.

(c) For purposes of this Subsection, the City's proportional share of appreciation shall be equal to the ratio of the City's initial subsidy to the fair market value of the unit at the time of initial sale.

(7) In the case of rental target units, the density bonus housing agreement shall provide for the following provisions governing the use of target units during the use restriction period:

(a) The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants.

(b) Provisions requiring owners to verify tenant incomes, when applicable, and maintain books and records to demonstrate compliance with this Section.

(c) Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income, when applicable, of each person occupying a target unit, and the bedroom size and monthly rent or cost of the target unit occupied by such person."

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: The Deputy City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted in at least three (3) public places in the City, such posting to be completed not later than fifteen (15) days after passage hereof.

The foregoing Ordinance was adopted this _____ day of November, 2013, by the following vote:

AYES
NOES
ABSENT
ABSTAIN

Richard J. Moore, Mayor

ATTEST:

Deputy City Clerk

RESOLUTION 41-2013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS, CALIFORNIA, AMENDING MUNICIPAL CODE TITLE 15 AND ADDING SECTION 155.625.1 TO CHAPTER 155: ZONING, TO ESTABLISH THE CITY'S CODE PROVISIONS FOR DENSITY BONUSES AND AFFORDABLE HOUSING INCENTIVES IN ACCORDANCE WITH STATE DENSITY BONUS LAW

WHEREAS, in 2004, the state legislature adopted Senate Bill ("SB") 1818 which changed state density bonus law and imposed new state mandates on California cities regarding density bonuses and incentives that cities are required to grant developers that agree to construct housing development with a specified percentages of total units for specified income households or qualifying residents, donate land for housing affordable to specified income households, or include a childcare facility in conjunction with a qualified housing development; and

WHEREAS, in 2005, the state legislature adopted SB 435, which expanded the scope of developments entitled to density bonuses and made clarifications to the state density bonus law, and in 2008, Assembly Bill ("AB") 2280, which made further modifications and clarification to state bonus density law; and

WHEREAS, state density bonus law requires cities to adopt ordinances specifying how compliance with state density bonus law will be implemented; and

WHEREAS, implementation of a density bonus ordinance for affordable housing will put into practice the affordable housing goals contained within the City's 2014-2021 Draft Housing Element; and

WHEREAS, Santa Fe Springs Municipal Code section 155.834 and California Government Code section 65854 require the Planning Commission and City Council to conduct a public hearing on the proposed Zoning Code amendment.

**THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS
HEREBY RESOLVES AS FOLLOWS:**

SECTION 1: Following a public hearing noticed and conducted in compliance with all applicable law, and pursuant to all laws applicable to the responsibilities of the Planning Commission with respect to the subject matter hereof, the Planning Commission recommends that the City Council adopt Ordinance No. 1048 attached hereto as Exhibit A.

SECTION 2. Based on the oral and written evidence presented at such hearing, the Planning Commission hereby find and determine that the adoption of such Ordinance is in the public convenience, interest and necessity.

SECTION 3: The Planning Commission find that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in

the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4: The revisions to the Santa Fe Springs Municipal Code made by the proposed ordinance are consistent with the goals and policies in the City's General Plan and the 2014-2021 Draft Housing Element, including the following:

- Goal 2.0: Promote the continued availability of a range of housing types to meet the needs of existing and future residents.
- Policy 2.1: Provide adequate sites to facilitate the development of a range of residential development types in Santa Fe Springs which fulfill regional housing needs, including low density single family uses, moderate density townhomes, and higher density apartments and condominiums.
- Policy 2.2: Provide regulatory and available financial incentives to facilitate the development of affordable housing.

SECTION 5: The proposed amendment promotes the public health, safety and general welfare in that the ordinance continues the City's commitment to affordable housing through the provision of bonus densities, and concessions and incentives to encourage the construction of affordable housing, and ensures the City's compliance with the state density bonus law, which requires adoption of an ordinance that specifies how compliance with state density bonus law will be implemented by the City.

SECTION 6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. The Commission Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 25th DAY OF NOVEMBER, 2013.

Frank Ybarra, Chairperson

Teresa Cavallo, Secretary



PUBLIC HEARING

Zoning Ordinance Amendment-Reasonable Accommodations for Disabled Persons

Ordinance No. 1049: An Ordinance of the City Council of the City of Santa Fe Springs, California, amending Santa Fe Springs Municipal Code Section 155.003 and adding Section 155.659 to Chapter 155: Zoning, to establish procedures for disabled persons to request a reasonable accommodation from the City's zoning and land use regulations.

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Open the Public Hearing and receive any comments from the public regarding proposed Ordinance No. 1049, and thereafter close the Public Hearing.
2. Find that the proposed amendment to the text of the City's Zoning Regulations relating to Reasonable Accommodation procedures, are in compliance with the City's General Plan.
3. Find that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. The application of the Ordinance and reasonable accommodation procedures will be subject to CEQA on a case and site-specific basis.
4. Recommend that the City Council adopt Ordinance No. 1049, which establishes reasonable accommodation procedures.
5. Adopt Resolution No. 42-2013, which incorporates the Commission's findings and recommendation regarding this matter.

BACKGROUND

State law recognizes the vital role local governments play in the availability, adequacy and affordability of housing. Every jurisdiction in California is required to adopt a comprehensive, long-term General Plan to guide its physical development; the Housing Element is one of the seven mandated elements of the General Plan. Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain housing development. As a result, State housing policy rests largely upon the effective implementation of local General Plans and in particular, local Housing Elements.

Both the federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be a reasonable accommodation to allow covered ramps in the setbacks of properties that have already been developed to accommodate residents with mobility impairments.

The City of Santa Fe Springs is in the process of updating the Housing Element of the General Plan for the 2014-2021 period as required by State law. The proposed Zoning Text Amendment is a City initiated amendment that establishes a procedure for individuals with disabilities to request reasonable accommodation in the application of the City's zoning and building regulations. Implementation of a reasonable accommodation procedure is identified as Goal 2.0 (Promote the continued availability of a range of housing types to meet the needs of existing future residents) and Policy 2.6 (Encourage the development of residential units accessible to persons with disabilities or are adaptable for conversions for persons with disabilities) in the Draft Housing Element.

This amendment would add Section 155.659 to the Santa Fe Springs Municipal Code and would apply to all properties zoned and used for housing. The process would allow a disabled individual, as defined under State and Federal fair housing laws, to request deviations from zoning, and building regulations in order to make improvements to a property or dwelling to accommodate a disability.

Federal and State fair housing laws prohibit local and regional jurisdictions from discriminating against individuals with disabilities through land use and zoning regulations and actions. The proposed reasonable accommodation ordinance would provide a process to consider whether a development standards or building code regulation can be modified or exempted in order to allow an individual with a disability

to occupy their home. Requiring procedures such as variances and conditional use permits in such cases has been found to be inconsistent with State and Federal fair housing laws. SB 520 (2002) was enacted to require jurisdictions to identify governmental constraints that hinder a jurisdiction from meeting the housing need for persons with disabilities. The statute also requires jurisdictions to include programs in the Housing Element that remove these constraints or provide reasonable accommodations for housing designed for persons with disabilities.

In recognition of this the 2014-2021 Draft Housing Element provides a process for individuals with disabilities to request a reasonable accommodation in the application of the City's zoning and building standards and regulations. If the City does not adopt a reasonable accommodation procedure, the California Department of Housing and Community Development (HCD) would likely determine that the Housing Element is not in compliance and would not certify the Housing Element Update.

If the California Department of Housing and Community Development determines that a Housing Element fails to substantially comply with the State's Housing Element law, there are potentially serious consequences that extend beyond the realm of residential land use planning. When a jurisdiction's Housing Element is found to be out of compliance, its General Plan is at risk of being deemed inadequate, and therefore invalid. Because there must be findings of General Plan consistency in most planning and development decisions, a local government may run the risk of approving projects based on a noncompliant General Plan. If a jurisdiction is sued over an inadequate General Plan the court may impose requirements for land use decisions until the jurisdiction brings its General Plan, including its Housing Element, into compliance with State law. Other repercussions may include limited access to state funding for such community needs as economic development and transportation, and lawsuits from developers and housing advocates.

The process of requesting a reasonable accommodation would require approval of a no-fee administrative permit. The application is required to be accompanied by a description of the standard or regulation for which the reasonable accommodation is requested, the basis for the claim that the individual is considered disabled, and a statement detailing why the reasonable accommodation is necessary. The Director of Planning would forward a written decision on the request with findings, and conditions where applicable. Required findings would ensure that the reasonable accommodation would not pose an undue financial or administrative burden on the City or result in the fundamental alteration in the nature of the City's codes and regulations.

The process would not exempt an applicant from complying with other applicable regulations that are not part of the reasonable accommodation request and any required entitlement not part of the reasonable accommodation request must be obtained. However, the reasonable accommodation request itself would not require

the need for approval of a variance or conditional use permit.

Example Reasonable Accommodation Requests

Below is a list of reasonable accommodation requests that are representative of typical requests the City may expect based on examples cited in the HCD guidance documents as well as other cities that have already implemented these procedures.

