



CITY OF SANTA FE SPRINGS
REGULAR MEETING OF THE PLANNING COMMISSION
MONDAY, NOVEMBER 13, 2023
AT 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
11710 TELEGRAPH ROAD
SANTA FE SPRINGS, CA 90670

PLANNING COMMISSION

Francis Carbajal, Chairperson
David Ayala, Vice Chairperson
Joseph Flores, Commissioner
Gabriel Jimenez, Commissioner
John Mora, Commissioner

PLANNING DIRECTOR

Wayne M. Morrell

CITY ATTORNEY

Kristi J. Smith

CITY STAFF

Assistant Director of Planning
Associate Planner
Associate Planner
Assistant Planner
Planning Intern
Planning Intern
Planning Consultant
Planning Consultant
Planning Secretary

Cuong Nguyen
Vince Velasco
Jimmy Wong
Claudia Jimenez
Rudy Lopez
Pablo Castilla
Laurel Reimer
Alejandro De Loera
Teresa Cavallo

NOTICES

Public Comment: The public is encouraged to address Planning Commission on any matter listed on the agenda or on any other matter within its jurisdiction. If you wish to address the Planning Commission, please use the "Raise Hand" function via Zoom once the Chairperson opens Public Comment during the meeting. You may also submit comments in writing by sending them to the Planning Secretary's Office at teresacavallo@santafesprings.org. All written comments received by 12:00 p.m. the day of the Planning Commission Meeting will be distributed to the Planning Commission and made a part of the official record of the meeting. Written comments will not be read at the meeting, only the name of the person submitting the comment will be announced.

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 Planning Commission may direct staff to investigate and/or schedule certain matters for consideration at a future Planning 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 Planning Secretary'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.

SB 1439: Effective January 1, 2023 Planning Commission Members are subject to SB 1439 and cannot participate in certain decisions for a year after accepting campaign contributions of more than \$250 from an interested person. The Planning Commission would need to disclose the donation and abstain from voting.

Please Note: Staff reports, and supplemental attachments, are available for inspection at the office of the Planning Secretary, City Hall, 11710 E. Telegraph Road during regular business hours 7:30 a.m.-5:30 p.m., Monday-Thursday and every other Friday. Telephone: (562) 868-0511.

You may attend the Planning Commission meeting telephonically or electronically using the following means:

Electronically using Zoom: Go to [Zoom.us](https://zoom.us) and click on "Join A Meeting" or use the following link:

<https://zoom.us/j/558333944?pwd=b0FqbKv2aDZneVRnQ3BjYU12SmJlQT09>

Zoom Meeting ID: 558 333 944

Password: 554545

Telephonically: Dial: 888-475-4499

Meeting ID: 558 333 944

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****EX PARTE COMMUNICATIONS****PUBLIC COMMENTS ON NON-AGENDA AND AGENDA ITEMS**

At this time, the general public may address the Planning Commission on both non-agenda and agenda items. Please be aware that the maximum time allotted for members of the public to speak shall not exceed three (3) minutes per speaker. State Law prohibits the Planning Commission from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Chairperson.

PLANNING COMMISSION AGENDA**PUBLIC HEARING**

1. **PUBLIC HEARING (Continued from September 11, 2023)**
ZONE DETERMINATION (“ZD”) CASE NO. 2023-01 – TO DETERMINE THAT A BATTERY ENERGY STORAGE SYSTEM WITH DIRECT CONNECTION TO A PUBLIC UTILITY GRID IS A SIMILAR AND COMPATIBLE USE WITH OTHER SIMILARLY PRINCIPALLY PERMITTED USES LISTED IN THE M-L, LIMITED MANUFACTURING, ZONE, AND ADOPTING A NOTICE OF EXEMPTION UNDER CEQA SECTION 15061(B)(3) (COMMON SENSE EXEMPTION). (GRIDSTOR LLC)

RECOMMENDATION: That the Planning Commission:

- 1) Continue with the Public Hearing and receive the written and oral staff report and any comments from the public regarding ZD Case No. 2023-01, related Environmental Exemption, and thereafter, close the Public Hearing; and
- 2) Find and determine that a battery energy storage system use with direct connection to a public utility grid is similar to and compatible with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone and will not be inconsistent with the purpose of the M-2 Zone; and
- 3) Find and determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption); and
- 4) Approve ZD Case No. 2023-01, determining that a battery energy storage system use with direct connection to a public utility grid is similar to and compatible with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone and will not be inconsistent with the purpose of the M-2 Zone; and

- 5) Adopt Resolution No. 250-2023, which incorporates the Planning Commission's findings and actions regarding the matter; and
- 6) Take such additional, related action that may be desirable.

2. **PUBLIC HEARING**

ALCOHOL SALES CONDITIONAL USE PERMIT CASE NO. 86 AND ADOPTION OF RESOLUTION NO. 251-2023: A REQUEST TO ALLOW THE OPERATION AND MAINTENANCE OF THE STORAGE, WHOLESALE SALES, AND DISTRIBUTION OF ALCOHOL BEVERAGES.

RECOMMENDATION(S): That the Planning Commission:

- 1) Open the Public Hearing and receive the written and oral report and any comments from the public regarding Alcohol Sales Conditional Use Permit (ASCUP) Case No. 86, and thereafter, close the Public Hearing; and
- 2) Find that the applicant's ASCUP request meets the criteria set forth in §§155.628 and 155.716 of the City's Zoning Ordinance, for the granting of a Conditional Use Permit; and
- 3) Find and determine that pursuant to Section 15301, Class 1 (Existing Facility) of the California Environmental Quality Act (CEQA), the project Categorically Exempt; and
- 4) Recommend to the City Council the approval of Alcohol Sales Conditional Use Permit Case No. 86 subject to the conditions of approval as contained within Resolution No. 251-2023; and
- 5) Adopt Resolution No. 251-2023, which incorporates the Planning Commission's findings and actions regarding this matter.

3. **PUBLIC HEARING**

PUBLIC HEARING TO CONSIDER THE PROPOSED ZONE TEXT AMENDMENTS TO ENSURE THAT THE CITY'S ZONING ORDINANCE IS ALIGNED WITH THE STATE'S ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) STATUTES.

RECOMMENDATION(S): That the Planning Commission:

- 1) Open the Public Hearing and receive the written and oral staff report and any comments from the public regarding the proposed zone text amendments related to ADU and JADU regulations; and
- 2) Find and determine that the proposed zone text amendments are consistent with the goals, policies, and program of the City's General Plan; and

- 3) Find and determine that the proposed zone text amendments are consistent with the State's ADU and JADU regulations; and
- 4) Find and determine that this Project is exempt from California Environmental Quality Act (CEQA) pursuant to Public Resource Code (PRC) Section 21080.17 which provides an exemption for the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law); and
- 5) Adopt Resolution No. 252-2023, which incorporates the Planning Commission's findings and actions regarding this matter; and
- 6) Recommend that the City Council approve and adopt Ordinance No. 1134 to effectuate the proposed amendments to the text of the City's Zoning Ordinance; and
- 7) Take such additional, related action that may be desirable.

OLD BUSINESS

4. PARKWAY TREE REMOVAL APPEAL DECISION - RESIDENT REQUEST FOR REMOVAL OF PARKWAY TREE AT 10318 HARVEST AVENUE

RECOMMENDATION: That the Planning Commission:

- 1) Reaffirm the decision of the Director of Public Works to deny the request by the property owner to have the City remove the parkway tree in front of 10318 Harvest Avenue; and
- 2) Deny the property owner at 10318 Harvest Avenue a permit to remove the parkway tree at his or her own expense.

CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine. Any items a Planning Commissioner wishes to discuss should be designated at this time. All other items may be approved in a single motion. Such approval will also waive the reading of any ordinance.

5. COMPLIANCE REVIEW REPORT FOR ALCOHOL SALES CONDITIONAL USE PERMIT CASE NO. 31 – FANTIS FOODS CALIFORNIA, INC.

RECOMMENDATION: That the Planning Commission:

- 1) That the Planning Commission, based on staff's findings provided within this report, find that the subject use is in compliance with all of the conditions of approval set forth in the initial approval of Alcohol Sales Conditional Use Permit Case No. 31; and

- 2) Request that this matter be brought back before November 13, 2028, for another compliance review report. The Planning Commission shall note that this matter may be brought back to the Commission at any time should the applicant violate any conditions of approval or any City Codes, or should there be a need to modify, add, or remove a condition of approval.
6. **COMPLIANCE REVIEW REPORT FOR ALCOHOL SALES CONDITIONAL USE PERMIT CASE NO. 57 – CHIPOTLE GRILL**
- RECOMMENDATION:** That the Planning Commission:
- 1) That the Planning Commission, based on staff's findings provided within this report, find that the subject use is in compliance with all of the conditions of approval set forth in the initial approval of Alcohol Sales Conditional Use Permit Case No. 57; and
 - 2) Request that this matter be brought back before November 13, 2028, for another compliance review report. The Planning Commission shall note that this matter may be brought back to the Commission at any time should the applicant violate any conditions of approval or any City Codes, or should there be a need to modify, add, or remove a condition of approval.
7. **CONDITIONAL USE PERMIT ("CUP") CASE NO. 542-5 - A COMPLIANCE REVIEW OF A CHURCH USE AT 12227 FLORENCE AVENUE, WITHIN THE M-2-PD, HEAVY MANUFACTURING – PLANNED DEVELOPMENT, ZONE. (CALVARY CHAPEL SANTA FE SPRINGS)**
- RECOMMENDATION:** That the Planning Commission:
- 1) Find that the continued operation and maintenance of the subject church use, 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 City's Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan; and
 - 2) Require that CUP Case No. 542-5 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
 - 3) Take such additional, relation action that may be desirable.
8. **CONDITIONAL USE PERMIT ("CUP") CASE NO. 730-3 - A COMPLIANCE REVIEW TO ALLOW THE CONTINUED OPERATION AND MAINTENANCE OF A RESIDENTIAL-TREATMENT FACILITY LOCATED AT 11121 BLOOMFIELD**

AVENUE, WITHIN THE M-2-BP, HEAVY MANUFACTURING – BUFFER PARKING, ZONE. (LA CADA)

RECOMMENDATION: That the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject residential-treatment 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 City's Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan; and
- 2) Require that CUP Case No. 730-3 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

9. **CONDITIONAL USE PERMIT (“CUP”) CASE NO. 775-3 – A COMPLIANCE REVIEW OF A DIRECT TRANSFER FACILITY AT 12739 LAKELAND ROAD, WITHIN THE M-2, HEAVY MANUFACTURING, ZONE. (CR & R, INC.)**

RECOMMENDATION: That the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject direct transfer 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 City's Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan; and
- 2) Require that CUP Case No. 775 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

10. **CONDITIONAL USE PERMIT (“CUP”) CASE NO. 797-2 - A COMPLIANCE REVIEW OF AN INDOOR BADMINTON FACILITY AT 11323 SHOEMAKER AVENUE, WITHIN THE M-1-PD, LIGHT MANUFACTURING – PLANNED DEVELOPMENT, ZONE. (SFS BADMINTON CLUB)**

RECOMMENDATION: That the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject indoor badminton 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 City's Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan; and

- 2) Require that CUP Case No. 797-2 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

STAFF ANNOUNCEMENTS

COMMISSIONER COMMENTS/AB1234 COUNCIL CONFERENCE REPORTING

Commissioner announcements; requests for future agenda items; conference/meetings reports. Members of the Planning Commission will provide a brief report on meetings attended at the expense of the local agency as required by Government Code Section 53232.3(d).

ADJOURNMENT

I, Teresa Cavallo, Planning Secetary Clerk for the City of Santa Fe Springs hereby certify that a copy of this agenda has been posted no less than 72 hours at the following locations; City's website at www.santafesprings.org; Santa Fe Springs City Hall, 11710 Telegraph Road; Santa Fe Springs City Library, 11700 Telegraph Road; and the Town Center Plaza (Kiosk), 11740 Telegraph Road.



Teresa Cavallo
Planning Secretary



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Wayne M. Morrell, Director of Planning

BY: Alejandro De Loera, Contract Planner

SUBJECT: **PUBLIC HEARING (Continued from the September 11, 2023 Planning Commission Meeting) – ZONE DETERMINATION (“ZD”) CASE NO. 2023-01 – TO DETERMINE THAT A BATTERY ENERGY STORAGE SYSTEM USE WITH DIRECT CONNECTION TO A PUBLIC UTILITY GRID IS A SIMILAR AND COMPATIBLE USE WITH OTHER SIMILARLY PRINCIPALLY PERMITTED USES LISTED IN THE M-2, HEAVY MANUFACTURING, ZONE, AND ADOPTING A NOTICE OF EXEMPTION UNDER CEQA SECTION 15061(B)(3) (COMMON SENSE EXEMPTION). (GRIDSTOR LLC)**

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Continue with the Public Hearing and receive the written and oral staff report and any comments from the public regarding ZD Case No. 2023-01, related Environmental Exemption, and thereafter, close the Public Hearing; and
- 2) Find and determine that a battery energy storage system use with direct connection to a public utility grid is similar to and compatible with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone and will not be inconsistent with the purpose of the M-2 Zone; and
- 3) Find and determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption); and
- 4) Approve ZD Case No. 2023-01, determining that a battery energy storage system use with direct connection to a public utility grid is similar to and compatible with

other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone and will not be inconsistent with the purpose of the M-2 Zone; and

- 5) Adopt Resolution No. 250-2023, which incorporates the Planning Commission's findings and actions regarding the matter; and
- 6) Take such additional, related action that may be desirable.