- Request to exceed the 42-inch front yard height requirement to accommodate wheelchair ramp access to a dwelling entrance
- Request to construct a bedroom addition on the first floor within the required rear yard setback to accommodate a disabled person unable to climb stairs
- Request to exceed the maximum building height to accommodate an elevator shaft for access to upper floors of a dwelling
- Request to exceed maximum lot coverage requirements to accommodate construction of a bathroom on the first floor for a mobility impaired disabled person
- Request to exceed maximum 42-inch wall height within the front yard setback to accommodate a secure play area for a special needs disabled child.

Through the proposed reasonable accommodation ordinance, the City would have the ability to grant accommodations such as the examples above consistent with State and Federal fair housing laws, State Housing Element law and the City's Housing Element. It should be noted that HCD guidance documents and model ordinances were utilized in preparing the proposed reasonable accommodation ordinance.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Section 65090 and 65091 of the State Planning, Zoning and Development Laws and the requirements of Sections 155.860 through 155.864 of the City's Municipal Code.

Legal notice of the Public Hearing was posted in Santa Fe Springs City Hall, the City Library and Town Center on November 15, 2013, and published in a newspaper of general circulation (Whittier Daily News) on November 15, 2013, as required by the State Zoning and Development Laws and by the City's Zoning Regulations. The Notice was also placed on the City's website.

ENVIRONMENTAL DOCUMENT

The proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines,

California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. The application of the Ordinance for reasonable accommodation procedures will be subject to CEQA on a case and site-specific basis.

SUMMARY

Ordinance No.1049 establishes a process for individuals with disabilities to request a reasonable accommodation in the application of the City's zoning and building standards and regulations. This amendment will be consistent with State and Federal fair housing laws and would comply with State Housing Element law and enable the City to receive certification of the Housing Element Update from HCD. The reasonable accommodation procedure would implement the Housing Element goals and policies for the provision of equal housing opportunity and would eliminate governmental constraints in meeting the City's housing need for persons with disabilities.



Wayne M. Morrell
Director of Planning

Attachments:

1. Ordinance No. 1049
2. Resolution No. 42-2013

Exhibit A

ORDINANCE NO. 1049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 155.003 AND ADDING SECTION 155.659 TO CHAPTER 155: ZONING TO ESTABLISH PROCEDURES FOR DISABLED PERSONS TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING AND LAND USE REGULATIONS

THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby amends Section 155.003 (Definitions) of Chapter 155 (Zoning) of Title 15 of the Santa Fe Springs Municipal Code by adding the following definitions, with all other definitions in that Section to remain unchanged:

"DISABLED; DISABLED PERSON. A person who has a Physical or Mental Impairment that limits or substantially limits one or more Major Life Activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment, as those terms are defined in the Fair Housing Laws."

"FAIR HOUSING LAWS. The "Fair Housing Act" (42 U.S.C § 3601 et seq.), the "Americans with Disabilities Act" (42 U.S.C. § 12101 et seq.), and the "California Fair Employment and Housing Act" (California Government Code § 12900 et seq.), as these statutes now exist or may be amended from time to time, and the implementing regulations for each of these statutes."

"FAMILY. Two or more persons living together as a single housekeeping unit in a single dwelling unit; persons living together in a licensed residential facility as that term is defined in Health and Safety Code Section 1502(a) (1), which serves six or fewer persons, excluding the licensee, the members of the licensee's family, and persons employed as facility staff who reside at the facility."

"MAJOR LIFE ACTIVITY. Physical, mental, and social activities, such as the operation of major bodily functions, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working."

"PHYSICAL OR MENTAL IMPAIRMENT. Any physiological disorder or condition and any mental or psychological disorder, including, but not limited to, orthopedic, visual, speech and hearing impairments, cosmetic disfigurement, anatomical loss, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disabilities (formerly termed "mental retardation"), emotional or mental illness, learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, and alcoholism and drug addiction (but not including current use of illegal drugs). A temporary condition, such as a broken leg, pregnancy, use of crutches, etc. does not qualify as a Physical or Mental Impairment."

"REASONABLE ACCOMMODATION. Any deviation requested and/or granted from the City's zoning and land use laws, rules, regulations, policies, procedures, practices, or

any combination thereof, that may be reasonable and necessary for a Disabled Person to have an equal opportunity to use and enjoy a dwelling."

SECTION 2. The City Council hereby adds a new Section 155.659 to Chapter 155 of Title 15 of the Santa Fe Springs Municipal Code to read as follows:

155.659 REASONABLE ACCOMMODATION PROCEDURES FOR DISABLED PERSONS

155.659.010. Purpose and Applicability:

- (A) Purpose. The purpose of this Section is to establish a procedure for Disabled Persons, or their representatives, to request a Reasonable Accommodation from the City's zoning laws, building codes, and land use regulations, policies, and procedures to provide Disabled Persons with an opportunity to use and enjoy housing equal to that of non-disabled persons.
- (B) Who May Apply. A request for a Reasonable Accommodation may be made by any Disabled Person, his/her representative, or a developer or provider of housing for Disabled Persons, when the application of a zoning law, building code provision, or other land use regulation, policy, or practice acts as a barrier to a Disabled Person's equal opportunity to use and enjoy housing.
- (C) What Can Be Requested. A request for a Reasonable Accommodation may include a modification to or exception from the rules, standards, or practices for the siting, development, or use of housing or housing related facilities, in order to allow a Disabled Person an equal opportunity to use and enjoy housing in accordance with the Fair Housing Laws. Requests for a Reasonable Accommodation shall be made in the manner prescribed by this Section.

155.659.020: Reviewing Authority:

- (A) A request for a Reasonable Accommodation shall be reviewed by the Director of Planning or the Director's designee, unless it is related to a discretionary land use application for the same Site Area that requires review by the Planning Commission, in which case the Planning Commission shall be the reviewing authority. The Director of Planning may, in his/her discretion, refer applications to the Planning Commission for consideration.
- (B) Variance Not Required. Where the improvements or modifications approved through a request for a Reasonable Accommodation would otherwise require a variance, a variance shall not be required.

155.659.030: Review Procedure:

- (A) Director Review. The Director, or designee, shall consider an application and issue a written determination. At least ten (10) calendar days before issuing a written determination on the application, the Director shall mail notice to the applicant and adjacent property owners that the City will be considering the application, advising of the standards for issuing an accommodation, and inviting written comments on the requested accommodation.

- (B) Planning Commission Review. The processing procedures for the discretionary land use application before the Planning Commission shall govern the processing of the request for a Reasonable Accommodation. If the Reasonable Accommodation is referred to the Planning Commission by the Director and there is no other discretionary application, then the Planning Commission shall hold a public hearing within forty-five (45) days after the application is deemed complete and shall issue a written determination within sixty (60) calendar days after such public hearing. Written notice of a hearing to consider the application shall be mailed ten (10) calendar days prior to the meeting to the applicant and adjacent property owners.
- (C) Ability to Require Additional Information. If the reviewing authority believes that additional information is necessary to reach a determination on any request for a Reasonable Accommodation, then the reviewing authority may request further information from the applicant. The reviewing authority's request shall specify in detail the requested information. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant fully responds to the request for information. If an individual needs assistance in submitting the application for a Reasonable Accommodation, the City shall provide assistance to ensure that the process is accessible. The applicant and the City may agree at any time to extend the time period(s) set forth in this section.

155.659.040: Application Submittal

Notwithstanding any other requirements of this Section, a request for a Reasonable Accommodation shall be made on a form supplied by the Planning and Development Department and shall include the following information:

- (A) The applicant's or representative's name, mailing address, daytime phone number, and email address, if applicable;
- (B) The address of the property for which the request is being made;
- (C) The specific code section, regulation, procedure, or policy of the City from which relief is sought;
- (D) A site plan or illustrative drawing showing the proposed accommodation, if applicable;
- (E) An explanation of why the specified code section, regulation, procedure, or policy is denying, or will deny a Disabled Person equal opportunity to use and enjoy the dwelling;
- (F) The basis for the claim that the Fair Housing Laws apply to the applicant and evidence satisfactory to the City supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
- (G) A detailed explanation of why the accommodation is reasonable and necessary to afford the Disabled Person an equal opportunity to use and enjoy the dwelling; and
- (H) Any other information required to make the findings required by Section 155.659.050, consistent with the Fair Housing Laws.

- (I) A Reasonable Accommodation does not affect or negate an individual's obligation to comply with other applicable regulations that are not the subject of the requested accommodation.
- (J) No application fee shall be required to process an application for a request for a Reasonable Accommodation pursuant to this Section. However, application fees shall be required for any concurrent development application and any other permits that may be required to construct or otherwise implement the Reasonable Accommodation.
- (K) While a request for a Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

155.659.050: Findings and Conditions of Approval

Required Findings. The Reasonable Accommodation shall be approved, with or without conditions, if the reviewing authority finds, based upon all of the evidence presented, that all of the following findings can be made:

- (A) The dwelling that is the subject of the request for Reasonable Accommodation will be occupied by a Disabled Person;
- (B) The requested accommodation is necessary to provide a Disabled Person with an equal opportunity to use and enjoy a dwelling;
- (C) The requested accommodation will not impose an undue financial or administrative burden on the City, as defined in the Fair Housing Laws; and
- (D) The requested accommodation will not require a fundamental alteration to the City's zoning or building laws, policies, and/or procedures, as defined in the Fair Housing Laws. In considering whether the accommodation would require such a fundamental alteration, the reviewing authority may consider, among other factors:
 - (1) Whether the requested accommodation would fundamentally alter the character of the neighborhood;
 - (2) Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;
 - (3) Whether the requested accommodation would substantially undermine any express purpose of either the City's General Plan or an applicable specific plan; and
 - (4) Whether the requested accommodation would create an institutionalized environment due to the number of, and distance between, facilities that are similar in nature or operation.