FISCAL IMPACT:

N/A

BACKGROUND:

On July 24, 2023, GridStor LLC submitted a request for a Zone Determination for the Planning Commission review and determination that a battery energy storage system use with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-L, Limited Manufacturing, Zone. It should be noted that following an in-depth review of the proposed use, staff is recommending that the proposed battery energy storage system use with direct connection to a public utility grid be considered similar to and compatible with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone, in which all uses principally permitted in the M-L, Limited Manufacturing, Zone are also principally permitted uses.

Project/Applicant Information

Project Location:	Citywide
Project Applicant:	GridStor LLC

GridStor is a battery energy storage developer, owner, and operator backed by the Sustainability and Infrastructure Investing groups within Goldman Sachs Asset Management (Goldman Sachs), a leading clean energy investor. GridStor has assembled a team of experienced professionals with over 125 years of combined energy experience to develop, design, construct and operate battery energy storage systems at scale. GridStor's portfolio consists of multiple projects representing over 500 megawatts/2,000 megawatt hours of capacity, or enough to power approximately 375,000 California homes, with proposed on-line dates between 2024-2026.

Project Description

The Zone Determination request requires the review and determination of whether or not a battery energy storage system use with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone. A finding that the subject use is not inconsistent with the purpose of the M-2, Heavy Manufacturing, Zone is also required.

Previous Planning Commission Public Hearings

The subject Zone Determination was scheduled and duly noticed to be considered by the Planning Commission on September 11, 2023 (Attachment A & B).

On September 7, 2023, a comment letter (Attachment D) from Bridgeland Resources LLC, in opposition of the Project, was received by city staff.

On September 8, 2023, the Applicant submitted a request (Attachment E) to defer the Planning Commission's consideration of the Project to the next regularly scheduled Planning Commission meeting on October 9, 2023.

On September 22, 2023, the Applicant submitted a response letter to staff addressing the concerns that were raised by Bridgeland Resources LLC's comment letter.

Upon staff recommendation, the Planning Commission granted a continuance of the subject Zone Determination to the next regularly held Planning Commission meeting on October 9, 2023.

On October 5, 2023 the Applicant submitted a subsequent request to defer the Planning Commission consideration of the project to the next regularly scheduled Planning Commission meeting on November 13, 2023.

Upon staff recommendation, the Planning Commission granted a continuance of the subject Zone Determination to the next regularly held Planning Commission meeting on November 13, 2023. The continuances provided Staff and the Applicant time to properly respond to and conduct additional research necessary to address any concerns raised within Attachment D before they were provided to the Planning Commission for consideration with the requested Zone Determination.

ANALYSIS:

Battery Energy Storage

A utility scaled battery energy storage system is comprised of lithium ion batteries and control equipment housed in a series of purpose-built, free standing enclosure units. The batteries, together with related control equipment, including inverters, transformers, and onsite substation, would connect to a public utility grid. The system would receive electricity from transmission towers, store the energy in batteries and distribute the electricity back into the grid.

California Senate Bill 100 (SB 100) "The 100 Percent Clean Energy Act of 2018" outlines the state's goal of powering all retail electricity sold in California with renewable and zero-carbon resources by 2045. SB100 mandates that electrical utility providers must have 100% of their energy generation from renewable sources by 2045. These electricity

providers are faced with the challenge of making a variable resource consistent, dependable, and predictable to meet energy users' needs. Battery energy storage systems provide critical infrastructure for reliable energy as the grid becomes increasingly dependent on intermittent renewable energy sources such as solar and wind. A 2021 assessment regarding SB100 progress identified energy storage systems as crucial in providing flexibility to the electrical grid. The report suggested that battery storage build rates need to increase by nearly eightfold to achieve 100% clean energy by the target year. Currently, peak renewable energy generation and peak demand for that energy occur at different times of the day. This disconnect between renewable energy generation and demand means that fossil fuels are used to supply the grid, rather than renewable sources. By storing generated renewable energy during peak times and distributing the energy back into the grid when and where needed, these systems help bridge the gap between peak clean energy generation and peak demand.

These systems are also key in building energy resiliency in the instances of power outages or rolling blackouts. By storing already generated energy, a battery energy storage system can be used as part of a backup plan to continue providing electricity to key users during a blackout. The energy storage systems can also help to stabilize demand (time of use) based electricity prices. By storing energy when there is overgeneration (when generation exceeds demand) of energy and distributing when the demand is higher, utility providers can pull from the stored energy rather than charge for energy being generated during off-peak generation times.

Site Design

As new battery storage projects are submitted, staff will review each project to ensure that the battery enclosures are arranged in an array along with inverters and transformers to convert voltage and current between the batteries and the onsite substation. Electrical equipment would be mounted on concrete foundations accessible by aggregate-base roads, which will be reviewed to ensure that they meet the Department of Fire-Rescue's access requirements. Other areas on-site, not dedicated to electrical equipment or access roads, would be finished with an approved gravel or other groundcover as approved by the Planning Department.

Since the Zone Determination specifically identifies these battery storage systems as having a direct connect to a utility grid, an on-site substation in conjunction with the battery system with a switchyard and step-up transformer would be required to convert medium voltage power to the compatible voltage to be distributed to the electric grid. For added safety and security, staff will ensure that the substation area is securely fenced.

There is no site currently associated with this Zone Determination. One was originally shown as a potential location, however, until it is finally determined under this case as to the similar use and proper zone determination, a specific site is not being analyzed. If the Planning Commission approves this Zone Determination case, then any subsequent application will go through the standard process and review as to a specific site development.

Similarity to Electric Distribution Substation

All principally permitted uses in the M-L Zone and the M-1 Zone are also principally permitted uses in the M-2 Zone per SFSMC Sections 155.211(A) and 155.241(A).

After a thorough review of the proposed battery storage use and researching how they are classified in other cities, Staff finds that a battery energy storage system with direct connection to a public utility grid is similar to the following principally permitted use currently listed within the City's M-L Zone:

Code Section:	Principal Permitted Uses
155.181	(N) Electric Distribution substation, electric transmission substation and public utility buildings.

The proposed use is similar to a typical electrical distribution substation in that they both involve the following features and operations:

1. Receiving transmission of electricity from transmission towers; and
2. Distributing received electricity into a public utility grid; and
3. Require supplemental equipment on-site to monitor and control the use's operation (i.e. circuit breakers, disconnects, safety systems, etc.); and
4. Are equipped with advanced safety features to prevent and mitigate the risk associated with high voltage electricity; and
5. Are unmanned and unattended operations with the exception of occasional maintenance.