155.659.060: Decision

The reviewing authority's written decision shall set forth the findings and any conditions of approval. The decision and notice of the right to appeal shall be mailed to the applicant, and to any person having provided written comment on the application. The approval of a Reasonable Accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this Section or the General Plan, or are appropriate to protect the public health, safety, or welfare. The reviewing authority may approve an alternative Reasonable Accommodation that provides the applicant an opportunity to use and enjoy a dwelling equivalent to that provided by the specific accommodation requested by the applicant, where such

alternative accommodation would reduce impacts to neighboring properties or the surrounding area. The written decision of the reviewing authority shall be final, unless appealed or ordered for Council review in the manner set forth in Section 155.865 of this Code.

Prior to the issuance of any permits related to an approved Reasonable Accommodation, the applicant, or property owner if different, shall record a covenant in the County Recorder's Office, in a form approved by the City Attorney, acknowledging and agreeing to comply with the terms and conditions of the approved Reasonable Accommodation. A Reasonable Accommodation is granted to an individual(s) and shall not run with the land, unless the Director of Planning finds, at the time of approval of the accommodation, that the modification is physically integrated with the structure and cannot feasibly be removed or altered.

155.659.070: Expiration and Discontinuance

- (A) Expiration. Any Reasonable Accommodation approved in accordance with the terms of this Section shall expire within twelve (12) months from the effective date of the approval, or at an alternative time specified in the approval, unless:
 - (1) A building permit has been issued and construction has commenced; or
 - (2) The right granted by the accommodation has been exercised; or
 - (3) A time extension has been granted by the Director of Planning.
- (B) Discontinuance. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days. In addition, if the Disabled Person for whom the Reasonable Accommodation was granted vacates the residence, the Reasonable Accommodation shall remain in effect only if: (1) the Director of Planning determined pursuant to Section 155.659.060 that the Reasonable Accommodation shall run with the land, or (2) another Disabled Person who requires the accommodation to have an equal opportunity to use and enjoy the dwelling now occupies the dwelling. The Director may request that the person seeking to retain the accommodation provide documentation that the occupants are Disabled Persons and the existing accommodation is necessary for them to have an equal opportunity to use and enjoy the dwelling. Failure to provide such documentation within 10 days of the date of a request by the City shall constitute grounds for discontinuance by the City of a previously approved Reasonable Accommodation.

155.659.080: Revocation or Modification

- (A) If the Director determines that evidence could be presented to the Planning Commission that may support grounds for revocation or modification of an approved Reasonable Accommodation, and the Director believes that the Planning Commission may find that such evidence is adequate to support revocation or modification of the Reasonable Accommodation, then the Director may initiate a revocation proceeding before the Planning Commission.
- (B) Upon initiation of a revocation proceeding, the Planning Commission shall hold a public hearing regarding the possible revocation or modification of the Reasonable Accommodation. Notice of such hearing shall be provided in the same manner as the notice required to be provided in Section 155.659.030. The Planning Commission, after such hearing, may revoke or modify the Reasonable Accommodation if the Planning Commission determines that:

- (1) There has been a change in the Disabled Person's use of the property or need for the Reasonable Accommodation that negates the basis for the approval of the Reasonable Accommodation; or
 - (2) The application, or other information presented to the City in conjunction with the request for a Reasonable Accommodation, included false information; or
 - (3) Any of the conditions or terms of such approval are violated, or any law or ordinance is violated in connection therewith.
- (C) Upon revocation of the Reasonable Accommodation, the property shall be brought into compliance with any zoning regulation or other laws, policies, or procedures from which a deviation was granted in order to allow the Reasonable Accommodation.

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: The Deputy City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted in at least three (3) public places in the City, such posting to be completed not later than fifteen (15) days after passage hereof.

The foregoing Ordinance was adopted this _____ day of November, 2013, by the following vote:

AYES
NOES
ABSENT
ABSTAIN

Richard J. Moore, Mayor

ATTEST:

Deputy City Clerk

RESOLUTION NO. 42-2013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 155.003 AND ADDING SECTION 155.659 TO CHAPTER 155: ZONING TO ESTABLISH PROCEDURES FOR DISABLED PERSONS TO REQUEST A REASONABLE ACCOMMODATION FROM THE CITY'S ZONING AND LAND USE REGULATIONS

WHEREAS, Federal and State fair housing laws prohibit local and regional jurisdictions from discriminating against individuals with disabilities through land use and zoning regulations and actions; and

WHEREAS, the City of Santa Fe Springs' policy is to comply with the Federal Fair Housing Act and the California Fair Employment and Housing Act by providing reasonable accommodation in the application of its land use and zoning regulations for housing designed for occupancy by persons with disabilities seeking fair access to housing; and

WHEREAS, The City of Santa Fe Springs is in the process of updating the Housing Element of the General Plan for the 2014-2021 period as required by State law; and

WHEREAS, The City of Santa Fe Springs 2014-2021 Housing Element of the General Plan establishes a process to allow a disabled individual, as defined under State and federal fair housing laws, to request deviations from zoning, and building regulations in order to make improvements to a property or dwelling to accommodate a disability; and

WHEREAS, The proposed text amendment to the City's Municipal Code would codify the process outlined in the 2014-2021 Housing Element of the General Plan, and provide a mechanism through which the City can grant reasonable adjustments to its zoning and land use regulations to avoid unequal treatment towards individuals with disabilities; and

WHEREAS, Santa Fe Springs Municipal Code Section 155.834 and California Government Code section 65854 require the Planning Commission and City Council to conduct a public hearing on the proposed Zoning Code amendments.

**THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1: Following a public hearing noticed and conducted in compliance with all applicable law, and pursuant to all laws applicable to the responsibilities of the Planning Commission with respect to the subject matter hereof, the Planning Commission recommends that the City Council adopt Ordinance 1049 attached hereto as Exhibit A.

SECTION 2: Based on the oral and written evidence presented at such hearing, the Planning Commission hereby find and determine that the adoption of such Ordinance is in the public convenience, interest and necessity.

SECTION 3: The Planning Commission find that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4: The revisions to the Santa Fe Springs Municipal Code made by the proposed ordinance are consistent with the goals and policies in the City's General Plan and the 2014-2021 Draft Housing Element, including the following:

- Goal 2.0: Promote the continued availability of a range of housing types to meet the needs of existing and future residents.
- Policy 2.6: Encourage the development of residential units accessible to persons with disabilities or are adaptable for conversion for persons with disabilities.
- Policy 2.8: Continue to offer neighborhood housing counseling services through the Santa Fe Springs Neighborhood Center for Social Services on matters such as review of leases, fair housing, and landlord-tenant disputes.

SECTION 5: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6: The Commission Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 25th DAY OF NOVEMBER, 2013.

Frank Ybarra, Chairperson

Teresa Cavallo, Secretary



PUBLIC HEARING

Zoning Ordinance Amendment-Emergency Shelters and Transitional and Supportive Housing

Ordinance No. 1050: An ordinance of the City Council of the City of Santa Fe Springs, California, amending Santa Fe Springs Municipal Code, Sections 155.003, 155.061, 155.091, 155.180, and 155.181, and adding Section 155.629.1 relating to Emergency Shelters and Transitional and Supportive housing.

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Open the Public Hearing and receive any comments from the public regarding proposed Ordinance No. 1050, and thereafter close the Public Hearing.
2. Find that the proposed amendment to the text of the City's Zoning Regulations relating to the standards for Emergency Shelters, Transitional and Supportive Housing, are in compliance with the City's General Plan.
3. Find that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
4. Recommend that the City Council adopt Ordinance No. 1050, which establishes definitions and development standards for Emergency Shelters and Transitional and Supportive Housing.
5. Adopt Resolution No. 43-2013, which incorporates the Commission's findings and recommendations regarding this matter.

BACKGROUND

State law recognizes the vital role local governments play in the availability, adequacy and affordability of housing. Every jurisdiction in California is required to adopt a comprehensive, long-term General Plan to guide its physical development; the Housing Element is one of the seven mandated elements of the General Plan. Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain housing development. As a result, State housing policy rests largely upon the effective implementation of local General Plans and in particular, local Housing Elements. Housing Element statutes also require the State Department of Housing and Community Development (HCD) to review local housing elements for compliance with State law and to report their findings to the local government.

Housing Element law requires each jurisdiction to develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups. Housing Element law also specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population, including multi-family rental housing, factory-built housing, mobile homes, emergency shelters, and transitional housing.