A battery energy storage system use would be required to be connected to electrical transmission lines and then distribute the received energy back into a public utility grid. This process is identical to that of a typical electric substation with the exception that the received energy may also be stored for a period of time in the batteries prior to being distributed back into the public utility grid.

Jurisdictions within Los Angeles County, including the County of Los Angeles and the City of Lancaster, permit battery energy storage system projects by-right in Industrial zones with only a ministerial (non-discretionary) site plan review. This means that approvals are granted without significant discretionary review.

The Los Angeles County Department of Regional Planning prepared and posted a memorandum titled "Subdivision and Zoning Ordinance Interpretation No. 2021-03 – Battery Electric Storage Systems," dated October 18, 2021. In this memorandum, it stated that for the purposes of land use, battery energy storage systems are most similar to electric distribution substations.

In addition to jurisdictions making the determination that energy storage systems are likened to electric distribution substations, the California Public Utilities Commission (CPUC) recognizes that energy storage systems distribute energy, much like an electrical

distribution substation would. The CPUC is the regulatory agency that oversees privately owned public utilities in the state of California.

To clarify, California Public Utilities Code section 2835(a)(1) defines an “energy storage system” to mean a commercially available technology that is capable of absorbing energy, storing it for a period of time, and thereafter dispatching the energy (Cal. Pub. Util. Code, § 2835(a)(1)). In other words, an energy storage system is designed to absorb, store, and release energy, which aligns with the functionality of a battery energy storage system.

Because a proposed battery energy storage system use is similar to an electric distribution substation, which is a permitted use in the M-2 Zone with other heavy industrial uses, it should be principally permitted in the M-2 Zone without a CUP.

Compatibility with uses listed as permitted in the M-2, Heavy Manufacturing, Zone

A proposed battery energy storage system use is not any more intense than a typical electric distribution substation. There are several other electrical distribution substations currently within the City including at 14127 Carmenita Road, 12714 Los Nietos Road, and another at the southeast corner of Pioneer Boulevard and Rivera Road. The battery energy storage system process is similar to that of a typical electric substation with the exception that the received energy may also be stored for a period of time in the batteries prior to being distributed back into the public utility grid.

Screening, setbacks, landscaping and other development standards typical with an electrical distribution substation will be required for any battery energy storage system. Strict compliance to the development standards and state regulatory procedures will ensure that battery energy storage system uses with direct connection to a public utility grid will be compatible with other uses permitted in the zone.

Noise and visual impacts associated with the use will be minimized by utilizing enclosure units and proper screening throughout the site. All construction and permitting related to the project will be reviewed by the Planning, Building, and Fire Department. As such, all Zoning, Building, and Fire safety codes will be met. Additionally, the battery energy storage system will be monitored and controlled at a level similar to a typical electric substation.

Not inconsistent with the purpose of the M-2, Heavy Manufacturing, Zone

The purpose of the M-2, Heavy Manufacturing, Zone as stated in Section 155.240 of the City of Santa Fe Springs Zoning Ordinance is for heavy industrial uses and, among other things, to promote uniform and orderly industrial development. A proposed battery energy storage system use is not inconsistent with other industrial uses permitted in the M-2 Zone such as an electrical distribution substation. A battery storage system use is no more intense than other principally permitted uses in the M-2 Zone and is compatible with the uses of that zone. The subject use is not expected to interfere with any portion of the purpose of the M-2 Zone to create an aesthetically pleasing and desirable industrial

environment. Battery energy storage system uses with direct connection to a public utility grid are well suited to comply with the aesthetic and operational requirements to fulfill and further the purpose of the M-2 Zone.

Safety of Battery Energy Storage Systems

Even though safety issues are not part of the similar use analysis and this Zone Determination, because a public comment letter raised some concerns, Staff would like to address them in the report.

Battery energy storage systems and their associated safety technology continue to evolve rapidly. Understanding the risk of lithium-ion batteries, safety technologies primarily revolve around fire prevention and mitigation, particularly in the context of thermal runaway. Battery energy storage systems are meticulously monitored down to an individual battery cell level. If a battery exhibits irregular behavior, it is designed to automatically disconnect from the system and pass an inspection before reconnection. In the unlikely event of a fire risk, entire sections of battery storage units can be turned off to prevent further spread.

Furthermore, the design of each individual battery storage unit includes measures to ensure that fires are contained within the individual units. For example, an incident on September 19, 2023, when a battery storage facility in San Diego, California, caught on fire, the facility's fire suppression systems successfully contained the fire within a specific battery storage unit, as designed, and it did not spread to other parts of the facility or the surrounding area.

In addition, battery energy storage systems are equipped with standard fire prevention and suppression systems within each battery storage unit. Each unit is equipped with air conditioning to regulate temperatures, and the enclosure units themselves are engineered to contain any fires that might occur within the unit. Having built in fire repression systems within each unit means that even in the rare event of isolated fires, they can typically be effectively contained within a single battery storage unit.

In addition to the safety monitoring, detection, prevention and suppression systems discussed above, the following are typical battery energy storage system development and operation protocols:

- **Engineering Standards and Testing:** Batteries are rigorously designed, manufactured, tested, and certified to adhere with the highest safety standards. They must pass large-scale fire testing under Underwriters Laboratory certification.
- **Proper Temperature Management:** Projects are equipped with thermal management systems including ventilation, heating equipment, and cooling equipment, to maintain safe operating temperatures and humidity for the batteries.
- **Battery Health Sensors:** Projects are equipped with sensors that monitor battery voltage, current, temperatures and health to ensure early detection and mitigation of issues.

- **Fire Safety Equipment:** Energy storage facilities include equipment and systems designed to detect thermal events, vent gasses, and mitigate propagation of any fire or thermal event.
- **24/7 Monitoring by Trained Personnel:** Energy storage facilities are continuously monitored 24/7 by trained personnel prepared to ensure safety and respond to emergency events.
- **Protected Access:** Access to these facilities is restricted to authorized personnel only, similar to the practices of local utilities for their facilities.
- **Emergency Response Plans:** A project-specific emergency response plan is created to ensure that, if there is an emergency, it is handled safely and in accordance with best practices.

The following are standard codes and requirements for battery energy storage systems:

Built Environment

- International Fire Code (IFC) and the International Building Code (IBC)
- The IFC and IBC reference other codes including National Fire Protection Association (NFPA) codes
- The California Fire and Building codes are based on the IFC and IBC

Battery Energy Storage System (BESS)

- Underwriters Laboratories (UL) 9540 – Energy Storage System Safety Standards
- NFPA 855 - Standard for the Installation of Stationary Energy Storage Systems

Installation

- NFPA 70 - National Electrical Code (NEC)
- UL 9540A - Battery Energy Storage System Test Method

BESS Components

- UL 1973 - Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail(LER) Applications
- UL 1741 - Standard for Safety Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources

These standard codes and requirements, along with reviews by the City's Planning, Building, and Fire Departments will ensure that all future battery energy storage systems proposed within the City will be in full compliance with all applicable city, state, and federal regulations. The California Public Utilities Commission (CPUC) would also be required to provide approval of a commissioning and decommissioning plan for each battery storage project with direct connection to the public utility grid prior to operation.

In addition to these standard protocols, GridStor LLC intends to partner with the City's Fire Department to provide specialized training to first responders. The training will cover appropriate responses to battery energy storage system emergencies, including the mitigation of any fire or thermal event.

Concerns Raised by Bridgeland Comment Letter

The following table consists of collaborative responses to specific issues raised by Bridgeland’s Comment Letter (Attachment D). For GridStor LLC’s specific responses to the concerns, please see Exhibit A of Attachment F.

	Concern	Response
1	Battery storage uses create a unique and well-documented hazard that includes the risk of fires, toxic gas releases, and explosions.	While there are potential hazards associated with battery storage systems, these risks are effectively mitigated through industry standards for battery energy storage systems, as detailed in the “Safety of Battery Energy Storage Systems” section of this report.
2	[I]f the City determines that battery storage uses should be allowed anywhere in the M-2 zone, then the City should, at the very least, require a conditional use permit (“ CUP ”) to ensure that battery storage uses remain safe, suitably located, and appropriately conditioned to protect the community.	Battery energy storage with a direct connection to a public utility grid are being likened to an “electrical distribution substation,” which is principally permitted in the M-2 zone. Safety concerns regarding the use are appropriately addressed within the required review of City Departments, the industry standards of such a use, and the California Public Utilities Commission. Further, if deemed similar to other permitted uses within the M-2 zone, it would be permitted and a CUP would not be required. As this is also being equated to an electrical substation, which is permitted in the M-2 zone without a CUP, this similar use would also be permitted without a CUP.
3	GridStor proposes siting battery facilities directly on top of portions of the Romandel Site on which Bridgeland has surface rights for future oil extraction. If constructed, the Project will both endanger Bridgeland’s existing operations and interfere with Bridgeland’s surface rights.	Though this concern is site-specific, any site proposed to be developed with a battery energy storage system would be required to identify and be compliant with any and all easements and surface rights.
4	Battery storage uses are not similar to the other principally permitted uses in the M-2 zone. Notably, the code fails to list any other energy storage-type use as a principally permitted or even conditionally	Battery energy storage systems with direct connection to a public utility grid uses are being likened to an electrical distribution substation use, which is principally permitted within the M-2 zone, as detailed in the “Similarity to Electric Distribution

	permitted use. At best, the code allows “public utility service yards.” See SFSMC § 155.241(X).	Substation” section of this report. Further, based on analysis in this staff report, such use is not inconsistent with the purpose of the M-2 zone and, as staff has stated, fits best with the other such permitted uses in the M-2 zone.
5	The Federal Emergency Management Agency (“ FEMA ”) states that the “lithium cells in [battery storage projects] can experience thermal runaway which causes them to release very hot flammable, toxic gases. In large storage systems, failure of one lithium cell can cascade to include hundreds of individual cells. The hot flammable gases can result in an explosion, or a very difficult to extinguish fire.”	Though there are potential hazards to battery storage systems, these hazards are properly mitigated through industry standards for battery energy storage systems, as detailed in the “Safety of Battery Energy Storage Systems” section of this report. Further information is provided in Exhibit A of Attachment F.
6	A recent American Chemical Society publication, for instance, states that “[l]ithium ion batteries are prone to overheating, swelling, electrolyte leakage venting, fires, smoke, and explosions in worst-cases scenarios involving thermal runaway.... [T]he gases produced as a result of a fire, smoke, and/or thermal runaway can accumulate to a combustible level in the installation location and cause an explosion (detonation).”	The prevention and mitigation of potential hazards including thermal runaway and detonation are appropriately addressed within the required review of City Departments, the industry standards of such a use, and the California Public Utilities Commission. Further information is provided in Exhibit A of Attachment F.
7	This risk is not theoretical. Consider the following news articles detailing recent battery storage fires and fire-related injuries in California, Arizona, and New York, among others [.]” Bridgeland cites seven articles.	The articles detail isolated incidents of failure in battery energy storage projects. The California example listed includes a fire that was actually effectively contained within the battery storage unit that caught fire. The articles also detail how Fire Codes are being updated to adequately address concerns that have come from earlier issues of battery storage technology. Though there are potential hazards to battery storage systems, these hazards are properly mitigated through industry standards for battery energy storage systems, as detailed in the “Safety of

		Battery Energy Storage Systems” section of this report. Further information is provided in Exhibit A of Attachment F.
8	[I]f the City believes that some battery storage uses should be allowed in the M-2 zone, such use that should not be permitted by right. At minimum, the City should require a CUP for battery storage uses in the M-2 zone.	Battery energy storage system with direct connection to a public utility grid uses are being likened to an electrical distribution substation use, which is principally permitted, without a CUP, within the M-2 zone, as detailed in the “Similarity to Electric Distribution Substation” section of this report. As stated above, such use is not inconsistent with the purpose of the M-2 zone and, fits best with the other such permitted uses in the M-2 zone.
9	The City already requires various potentially hazardous uses to obtain a CUP, including the manufacture of chlorine and other chemicals (see SFSMC § 155.243(A)(1-31), the storage of large quantities of oil, flammable gases, or flammable liquids (see SFSMC § 155.243(B)(1), (3)), the storage of explosives or black powder (SFSMC § 155.243(B)(5)), and petroleum refining (SFSMC § 155.243(F)(1)). In fact, the City also requires a CUP in the M-2 zone for a variety of mostly benign activities, such as ambulance services (SFSMC § 155.243(J)(1), dog kennels (SFSMC § 155.243(J)(11), and motorcycle sales (SFSMC § 155.243(J)(16)). High-risk battery storage should not escape the same scrutiny.	Though there are potential hazards to battery storage systems, these hazards are properly mitigated through industry standards for battery energy storage systems, as detailed in the “Safety of Battery Energy Storage Systems” section of this report.
10	Conditional use permits ... explicitly require the Commission to determine whether the use would “be detrimental to persons or property in the immediate vicinity” or would “adversely affect the city in general.” SFSMC § 155.716. And conditional use permits specifically allow the Commission to condition the project to ensure “proper	A site-specific project for a battery energy storage system with direct connection to a public utility grid is not under consideration by the Planning Commission nor is an application for a Conditional Use Permit (CUP), therefore the findings for granting a CUP are not required as part of this request. However, to grant the Zone Determination, the Planning Commission is still required to find that a battery energy