The Southern California Association of Governments (SCAG) is responsible for developing and assigning these regional needs, or "RHNA", to southern California jurisdictions. Pursuant to the SCAG RHNA cycle, the Santa Fe Springs Housing Element is an eight-year plan extending from 2014-2021. The previous cycle was a seven-year plan extending from 2008-2014.

The City of Santa Fe Springs has begun the process of updating the Housing Element of the General Plan for the 2014-2021 period as required by State law. The proposed text amendment addresses the requirements of Senate Bill (SB) 2, which modified California Government Code Section 65583, effective January 1, 2008, requiring all California jurisdictions to identify at least one zone that will permit Emergency Shelter uses without a Conditional Use Permit (CUP) or other discretionary action. Pursuant to Health and Safety Code Section 50801, Emergency Shelter is defined as housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. ***No individual or household may be denied emergency shelter because of an inability to pay.***

Summary: SB 2 strengthens state law by ensuring that every jurisdiction identifies potential sites where new emergency shelters can be located without discretionary review by the local government. It also increases protections for providers seeking to open a new emergency shelter, transitional housing or supportive housing development, by limiting the instances in which local governments can deny such developments. Applicable to all cities and counties in California, SB 2 took effect January 1, 2008, and will impact all housing element updates due after this date, as well as those that were due prior to 2008, but are being submitted for the first time after January 1, 2008. Subject to important limitations described below, SB 2:

- Requires all cities and counties ("localities") to provide at least one zoning category in which emergency shelters can be located without discretionary approval from the local government. The zoning category must be identified in the locality's housing element, and include sites with sufficient capacity to meet the local need for emergency shelter.
- Requires that all localities provide at least one such site.
- Expands the Housing Accountability Act, to prohibit localities from denying a proposal to build an emergency shelter, transitional housing or supportive housing if it is needed and otherwise consistent with the locality's zoning and development standards.

In compliance with SB 2, City staff conducted a review of its zoning districts and determined that the ML, Limited Manufacturing, Administration and Research Zone is best suited to house an emergency homeless shelter. The ML zone serves as a transitional district separating industrial uses from more sensitive commercial and residential uses, and provides for administrative offices, scientific research offices and laboratories, restricted manufacturing and appurtenant uses compatible to the development of an industrial park. ML zone districts are centrally located in the city and are transit accessible. While there are a limited number of vacant ML parcels, numerous ML properties are either underutilized or have existing structures which could potentially be suitable for conversion to shelter use, providing capacity for at least one emergency shelter.

Pursuant to SB 2, the Housing Element also identified the need to add Supportive Housing and Transitional Housing in the definitions section of the City's Municipal Code and lists such uses as permitted within Residential-zoned districts. The proposed amendment will bring the City's Municipal Code into compliance with the requirements of SB 2 and the objective of the 2014-2021 Draft Housing Element.

As required by State law, the proposed amendment establishes a definition of an Emergency Shelter, identifies it as a Principal Permitted Use within the ML, Limited Manufacturing, Administration and Research Zone, and creates objective standards and operational guidelines to prevent adverse impacts on surrounding properties.

Supportive Housing and Transitional Housing

The proposed Zoning Text Amendment adds Emergency Shelter, Supportive Housing and Transitional Housing definitions within Section 155.003, Definitions, as well as Supportive Housing and Transitional Housing as Principal Permitted Uses within Section 155.061 (R-1 District) and Section 155.091 (R-3 District).

Transitional Housing (Health and Safety Code Section 50675.2(h)): "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive Housing (Health and Safety Code Section 50675.14(b)): Housing with no limit on length of stay, that is occupied by the target population, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target population" mean persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

State law requires that Supportive Housing and Transitional Housing be allowed in residential areas, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Thus, Supportive Housing and Transitional Housing uses would be subject to the same development standards and processing requirements for the type of project and residential zone in which they are proposed. The development standards include, but are not limited to, setbacks, maximum height, lot coverage, and parking requirements. Per processing requirements, CUPs would not be required for many, if not most, of these projects.

From a land use perspective, residential uses are analyzed for compliance with applicable development standards as well as the impact of the use on surrounding properties. Staff supports the inclusion of these uses in the residential districts for the following reasons:

- Supportive Housing and Transitional Housing uses will be subject to the same analysis and regulations as other residential uses;
- These uses would increase the diversity of housing types available to residents in need;
- These uses would not necessarily conflict or impede the range of uses allowed within residential districts

By establishing Supportive Housing and Transitional Housing definitions within the Santa Fe Springs Municipal Code and allowing such uses in residential districts, the City will better facilitate the development of such uses in order to provide services to very low, low and moderate income households without negatively impacting surrounding residential uses. As proposed, Supportive Housing and Transitional Housing uses will be subject to the same development standards as other residential uses under identical zoning classification, preventing incompatibilities of development standards and intensity. The proposed amendments will comply with several goals and policies of the 2014-2021 Draft Housing Element and would also promote a number of specific General Plan Goals and Policies as described in Table 1.

Table 1

<u>2014-2021 Housing Element</u>	<u>Goal</u>	<u>Policy</u>
	2.0: Promote the continued availability of a range of housing types to meet the needs of existing and future residents	2.5: Provide zoning which facilitates the following uses: manufactured housing, community care facilities, transitional and supportive housing, and emergency shelters. 2.7: Coordinate with local service providers and the Gateway Cities COG to address the needs of the homeless and persons at-risk of homelessness. Provide zoning to facilitate the provisions of emergency, transitional and supportive housing.
<u>General Plan Element</u>	<u>Goal</u>	<u>Policy</u>
Housing Element	2.0: Promote the continued availability of a range of unit types and sizes regardless of income, race or ethnic background.	2.2: Encourage the production of housing in Santa Fe Springs through offering density bonus and other financial incentives, with particular emphasis on housing affordable to lower income households, as well as on the needs of the handicapped, the elderly, large families, female-headed households, and the homeless. 2.8: Coordinate with local service providers to address the needs of the homeless population. Continue to encourage the development of transitional housing in areas with a Planned Development (PD) overlay through flexibility in development standards.

LEGAL NOTICE OF PUBLIC HEARING

This matter was set for Public Hearing in accordance with the requirements of Section 65090 and 65091 of the State Planning, Zoning and Development Laws and the requirements of Sections 155.860 through 155.864 of the City's Municipal Code.

Legal notice of the Public Hearing was posted in Santa Fe Springs City Hall, the City Library and Town Center on November 15, 2013, and published in a newspaper of general circulation (Whittier Daily News) on November 15, 2013, as required by the State Zoning and Development Laws and by the City's Zoning Regulations. The Notice was also placed on the City's website.

ENVIRONMENTAL DOCUMENT

The proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. The application of the Ordinance and development of any Emergency Shelter, Transitional or Supportive Housing project will be subject to CEQA on a case and site-specific basis.

SUMMARY

Ordinance No. 1050 establishes definitions and development standards for new Emergency Shelters and Transitional and Supportive Housing uses in accordance with SB 2 and the policies and programs of the City's Draft Housing Element. With the adoption of the new Ordinance, the proposed amendment will indirectly provide assistance to special groups, such as the elderly, physically challenged and those in need of temporary shelter in the City of Santa Fe Springs.



Wayne M. Morrell
Director of Planning

Attachments:

1. City Council Ordinance No. 1050
2. Planning Commission Resolution No. 43-2013

Exhibit A

ORDINANCE NO. 1050

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS, CALIFORNIA, AMENDING SANTA FE SPRINGS MUNICIPAL CODE SECTIONS 155.003, 155.061, 155.091, 155.180, 155.181, AND ADDING SECTION 155.629.1 RELATING TO EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING

THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 155.003 (Definitions) of Chapter 155 (Zoning) of the Santa Fe Springs Municipal Code, is amended, in part, by adding the following definitions, with all other definitions in that section to remain unchanged:

Emergency Shelter (Health and Safety Code Section 50801): Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2(h)): "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive Housing (Health and Safety Code Section 50675.14(b)): Housing with no limit on length of stay, that is occupied by the target population, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. "Target population" mean persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

SECTION 2. Part 7 ML LIMITED MANUFACTURING ADMINISTRATION AND RESEARCH ZONE DISTRICT, Section 155.180 **PURPOSE** is hereby amended, in its entirety, to read as follows:

The purpose of the ML Zone is to provide an environment suitable for the establishment of administrative offices of business and industrial concerns, scientific research offices and laboratories, restricted manufacturing, and appurtenant uses compatible to the development of an industrial park, **and to provide for special needs housing in the form of emergency shelters.** The restrictions and conditions applied to this zone shall be those designed to develop a park-like atmosphere which will be conducive to the erection of industrial buildings pleasing in appearance and which will harmonize with other surrounding land uses.

SECTION 3. Section 155.181 **PRINCIPAL PERMITTED USES** is hereby amended to read as follows:

(HH) Emergency Shelters in conformance with Section 155.629.1 of Miscellaneous Uses.

~~(HH)~~ **(II)** Other similar uses which the Commission after study and deliberation finds not to be inconsistent with the purpose of this section, and which would be similar to the uses listed as permitted uses, and would be compatible to these uses.

SECTION 4. Section 155.629.1 is hereby added to read as follows:

155.629.1 EMERGENCY SHELTER FACILITIES.

A. Purpose and Intent: The overall design, construction, appearance, operation and maintenance of the Emergency Shelter facility should provide an environment that is safe, secure, functional, and appropriate to the surrounding community.

B. Development Standards: The shelter shall comply with all development standards of the zoning district in which it is located except as modified by these Special Regulations.

C. Maximum Number of Persons/Beds: The shelter shall contain a maximum of 74 beds and serve no more than 74 people per night. An Emergency Shelter containing more than 74 beds and serving more than 74 people per night shall be subject to a Conditional Use Permit as outlined in Sections 155.710 through 155.722 of the City's Municipal Code.

D. Parking Requirement: One space per employee, plus one space per 5 beds.

E. Management Standards. The Emergency Shelter shall meet the following management standards.

(1) No more than one shelter shall be permitted within a radius of 300 feet from another such shelter.

(2) No resident can stay more than 180 nights per calendar year.

(3) Hours of Operation: The shelter may only operate between 5:00 p.m. and 8:00 a.m. daily. Clients shall vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night.

(4) The shelter shall provide the following mandatory facilities: a separate intake area of a minimum 250 square feet, office areas for administrative purposes, restrooms, and general storage.

(5) Adequate outdoor lighting shall be provided for security purposes. Lighting shall be stationary, permanent, directed away from adjacent properties and public rights-of-way, and of intensity compatible with and similar to the surrounding area.

(6) Bike rack parking shall also be provided.

(7) The facility may provide the following services in a designated area separate from sleeping areas:

(a) A recreational area either inside or outside the shelter.

(b) A counseling center for job placement, educational, health care, legal, or mental health services.

(c) Laundry facilities to serve the number of clients at the shelter.

(d) Kitchen for the preparation of meals.

(e) Or similar services geared to homeless clients.

(8) Facility Management shall include the following:

a. On-site management and on-site security shall be provided during all hours when the shelter is in operation.

b. The facility shall have a written management plan which includes at a minimum: provisions for staff training; neighborhood outreach; screening of residents; eligibility and admission

procedures; operating schedule; rules regarding smoking, access to the facility, visitors, and guests; and a written policy outlining the consequences of rules violations or infractions.

c. Facility shall be designed and rules in place to avoid loitering on or adjacent to the site by patrons.

d. The facility shall clearly post written eligibility and admission policies and procedures as well as dates, times, and services available.

(9) The facility shall conform to and maintain all applicable State and local building codes, fire codes, occupancy standards and other relevant codes and regulations and permits.

(10) The facility shall maintain staffing levels consistent with industry standards.

(11) The facility shall be maintained in a safe and sanitary condition.

SECTION 5. Section 155.186 POPULATION DENSITY is hereby amended, in its entirety, to read as follows:

Residential uses are not permitted in the ML Zone **except for Emergency Shelters cited under Section 155.181 and Accessory Uses under Section 155.182.**

SECTION 6. Section 155.061 PRINCIPAL PERMITTED USES (R-1 DISTRICT) is hereby amended, in its entirety, to read as follows:

The principal permitted use in the R-1 Zone shall be single-family dwellings. **Supportive Housing and Transitional Housing shall be permitted and shall be subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in this district.**

SECTION 7. Section 155.091 PRINCIPAL PERMITTED USES (R-3 DISTRICT) is hereby amended, to read as follows:

(D) Supportive Housing and Transitional Housing shall be permitted and shall be subject only to those restrictions and processing requirements that apply to other residential dwellings of the same type in this district.

SECTION 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 9: The Deputy City Clerk shall certify to the adoption of this Ordinance, and shall cause the same to be posted in at least three (3) public places in the City, such posting to be completed not later than fifteen (15) days after passage hereof.

The foregoing Ordinance was adopted this _____ day of November, 2013, by the following vote:

AYES
NOES
ABSENT
ABSTAIN

Richard J. Moore, Mayor

ATTEST:

Deputy City Clerk

RESOLUTION NO. 43-2013

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS ADOPT AN ORDINANCE AMENDING SANTA FE SPRINGS MUNICIPAL CODE SECTIONS 155.003, 155.061, 155.091, 155.180, 155.181, AND ADDING SECTION 155.629.1 RELATING TO EMERGENCY SHELTERS AND TRANSITIONAL AND SUPPORTIVE HOUSING

WHEREAS, the State Legislature passed Senate Bill (SB 2) in 2007 for Local Planning and Approval of Emergency Shelters and Transitional and Supportive Housing; and

WHEREAS, Government Code Section 65583(a)(4)(A) requires the City to identify zone or zones that can: (1) accommodate at least one year-round emergency shelter; and (2) allow emergency shelters as a permitted use without a conditional use permit or other discretionary permit, subject to written objective development and management standards established by the City; and

WHEREAS, Government Code Section 65583(a)(4)(A) requires the identified zone or zones to include sufficient capacity to accommodate the need for emergency shelters as identified in the City's Housing Element; and

WHEREAS, the ML, Limited Manufacturing, Administration and Research Zone has been identified as the zone with sufficient capacity to accommodate the need for emergency shelters; and

WHEREAS, Government Code Section 65583(a)(7) requires the City's Housing Element to analyze special housing needs, including families and persons in need of emergency shelter; and

WHEREAS, Government Code Section 65583(a)(5) requires that transitional and supportive housing shall be considered a residential use of property, and shall be subject to only those restrictions that apply to other residential dwellings of the same type in the same zone; and

WHEREAS, the revisions to the Santa Fe Springs Municipal Code made by the proposed ordinance are consistent with the goals and policies in the City's General Plan; and

WHEREAS, the proposed amendment will establish definitions and development standards for Emergency Shelters and Transitional and Supportive housing in accordance with SB 2 and the policies and programs of the City's Housing Element; and

WHEREAS, Santa Fe Springs Municipal Code section 155.834 and California Government Code section 65854 require the Planning Commission and City Council to conduct a public hearing on the proposed Code amendments.

THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS
HEREBY RESOLVES AS FOLLOWS:

SECTION 1: Following a public hearing noticed and conducted in compliance with all applicable law, and pursuant to all laws applicable to the responsibilities of the Planning Commission with respect to the subject matter hereof, the Planning Commission recommends that the City Council adopt Ordinance 1050 attached hereto as Exhibit A.

SECTION 2: Based on the oral and written evidence presented at such hearing, the Planning Commission hereby find and determine that the adoption of such Ordinance is in the public convenience, interest and necessity.

SECTION 3: The Planning Commission find that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4: The proposed amendment is consistent with the City's adopted General Plan and Housing Element Goals and Policies which encourage the development of residential units whose design and market intent is to meet the needs of special groups, such as the elderly, physically challenged and those in need of temporary shelter. The Zoning Code Amendment will establish the City's regulations for Emergency Shelters, and Transitional and Supportive Housing. These are specific types of special-needs housing which are not currently addressed by the City's Zoning Regulations.

SECTION 5: If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6: The Commission Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 25th DAY OF NOVEMBER, 2013.

Frank Ybarra, Chairperson

Teresa Cavallo, Secretary



City of Santa Fe Springs

Planning Commission Meeting

November 25, 2013

CONSENT ITEM

Conditional Use Permit Case No. 481-4

A compliance review of an outdoor storage facility involving mobile office trailers on the subject 5-acre property located at 12311 Greenstone Avenue (APN: 8026-041-035), in the M-2, Heavy Manufacturing zone, and within the Consolidated Redevelopment Project Area. (Rawlins Family Trust for Scotsman Mobile Offices)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the continued operation and maintenance of a mobile office trailer outdoor storage facility and related improvements, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and will be in conformance with the overall purposes and objectives of the Zoning Regulations and consistent with the goals, policies, and programs of the City's General Plan.
2. Require that Conditional Use Permit Case No. 481-4, be subject to a compliance review in five (5) years, on or before, November 25, 2018, to ensure that the use is in strict compliance with the conditions of approval as contained within this staff report.

BACKGROUND

In accordance with Section 155.243 (J)(18) of the City's Zoning Regulations, open storage yards are required to obtain a Conditional Use Permit prior to commencement of such activities. Section 155.639 further restricts the location of open storage yards to properties that front onto a freeway or on a major or secondary highway and where the premise exceeds an area of one acre or where such uses would be incompatible with or have an adverse effect on existing or proposed development in the adjacent area. However, exceptions to said restrictions are made when the open storage yard use is located "on property composed of filled land which cannot be used for other industrial uses." It should be noted that the subject property is located on a former landfill.

Respectively, on June 24, 1991, and June 27, 1991, the Planning Commission and Redevelopment Agency approved the original Conditional Use Permit (CUP 481) to allow the operation and maintenance of an outdoor storage facility involving mobile office trailers on the subject 5-acre property. The applicant has been granted three

CUP time extensions since the original approval. The last time extension, granted on March 13, 2006, recently expired. The applicant is, therefore, seeking an extension of the subject CUP to allow the continued operation and maintenance of the open storage yard use on the subject property.