	integration of the [use] into the community, which may only be suitable in specific locations....” SFSMC § 155.711; <i>see also</i> SFSMC § 155.718 (allowing for conditions of approval). Given the clear risks presented by battery storage uses, the City should require a CUP in order to ensure that any proposed battery storage project will be safe, suitably located, and appropriately conditioned to protect the community.	storage system use is not inconsistent with the purpose of the M-2 Zone, is similar to other permitted uses in that zone, and is compatible with those uses.
11	Allowing battery storage uses by CUP is a legislative task for the City Council, not the Commission.	A site-specific battery energy storage system project with direct connection to a public utility grid is not under consideration by the Planning Commission or other approving or advisory body for a Conditional Use Permit (CUP). The action under this ZD case is to determine whether it is a use similar to an electrical substation and the appropriate zone, which is within the Planning Commission’s authority.
12	The Romandel Site’s extremely close proximity to Bridgeland’s oil operations and facilities not only increases the inherent risks associated with battery storage uses but also adds additional risks to Bridgeland’s oil operations. A fire, explosion, or expulsion of toxic gas at the Project could cause additional fires or dangers at Bridgeland’s oil facilities. Although Bridgeland takes all precautions in operating its oil facilities, and although oil and gas operations are dramatically less risky than battery storage uses, oil and gas operations nevertheless present their own risks; and these should not be compounded by locating a battery storage use at the Romandel Site.	Though this is a site specific questions, any battery energy storage system with direction connection to a public utility grid would be required to comply with fire, health, and safety laws and regulation and industry standards which means the use would not pose a risk to adjacent operations.

13	In addition to Bridgeland’s existing operations and facilities, pursuant to the Unit Agreement and Bridgeland’s role as unit operator, Bridgeland holds rights that allow it to expand its oil production operations and construct new facilities on the Bridgeland-owned parcel, the Romandel Site, and other lands in the vicinity. Should Bridgeland choose to exercise these rights, the Project’s associated risks would be increased even further by close proximity to additional oil operations and facilities. For example, Bridgeland may redrill or rework the existing idle oil well so that it actively produces oil. Moreover, the Project would significantly impede and interfere with Bridgeland’s rights to use portions of the surface of the Romandel Site for oil operations and facilities. Consequently, the Project could increase the danger associated with Bridgeland’s oil operations in the event use of portions of the Romandel Site becomes necessary.	Though this concern is site specific, any site proposed to be developed with a battery energy storage system would be required to identify and be compliant with any and all easements and surface rights. Additionally, any battery energy storage system with direction connection to a public utility grid would be required to comply with fire, health, and safety laws and regulation and industry standards which means the use would not pose a risk to adjacent operations.
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ENVIRONMENTAL

The proposed Zone Determination is an activity, but not subject to CEQA under California Environmental Quality Act (CEQA) Section 15060(c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Zone Determination is exempt from CEQA pursuant to Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines. The Common Sense Exemption affirms that CEQA applies only to projects which have the potential for causing a significant effect on the environment. If it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA. A zone determination that a battery energy storage system with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone will not have a significant effect on the environment in that the only action being taken is an interpretation of the Zoning Code. It is not site specific, nor is there any aspect or details of the future project

to be analyzed. Thus, with certainty this Zone Determination cannot possibly have a significant effect on the environment.

Any proposed projects that meet the criteria of a battery energy storage system use with direct connection to a public utility grid will be individually subject to CEQA review as to the site and the components of that individual project.

DISCUSSION:

Criteria for a Zone Determination

Pursuant to Section 155.241(Y) of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission may, after study and deliberation, allow other similar uses as a principally permitted use if they are found not to be inconsistent with the purpose of the M-2 zone, they are similar to the uses listed as permitted uses, and they would be compatible with those uses.

It is therefore recommended that, before approving a Zone Determination, the Commission shall find that all of the following apply:

- (A) *That the subject use is not inconsistent with the purpose of the M-2, Heavy Manufacturing, Zone.*
- (B) *That the subject use would be similar to the uses listed as permitted in the M-2, Heavy Manufacturing, Zone.*
- (C) *That the subject use would be compatible with the uses listed as permitted in the M-2, Heavy Manufacturing, Zone.*

Upon review of the proposed use and background materials provided along with the application, staff finds the applicant's request meets the criteria set forth in the City's Zoning Ordinance. Recommended findings to support this conclusion may be found in the attached Resolution No. 250-2023 (see Attachment I). Staff is therefore recommending that the Planning Commission approve ZD Case No. 2023-01.

SUMMARY

Public Notification

This matter was set for Public Hearing in accordance with the requirements of Sections 65090 through 65096 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 for the proposed project was sent by first class mail to all property owners whose names and addresses appear on the latest County Assessor's Roll within 500 feet of the exterior boundaries of what was used as a subject property on

August 31, 2023. The legal notice was also posted at City Hall and the City's Town Center kiosk on August 31, 2023. Said notice was also published in a newspaper of general circulation (Whittier Daily News) on August 31, 2023 as required by the State Zoning and Development Laws and by the City's Zoning Ordinance. On September 7, 2023 a comment letter submitted by Bridgeland (Attachment D) in opposition of the project was submitted to Staff. On September 11, 2023, the Planning Commission of the City of Santa Fe Springs opened the public hearing for this item and continued the item to the next scheduled public hearing. Responses to the comments raised by the letter have been included as part of this report. On October 9, 2023, six (6) petition letters were sent to staff from residents of the Villages at Heritage Springs in opposition of the project. As of the date of this report, staff has not received any further inquiry regarding the proposed project.

As previously stated, there is no specific site proposed, however, notice was provided to property owners surrounding the potential site out of an abundance of caution.

ATTACHMENT(S):

1. Attachment A – Public Hearing Notice
2. Attachment B – Radius Map for Public Hearing
3. Attachment C – GridStor Fact Sheet
4. Attachment D – Bridgeland Comment Letter dated September 7, 2023
5. Attachment E – GridStor LLC Request for Continuation dated September 8, 2023
6. Attachment F – GridStor LLC Response Letter dated September 22, 2023
 - a. Exhibit A – Table of GridStor LLC Responses
7. Attachment G – Resident Opposition Letters
8. Attachment H – CEQA Notice of Exemption
9. Attachment I – Resolution No. 250-2023

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

ATTACHMENT A: PUBLIC HEARING NOTICE

**CITY OF SANTA FE SPRINGS
NOTICE OF PUBLIC HEARING
ZONE DETERMINATION CASE NO. 2023-01**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Santa Fe Springs will hold a Public Hearing to consider the following:

ZONE DETERMINATION CASE NO. 2023-01 – A request that the Planning Commission determine that a battery energy storage system with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone.