STAFF CONSIDERATIONS

As standard practice for all CUP compliance reviews, an inspection of the subject property is performed by City staff to ensure continued compliance with the conditions of approval prior to bringing the matter back to the Planning Commission. Following the recent inspection by the Building, Fire, and Planning Departments, the applicant was directed to comply with the following:

- Front yard landscape area must be continually maintained in a neat, clean, orderly and healthful condition. This is meant to include proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, and replacement of plants when necessary and the regular watering of all plant material.
- Fire lane access (minimum 26" wide aisles) shall be continually provided. Storage of trailers shall not encroach into said fire lane.

Staff recently verified that the applicant has completed the above-referenced items; consequently, the applicant is now in full compliance with the existing conditions of approval. Staff finds that if the open storage yard use continues to operate in strict compliance with the required conditions of approval, the use will continue to be compatible with the surrounding developments and will not pose a nuisance risk to the public or environment. Staff is, therefore, recommending that CUP 481-4 be subject to a compliance review in five (5) years to ensure the use is still operating in compliance with the conditions of approval as contained in this staff report.

CONDITIONS OF APPROVAL

NOTE: Changes to existing conditions are provided as a strike-through or bold.

1. That the Applicant shall continue to maintain the landscaping and automatic irrigation system in proper order and replace any dead or withered foliage with new landscape material in a timely manner. **(ongoing)**
2. That the subject site shall not be used for the parking or storage of any other vehicles or equipment not related with the subject mobile office trailer use. **(ongoing)**
3. That the parking and storage of mobile office trailers shall be maintained in a neat and orderly manner with sufficient distance to allow emergency personnel to access the site (minimum 26'-0" wide driveways). **(ongoing)**

4. That the Applicant shall not lease or sub-lease any portion of the yard for any purpose. **(ongoing)**
5. That the applicant shall be responsible for the clean-up of any tracking of dirt, debris, or trash on Greenstone Avenue as a result of the operation and activities of the use. **(ongoing)**
6. That the Applicant shall implement and maintain all systems and methods to prevent storm water pollution and maintain compliance with Chapter 52 of the Santa Fe Springs City Code. **(ongoing)**
7. That the Applicant and/or his employees shall discourage any staging, stopping or parking of trucks (or mobile office trailers) on the street or adjacent streets at all times. **(ongoing)**
8. That all other requirements of the City's Zoning Regulations, Building Code, Property Maintenance Ordinance, State and City Fire Code and all other applicable County, State and Federal regulations and codes shall be complied with. **(ongoing)**
9. That Conditional Use Permit Case No. 480-4 shall be valid for a period of **subject to a compliance review in six years five (5) years**, until February 27, 2012. **on or before November 25, 2018, to ensure that the use is still operating in strict compliance with the attached conditions of approval.** Approximately, three (3) months prior to the date of February 27, 2012, the applicant shall request in writing that the City review the circumstances of the case for an extension of the privileges granted. **(Revised wording - ongoing)**
10. That the applicant, Scotsman Mobile Offices, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the subject CUP, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof. **(New Condition)**

11. That it is hereby declare to be the intent that if any provision of this Approval is violated or held to be invalid, or if any law, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse. (New Condition)


Wayne M. Morrell
Director of Planning

Attachment(s)

1. Aerial Photograph
2. Time Extension Request Letter

AERIAL PHOTOGRAPH



CITY OF SANTA FE SPRINGS



AERIAL PHOTOGRAPH



Conditional Use Permit Case No. 481-4

12311 Greenstone Avenue (APN 8026-041-035)

TIME EXTENSION REQUEST LETTER

LAW OFFICES

BURNETT LLP

A LIMITED LIABILITY PARTNERSHIP

3 San Joaquin Plaza, Suite 215

NEWPORT BEACH, CALIFORNIA 92660

TELEPHONE (949) 720-9919

TELECOPIER (949) 720-9191

MICHAEL W. BURNETT
A PROFESSIONAL CORPORATION

February 13, 2012

By FedEx and Fax (562) 868-7112

Planning Department

City of Santa Fe Springs

11710 Telegraph Road

Santa Fe Springs, CA 90670-3658

Attention: Cuong H. Nguyen

Re: Williams Scotsman, Inc./CUP Case Nos. 480 & 481/Property Located at 11811
and 12211 Greenstone Avenue, Santa Fe Springs, California (the "Property")

Dear Mr. Nguyen:

Thank you for your letters dated February 7, 2012, copies of which are enclosed for your ease of reference. Please note that our firm name and address have changed. The new name and address are as follows:

BURNETT LLP

3 San Joaquin Plaza, Suite 215

NEWPORT BEACH, CALIFORNIA 92660

This will confirm that we represent Williams Scotsman, Inc., which uses and occupies the Property under CUP Case Nos. 480 & 481 (the "CUPs").

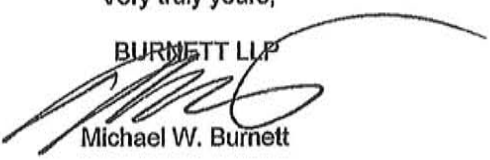
Please accept this as the formal request of William Scotsman, Inc. for a review for compliance of the CUPs as well as for an extension of the CUPs for an additional five-year period to February 28, 2017. Please note that there has been no change in use or activities at the Property.

We have enclosed a check in the sum of \$1,126.00 to cover the processing fees.

Please call me at 949-729-9919 extension 225 if you have any questions or require any additional information.

Very truly yours,

BURNETT LLP


Michael W. Burnett

cc: client



City of Santa Fe Springs

Planning Commission Meeting

November 25, 2013

CONSENT ITEM

Conditional Use Permit Case No. 693-2

A compliance review of a meat processing facility at 13538 Imperial Highway-Unit B, and 13540 Imperial Highway-Unit C, in the M-2-BP, Heavy Manufacturing-Buffer Parking, Zone and within the Consolidated Redevelopment Project Area.

(Roman Rodriguez, Paloma Mexican Food Corp.)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the continued operation and maintenance of a meat processing facility, if conducted in strict compliance with the conditions of approval, will be harmonious with adjoining properties and surrounding uses in the area and will be in conformance with the overall purposes and objectives of the Zoning Regulations and consistent with the goals, policies, and programs of the City's General Plan.
2. Require that Conditional Use Permit Case No. 693-2, be subject to a compliance review in five (5) years, on or before November 25, 2018, to ensure the use is still operating in strict compliance with the conditions of approval as contained within this staff report.

BACKGROUND

In according with Section 155.243 (D)(5) of the City's Zoning Regulations, meat or fish products packaging, canning or processing uses are required to obtain a Conditional Use Permit prior to commencement of such activities. At its meeting of July 27, 2009, the Planning Commission initially approved CUP Case No. 693, to allow the operation and maintenance of a meat processing facility at 13538 Imperial Highway-Unit B, and 13540 Imperial Highway-Unit C. The use was subsequently reconsidered by the Planning Commission at its April 11, 2011 meeting.

The applicant, Paloma Mexican Food Corporation, produces and distributes authentic Mexican foods, including fried pork skins and bellies, pork blood sausages, and seasoned beef. They currently have 10 employees and operate Monday through Friday from 6:00 a.m. to 2:30 p.m. They maintain five small commercial vehicles for delivering packaged foods.

STAFF CONSIDERATIONS

As standard practice for all CUP compliance reviews, a walk-through inspection of the subject property is performed by City staff to ensure continued compliance with the conditions of approval prior to bringing the matter back to the Planning Commission. Following the initial walk-through inspection by the Planning Department, the applicant was directed to comply with the following:

1. All forklifts and pallets shall be stored indoors.
2. Building exterior has several areas of excess dirt towards the base of the building. Building exterior shall be cleaned/power washed.
3. White door for 13538 Imperial Highway. has peeling paint towards the base. The entire door shall be repainted in white to match existing the existing building
4. Trash bin shall not be stored on driveway area. Trash bin should be stored within enclosure or in an area so as to not encroach into the driveway.

Staff recently conducted a follow-up inspection and has verified that the applicant has completed the aforementioned items; consequently, the applicant is now in full compliance with the existing conditions of approval. Staff therefore finds that if the meat processing facility use continues to operate in strict compliance with the required conditions of approval, the use will continue to be compatible with the surrounding developments and will not pose a nuisance risk to the public or environment. Staff is, therefore, recommending that CUP 693-2, be subject to a compliance review in five (5) years to ensure the use is still operating in compliance with the conditions of approval as contained in this staff report.

CONDITIONS OF APPROVAL

NOTE: Changes to existing conditions are provided as a strike-through or bold.