APPLICANT: GridStor, LLC, Attention: Matrell Everett, 7 SE Stark Street Suite 8, Portland, OR 97201

THE HEARING will be held before the Planning Commission of the City of Santa Fe Springs in the Council Chambers of the City Hall, 11710 Telegraph Road, Santa Fe Springs, on **Monday, September 11, 2023 at 6:00 p.m.**

You may attend the meeting telephonically or electronically using the following means:

Electronically using Zoom

Go to Zoom.us and click on "Join A Meeting" or use the following link:
<https://zoom.us/j/558333944?pwd=b0FqbKV2aDZneVRnQ3BjYU12SmJIQT09>

Zoom Meeting ID: 558 333 944
Password: 554545

Telephonically

Dial: 888-475-4499
Meeting ID: 558 333 944

CEQA STATUS: After staff review and analysis, staff finds the proposed Zone Determination is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2) of the CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment. Additionally, the project site is not listed

on the Hazardous Waste and Substance Site List (Cortese List) as set forth in Government Code Section 65962.5.

ALL INTERESTED PERSONS are invited to participate in the Public Hearing and express their opinion on the item listed above. Please note that if you challenge the afore-mentioned item in court, you may be limited to raising only those issues raised at the Public Hearing, or in written correspondence to the office of the Commission at, or prior to the Public Hearing.

PUBLIC COMMENTS may be submitted in writing to the Planning Department at City Hall, 11710 Telegraph Road, Santa Fe Springs CA 90670 or, otherwise, e-mail the Planning Secretary Teresa Cavallo at teresacavallo@santafesprings.org. Please submit your written comments by 12:00 p.m. on the day of the Planning Commission meeting. You may also contact the Planning Department at: (562) 868-0511 ext. 7550.

FURTHER INFORMATION on this item may be obtained from Alejandro De Loera, Planning Consultant, via e-mail at: alejandrolloera@santafesprings.org or otherwise by phone at: (562) 868-0511 ext. 7354.

End of document ■

ATTACHMENT B:
RADIUS MAP FOR PUBLIC HEARING



**ATTACHMENT C:
GRIDSTOR FACT SHEET**

GRIDSTOR



**A partnership
for the future of
clean energy.**

Santa Fe Springs Energy Storage

Located in Santa Fe Springs, California, the proposed Santa Fe Springs (SFS) Energy Storage project is a 90-megawatt (MW) battery energy storage facility designed to reduce statewide greenhouse gas emissions and improve the resilience of the local and regional electric system. This critical new infrastructure will allow the community to more readily access reliable, renewable energy when it is needed most.



90

Megawatt Battery
Energy Storage.

67k

Homes and
Businesses Powered
by Clean Energy.

2.7^{MM}

Estimated Local Sales
and Use Tax Revenue.

68

Potential Construction
Jobs Created.

How the project will benefit Santa Fe Springs:

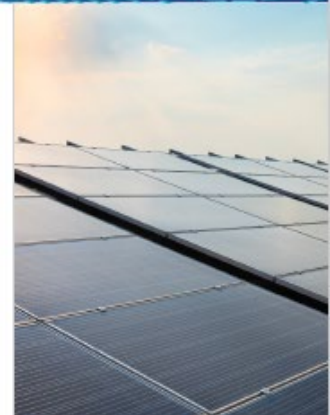
This project offers Santa Fe Springs the opportunity to be an integral part of the renewable energy solution and will have many positive impacts on the community, both during construction and future operation.

- Increase the resilience of the local electric grid, helping avoid blackouts.
- Revitalize a previously contaminated site into a productive, positive use.
- Generate substantial capital investments on previously underutilized land.
- Bring sustainable energy closer to urban electric infrastructure where it can be more readily accessed.
- Support local, state, and federal clean energy goals.
- Create skilled, union construction jobs in the clean energy industry.
- Substantial financial contributions to the local economy via sales and property taxes.
- Establish Santa Fe Springs as a pivotal contributor in the clean energy movement.



Empowering local communities.

GridStor is committed to developing clean energy solutions that empower local communities and increase their resilience for the future. With every project, our goal is to better the communities in which we operate by actively supporting local organizations that focus on improving education, health, and social outcomes. We respect and prioritize the safety and wellbeing of our employees, contractors, neighbors, and the environment, taking great care to sustainably source, construct, and operate every project.



ATTACHMENT D:
BRIDGELAND COMMENT LETTER DATED SEPTEMBER 7, 2023

September 7, 2023

VIA E-MAIL

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01.

Dear Commissioners:

Our client, Bridgeland Resources LLC (“**Bridgeland**”), owns a number of properties throughout Santa Fe Springs (“**City**”) and has surface and subsurface rights for oil extraction activities on a number of others. Applicant GridStor, LLC (“**GridStor**”) requests a Zoning Determination in order to establish that a “battery energy storage system” constitutes a principally permitted use in the M-2 zone.

This request should be denied. As explained below, battery storage uses are not similar to the other principally permitted uses in the M-2 zone, nor are they compatible with them. Among other issues, battery storage uses create a unique and well-documented hazard that includes the risk of fires, toxic gas releases, and explosions. Accordingly, the findings to approve the Zoning Determination cannot be made. While the City should prohibit battery storage uses in the M-2 zone altogether, at minimum, the City should not authorize battery storage uses by right. Instead, if the City determines that battery storage uses should be allowed anywhere in the M-2 zone, then the City should, at the very least, require a conditional use permit (“**CUP**”) to ensure that battery storage uses remain safe, suitably located, and appropriately conditioned to protect the community.

The background behind this particular request brings this issue into focus: GridStor is pursuing a ground lease to construct a 90-megawatt lithium-ion battery energy storage system (“**Project**”) on an approximately 9.3-acre site located at 10051 Romandel Avenue (“**Romandel Site**”). The Project would surround Bridgeland’s adjacent property on three sides. More concerning, GridStor proposes siting battery facilities directly on top of portions of the Romandel Site on which Bridgeland has surface rights for future oil extraction. If constructed, the Project will both endanger Bridgeland’s existing operations and interfere with Bridgeland’s surface rights. The City would likely miss these issues if the City authorizes battery storage uses by right. Thus, even if the Commission feels that some battery storage should be allowed in the M-2 zone, the

5168865.3

City should require a CUP to avoid the very issues presented by the type of project that GridStor currently envisions.

I. The City Must Deny the Zoning Determination Because Battery Storage Uses Remain Dissimilar and Incompatible With Other Principally Permitted Uses in the M-2 Zone.