WASTE MANAGEMENT

(Contact Teresa Cavallo- 562.868.0511 x7309)

1. ~~That all projects over \$50,000 are subject to the requirements of Ordinance No. 914 to reuse or recycle 75% of the project waste. Contact the recycling Coordinator, Teresa Cavallo at (562) 858-0511 x7309.~~ **(No Longer Applicable)**
2. That the applicant shall comply with Public Resource Code, Section 72900 et seq. (California Solid Waste Reuse and Recycling Access Act of 1991) as amended, which requires each development project to provide adequate storage area for the collection/storage and removal of recyclable and green waste materials. **(Ongoing)**

3. That the applicant shall comply with Section 50.51 of the Municipal Code which prohibits any business or residents from contracting any solid waste disposal company that does not hold a current permit from the City. **(New Condition)**

DEPARTMENT OF FIRE-RESCUE/FIRE PREVENTION
(Contact - Brian Reparuk: 562-944-9713 x3716)

4. That standard aisle width for onsite emergency vehicle maneuvering shall be 26 feet with a minimum clear height of 13 feet 6 inches. Internal driveways shall have a turning radius of not less than 52 feet. The final location and design of this 26 feet shall be subject to the approval of the City's Fire Chief as established by the California Fire Code. A request to provide emergency vehicle aisle width less than 26 feet shall be considered upon the installation/provision of mitigation improvements approved by the City's Fire Chief. **(Ongoing)**
5. ~~That Prior to submitting plans to the Building Department or Planning Commission, a preliminary site plan shall be approved by the Fire Department for required access roadways and on-site fire hydrants locations. The site plan shall be drawn to scale between 20 to 40 feet per inch. Include on plan all entrance gates that will be installed. A site plan was approved by Fire-Rescue Department on 6/22/2009.~~ **(No Longer Applicable)**
6. That interior gates or fences are not permitted across required Fire Department access roadways unless otherwise granted prior approval by the City Fire Department. **(Ongoing)**
7. That Knox boxes are required on all buildings. All entry gates shall also be equipped with Knox boxes or Knox key switches for power-activated gates. **(Ongoing)**
8. That signs and markings required by the Fire Department shall be installed along the required Fire Department access roadways. **(Ongoing)**

DEPARTMENT OF FIRE-RESCUE/ENVIRONMENTAL DIVISION:
(Contact: Tom Hall 562-868-0511 x3715)

9. That the applicant shall comply with all Federal, State and local requirements and regulations included, but not limited to the Santa Fe Springs City Municipal Code, California Fire Code, Certified Unified Program Agency (CUPA) programs, the Air Quality Management District's Rules and Regulations and all other applicable codes and regulations. **(Ongoing)**
10. That the applicant shall apply for and obtain a Joint Industrial Wastewater

Discharge Permit from both the City of Santa Fe Springs and the Los Angeles County Sanitation Districts. The permit must include plans for a revised wastewater pretreatment system designed to consistently remove the types of pollutants generated by your businesses' wastewater-producing operations to levels which meet any applicable Federal or Local limitations. Form for obtaining an Industrial Wastewater Discharge Permit are available at the Los Angeles County Sanitation website. **(Ongoing)**

POLICE SERVICES DEPARTMENT

(Contact: Margarita Munoz 562-868-0511 x3319)

11. That the applicant shall provide an emergency phone number and a contact person to the Department of Police Services and the Fire Department. The name, telephone number, fax number, and email address of that person shall be provided to the Director of Police Services and the Fire Chief no later than 60 days from the date of approval by the Planning Commission. Emergency information shall allow emergency service to reach the applicant or their representative any time, 24 hours a day. **(Ongoing)**
12. That the proposed buildings, including any lightning, fences, wall, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions of visual blight. Paint utilized in covering graffiti shall be a color that matches, as closely possible, the color of the existing and/or adjacent surfaces. **(Ongoing)**

PLANNING AND DEVELOPMENT DEPARTMENT

(Contact: Rafael Garcia 562-868-0511 x7451)

13. That no portion of the off-street parking and loading areas shall be used for outdoor storage, manufacturing, or any other similar uses, at anytime. **(Ongoing)**
14. That all fences, walls, and similar improvements (interior and/or exterior) to the property shall be subject to the approval of the Director of Planning and Development. **(Ongoing)**
15. That the meat processing use shall only be conducted in designated processing areas as shown on the floor plan submitted by the applicant and on file with this case. **(Ongoing)**
16. That the meat processing use shall comply with Section 155.420 of the City Zoning regulations regarding the generation of objectionable odors. If a violation occurs the property owner/applicant shall take the necessary

measures to eliminate the objectionable odors from the operation immediately or shut down the processing until the matter is remedied. This includes, but is not limited to, the modification of the meat processing procedures, installation of new processing equipment, scrubber equipment and so forth. **(Ongoing)**

17. That any waste generated by the use shall be disposed of in an approved manner on a regular, basis and shall not be stored outdoors on the property. **(Ongoing)**
18. That the meat processing use shall comply with all requirements of the City's Zoning Regulations, Building Code, Property Maintenance Ordinance, City Fire Code and all other applicable Local, State and Federal regulations and any other codes regarding the meat processing use. **(Ongoing)**
19. That any proposed roof-mounted mechanical equipment and/or duct work which projects above the roof or roof parapet of the proposed meat processing facility and is visible from adjacent property or a public street at ground level shall be screened by an enclosure which is consistent with the architecture of the building and approved by the Director of Planning and Development. A contractor shall provide a line-of-sight drawing showing the equipment will not be visible at a height of 6 feet from a distance of 300 feet or a building cross-section drawing which shows the proposed equipment and its relation to the roof and parapet lines. **(Ongoing)**
- ~~20. That prior to submitting plans to the Building Division for plan check, the owner/developer shall submit Mechanical plans that include a roof plan that shows the location of all proposed roof mounted equipment and elevations of all mechanical equipment. **(No Longer Applicable)**~~
- ~~21. That prior to occupancy of 13540 Imperial Highway, Unit C, the applicant shall submit a business license application to the Planning and Finance Departments for consideration of a Business Operations Tax Certificate (BOTC). A Statement of Intended Use form shall also be submitted to the Building and Fire Department for their approval. **(No Longer Applicable)**~~
22. That the Department of Planning and Development shall first review and approve all future sign proposals for the property. The sign proposal (plan) shall include a site plan, building elevation on which the sign will be located, size, style and color of the proposed sign. All drawings shall be properly dimensioned and drawn to scale on 24"x36" maximum-size paper. All signs shall be installed in accordance with the sign standards of the Zoning Regulations and the Sign Guidelines of the City. **(Ongoing)**
23. That Conditional Use Permit Case No. 693-2 shall be subject to a compliance review in ~~three (3) years, until July 27, 2013~~ **five (5) years, on or before**

November 25, 2018 to ensure the use has been continuously maintained in strict compliance with these conditions of approval. **(Revised Wording)**

24. ~~That Conditional Use Permit Case No. 693-2 shall not be effective for any purpose until the applicant has filed with the City of Santa Fe Springs an affidavit stating that he/she is aware of and accepts all of the required conditions of approval. (No Longer Applicable)~~
25. ~~That the applicant, agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards concerning Conditional Use Permit Case No. 693, when action is brought within the time period provided for in the City's Zoning Regulations, Section 155.865. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof. That the applicant, Paloma Mexican Food Corp., agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City or any of its councils, commissions, committees or boards arising from or in any way related to the subject CUP, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof. (Revised Wording)~~
26. That it is hereby declared to be the intent that if any provision of this approval is violated or held to be invalid, or if any law stature or ordinance is violated, this approval shall be void and the privileges granted hereunder shall lapse. **(Ongoing)**


Wayne M. Morrell
Director of Planning

Attachment(s)

1. Aerial Photograph
2. Letter Requesting Reconsideration

AERIAL PHOTOGRAPH



Compliance Review for Conditional Use Permit Case No. 693

13538 Imperial Highway, Unit B & C

CITY OF SANTA FE SPRINGS

LETTER REQUESTING COMPLIANCE REVIEW

PALOMA MEXICAN
FOODS CORPORATION
13538 E. IMPERIAL HWY.
SANTA FE SPRINGS, CA 90670
TEL: (562) 404-0527
FAX: (562) 404-0562
EMAIL: PALOMAMEXFOODS@AOL.COM



September 17, 2013

Re: Requesting review for compliance of the subject Permit (CUP) Case No. 693

Mr. Cuong H. Nguyen
Associate Planner
Department of Planning and Development
City of Santa Fe Springs, CA 90670

This letter is to request a review of the Conditional Use Permit (CUP) Case No. 693, which will expire on July 27, 2013. The use activity continued to be the same as before, Paloma Mexican Foods Corp. is a Manufacturer of authentic Mexican Foods including Fried Pork Skins, Fried Pork Bellies, Pork Blood Sausage, and Seasoned Beef. There is no change or alterations to the use since the last reconsideration of the subject Permit.

Sincerely yours,

Roman Rodriguez
CEO and President
Paloma Mexican Foods Corp.
13538 E. Imperial Hwy.
Santa Fe Springs, CA 90670

09-17-13 161,1564

CHECK 563.00



City of Santa Fe Springs

Planning Commission Meeting

November 25, 2013

CONSENT AGENDA

Conditional Use Permit Case No. 732-1

A compliance review for a tire recycling facility within the 18,969 sq. ft. building located at 9138 Norwalk Blvd., in the M-2, Heavy Manufacturing Zone, and within the Consolidated Redevelopment Project Area.

(Oscar Palencia for Azteca International, Inc.)

RECOMMENDATIONS

Staff recommends that the Planning Commission take the following actions:

1. Find that the continued operation and maintenance of an tire recycling facility on the subject property, if conducted in strict compliance with the conditions of approval, will not be detrimental to persons or properties in the surrounding area or to the City in general, and will be in conformance with the overall purpose and objectives of the Zoning Regulations and consistent with the goals, policies and program of the City's General Plan.
2. Require that Conditional Use Permit Case No. 732-1, be subject to a compliance review in three (3) years, on or before November 25, 2018, to ensure the use is still operating in strict compliance with the conditions of approval as contained within this staff report.

BACKGROUND

In accordance with Section 155.243 (C)(5) of City's Zoning Regulations, recycling uses are required to obtain a Conditional Use Permit prior to commencement of such activities.

On April 9, 2012, the Planning Commission initially approved Conditional Use Permit (CUP) Case No. 732, to allow the operation and maintenance of an tire recycling use on the subject 18,969 sq. ft. property. The original conditional use permit was granted with a requirement for a compliance review after one year.

STAFF CONSIDERATIONS

As standard practice for all CUP compliance reviews, a walk-through inspection of the subject property is performed by City staff to ensure continued compliance with the conditions of approval prior to bringing the matter back to the Planning Commission. Following the initial walk-through inspection by the Building, Fire, Police Services and Planning Departments, the applicant was directed to comply with the following:

1. Walkway obstructions found within a pedestrian walkway within the building interior. Provide unobstructed clear path to meet Building & Fire Codes.

Staff recently verified that the applicant has completed the aforementioned item; consequently, the applicant is now in full compliance with the existing conditions of approval. Staff therefore finds that if the tire recycling use continues to operate in strict compliance with the required conditions of approval, the use will continue to be compatible with the surrounding developments and will not pose a nuisance risk to the public or environment. Staff is, therefore, recommending that CUP 732-1, be subject to a compliance review in three (3) years to ensure the use is still operating in compliance with the conditions of approval as contained in this staff report.

CONDITIONS OF APPROVAL

NOTE: Changes to existing conditions are provided as a strike-through or bold.

DEPARTMENT OF FIRE - RESCUE (FIRE PREVENTION DIVISION) **(Contact: Brian Reparuk - 562.868-0511 x3716)**

1. That interior gates or fences are not permitted across required Fire Department access roadways unless otherwise granted prior approval by the City Fire Department. **(Ongoing)**
2. That if on-site fire hydrants are required by the Fire Department, a minimum flow must be provided at 2,500 gpm with 1,500 gpm flowing from the most remote hydrant. In addition, on-site hydrants must have current testing, inspection and maintenance per California Title 19 and NFPA 25. It should be noted that at the time of this review, new fire hydrants were not required. **(Ongoing)**
3. That the standard aisle width for onsite emergency vehicle maneuvering shall be 26 feet with a minimum clear height of 13 feet 6 inches. Internal driveways shall have a turning radius of not less than 52 feet. The final location and design of these 26 feet shall be subject to the approval of the City's Fire Chief as established by the Uniform Fire Code. A request to provide emergency vehicle aisle width less than 26 feet shall be considered upon the installation/provision of mitigation improvements approved by the City's Fire Chief. It should be noted that at the time of this review, the property complied with the standard aisle widths, and no additional work is necessary. **(Ongoing)**

4. That Knox boxes are required on all new construction. All entry gates shall also be equipped with Knox boxes or Knox key switches for power-activated gates. It should be noted that new construction is not planned at this time. **(Ongoing)**
5. That signs and markings required by the Fire Department shall be maintained along the required Fire Department access roadways. **(Ongoing)**

POLICE SERVICES DEPARTMENT:**(Contact: Margarita Munoz - 562.409.1850 x3319)**

6. That the applicant shall provide an updated emergency phone number and a contact person to the Department of Police Services and the Fire Department. The name, telephone number, fax number and e-mail address of that person shall be provided to the Director of Police Services and the Fire Chief no later than 60 days from the date of approval by the Planning Commission. Emergency information shall allow emergency service to reach the applicant or their representative any time, 24 hours a day. **(Ongoing)**
7. That the occupied building, including all lighting, fences, walls, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism. Any damage from any cause shall be repaired within 72 hours of occurrence, weather permitting, to minimize occurrences of dangerous conditions or visual blight. Paint utilized in covering graffiti shall be a color that matches, as closely possible, the color of the existing and/or adjacent surfaces. **(Ongoing)**

WASTE MANAGEMENT:**(Contact: Teresa Cavallo - 562.868.0511 x7309)**

8. That the Applicant shall obtain a Recycling Permit in accordance with the Santa Fe Springs Municipal Code from the Department of Police Services by January 27, 2014. The applicant shall renew said permit as prescribed by the Department of Police Services. **(New Condition)**
9. That the applicant shall not knowingly transport loads containing more than 10% residue. **(New Condition)**
10. That the Applicant shall maintain a log of origin of all materials collected by content and by weight from within the City of Santa Fe Springs and track their point of destination. Logs shall indicate any fees for collection and/or processing of materials. Logs shall be submitted to the Waste Management Division on a monthly basis using forms provided by the Environmental Program Coordinator. Any fee charged under this section shall be subject to the fees specified under § 50.22. In addition, any recyclable materials dealer

engaging in fee-for-service hauling shall also be subject to the reports, remittances, books and records, audits, and penalties specified under § 50.24. (Ord. 892, passed 4-22-99) Penalty, see § 10.97 **(Ongoing)**

11. That the Applicant shall maintain a log of all materials that have a point of origin in Santa Fe Springs that are subsequently disposed at a landfill. Logs shall be submitted to the Waste Management Division on a monthly basis using forms referenced in condition #10. **(Ongoing)**

PLANNING AND DEVELOPMENT DEPARTMENT:
(Contact: Rafael Garcia - 562 868-0511 x7358)

- ~~12. That the Applicant shall finalize all outstanding building permits filed in the Building Department Office within 6 months of the approval of CUP Case No. 732 and no later than October 9, 2012. **(No Longer Applicable)**~~
13. That all recycling activities shall remain indoors as shown on the provided site plan/floor plan. **(Ongoing)**
14. That no outdoor storage activities shall be conducted outdoors without first obtaining approval from the Department of Planning and Development and the Fire Department. **(Ongoing)**
15. That approval of CUP Case No. 732 is solely for the recycling of tires as a distributor and the operation is not permitted for grinding, melting, or other similar activities in shredding or breaking down the used tires. Such activities shall require reconsideration of this Permit and subject to new conditions of approval. **(Ongoing)**
16. That CUP Case No. 732 shall be subject to a compliance review in **three (3) years**, on or before **November 25, 2018** to ensure that the tire recycling facility is still operating in strict compliance with the original conditions of approval, and all applicable laws. **(Revised Wording)**
17. Notice is hereby given that the Planning Commission may, after conducting a public hearing, revoke or modify the conditions of approval of CUP Case No. 732, if the Commission finds that these conditions have been violated or that the Permit has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance. **(Ongoing)**
18. That the applicant, Azteca International Inc., agrees to defend, indemnify and hold harmless the City of Santa Fe Springs, its agents, officers and officers or employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul an approval of the City

or any of its councils, commissions, committees or boards concerning CUP Case No. 732, when action is brought within the time period provided for in the City's Zoning Ordinance, Section 155.865. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the Applicant of such claim, action or proceeding, and shall cooperate fully in the defense thereof arising from or in any way related to the subject CUP, or any actions or operations conducted pursuant thereto. Should the City, its agents, officers or employees receive notice of any such claim, action or proceeding, the City shall promptly notify the owner/developer of such claim, action or proceeding, and shall cooperate fully in the defense thereof. (Revised Wording)

19. It is hereby declared to be the intent that if any provision of this Permit is violated or held to be invalid, or if any law, statute or ordinance is violated, the Permit maybe subject to revocation, after adequate notice and hearing. (Ongoing)


Wayne M. Morrell
Director of Planning

Attachments:

1. Aerial Photograph
2. Request for Compliance Review

AERIAL PHOTOGRAPH



Compliance Review for Conditional Use Permit Case No. 732

9138 Norwalk Blvd.

CITY OF SANTA FE SPRINGS

REQUEST FOR COMPLIANCE REVIEW

Report Submitted By: Rafael Garcia
Planning Department.

Date of Report: November 21, 2013



10/18/2013

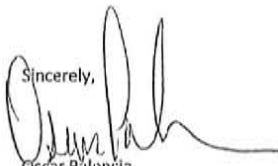
To: Department of Planning and Development
11710 Telegraph Road
Santa Fe Springs, CA. 90670

Re: Conditional Use Permit (CUP) Case NO. 732

To whom it may concern,

Azteca Internacional, Inc. and has not made any changes to what we last described last year. Currently we are still selling re-usable tires wholesale. The hours of operation, business location, phone numbers have remained the same. The amount of employee's is still the same as well. There has been no change in the last year.

Sincerely,



Oscar Palencia
(President)



9138 Norwalk Blvd. • Santa Fe Springs, CA 90670
Tel: (562) 699-0100 • Fax: (562) 699-6735
Email: azteca.intl@yahoo.com