Section 155.241 of the Zoning Ordinance sets forth the principally permitted uses authorized in the M-2 zone. This section does not list electric battery storage. *Id.* However, the City may authorize “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 those uses.” Santa Fe Springs Code of Ordinances (“SFSMC”) § 155.241(Y).

The Commission cannot make these findings. Battery storage uses are not similar to the other principally permitted uses in the M-2 zone. Notably, the code fails to list any other energy storage-type use as a principally permitted or even conditionally permitted use. At best, the code allows “public utility service yards.” *See* SFSMC § 155.241(X). The code defines this to mean “buildings or premises used for the office, warehouse, storage yard or maintenance of a public utility....” SFSMC § 155.003. In practical terms, this means maintenance, repair, and distribution yards for utility vehicles and utility equipment. Under any credible reading, this does not refer to active, operating, industrial-scale utility equipment, much less energy-storage. Put simply, no similar use exists.

More importantly, battery storage uses remain incompatible with and dissimilar from other principally permitted uses in the M-2 zone because they present unique and undeniable hazards, including the risk of fires, explosions, and the release of toxic gases. The Federal Emergency Management Agency (“FEMA”) states that the “lithium cells in [battery storage projects] can experience thermal runaway which causes them to release very hot flammable, toxic gases. In large storage systems, failure of one lithium cell can cascade to include hundreds of individual cells. The hot flammable gases can result in an explosion, or a very difficult to extinguish fire.” *Emerging Hazards of Battery Energy System Fires*, FEMA, October 27, 2020 (available at: <https://www.fema.gov/case-study/emerging-hazards-battery-energy-storage-system-fires>).

Various scientific and trade publications agree. A recent American Chemical Society publication, for instance, states that “[l]ithium ion batteries are prone to overheating, swelling, electrolyte leakage venting, fires, smoke, and explosions in worst-cases scenarios involving thermal runaway.... [T]he gases produced as a result of a fire, smoke, and/or thermal runaway can accumulate to a combustible level in the installation location and cause an explosion

(detonation).” *Battery Hazards for Large Energy Storage Systems*, ACS Energy Letters 2022 7 (8), 2725-2733, p. 2726.

This risk is not theoretical. Consider the following news articles detailing recent battery storage fires and fire-related injuries in California, Arizona, and New York, among others:

- ***Recent California Energy Storage Battery Fire Draws Renewed Attention to Storage Safety Issues***, American Public Power Association, October 17, 2022 (available at: <https://www.publicpower.org/periodical/article/recent-california-energy-storage-battery-fire-draws-renewed-attention-storage-safety-issues>).
- ***Tesla Grid Battery Fire Shows Young Industry’s Failures and Successes***, Canary Media, September 28, 2022 (available at: <https://www.canarymedia.com/articles/energy-storage/tesla-grid-battery-fire-shows-young-industrys-failures-and-successes>).
- ***Four Firefighters Injured in Lithium-Ion Battery Energy Storage System Explosion—Arizona***, Fire Safety Research Institute, July 29, 2020 (available at: <https://fsri.org/research-update/report-four-firefighters-injured-lithium-ion-battery-energy-storage-system>).
- ***Fire Smolders at Chandler Battery Storage Facility Nearly Two Weeks Later***, Arizona Family, April 29, 2022 (available at: <https://www.azfamily.com/2022/04/30/fire-smolders-chandler-battery-storage-facility-nearly-two-weeks-later/>).
- ***Burning Concern: Energy Storage Industry Battles Battery Fires***, S&P Global Market Intelligence, May 24, 2019 (available at: <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/burning-concern-energy-storage-industry-battles-battery-fires-51900636>).
- ***Fires at New York Battery Energy Storage System Facilities Ignite State Response***, JDSupra, August 14, 2023 (available at: <https://www.jdsupra.com/legalnews/fires-at-new-york-battery-energy-2554545/>).
- ***New York Creates Battery Storage Fire Safety Working Group Following Multiple Fires***, Power Engineering, August 29, 2023 (available at:

<https://www.power-eng.com/energy-storage/batteries/new-york-creates-battery-storage-fire-safety-working-group-following-multiple-fires/#gref>).

Given these distinct risks, the City cannot find that battery storage uses are “similar to the uses listed as permitted uses and ... compatible to those uses.” As such, it cannot permit them by right.

II. At Minimum, Battery Storage Uses Should Require a Conditional Use Permit.

As discussed in the previous section, battery storage uses present unique risks, including the risk of fire, explosion, and the expulsion of toxic gases. For these reasons, the City should prohibit battery storage uses in the M-2 zone. However, if the City believes that some battery storage uses should be allowed in the M-2 zone, such use that should ***not*** be permitted by right. At minimum, the City should require a CUP for battery storage uses in the M-2 zone.

The City already requires various potentially hazardous uses to obtain a CUP, including the manufacture of chlorine and other chemicals (*see* SFSMC § 155.243(A)(1-31), the storage of large quantities of oil, flammable gases, or flammable liquids (*see* SFSMC § 155.243(B)(1), (3)), the storage of explosives or black powder (SFSMC § 155.243(B)(5)), and petroleum refining (SFSMC § 155.243(F)(1)). In fact, the City also requires a CUP in the M-2 zone for a variety of mostly benign activities, such as ambulance services (SFSMC § 155.243(J)(1), dog kennels (SFSMC § 155.243(J)(11), and motorcycle sales (SFSMC § 155.243(J)(16)). High-risk battery storage should not escape the same scrutiny.

This result makes sense: while a development plan approval (“**DPA**”) gives the Commission some discretion over a proposed project, a DPA limits the Commission’s ability to reject or condition that project based on the proposal use itself. Conditional use permits, by contrast, explicitly require the Commission to determine whether the use would “be detrimental to persons or property in the immediate vicinity” or would “adversely affect the city in general.” SFSMC § 155.716. And conditional use permits specifically allow the Commission to condition the project to ensure “proper integration of the [use] into the community, which may only be suitable in specific locations....” SFSMC § 155.711; *see also* SFSMC § 155.718 (allowing for conditions of approval). Given the clear risks presented by battery storage uses, the City should require a CUP in order to ensure that any proposed battery storage project will be safe, suitably located, and appropriately conditioned to protect the community.

Unfortunately, allowing battery storage uses by CUP is a legislative task for the City Council, not the Commission. While the Commission can allow additional conditionally-permitted uses in the M-2 zone, the code specifically limits this ability to “commercial and service type

uses.” SFSMC § 155.243(K). Because battery storage uses constitute an obvious heavy industrial use, not a commercial or service type use (e.g., bank, department store, office, supermarket, restaurant, etc.), the Commission does not have the authority to allow it as a conditionally-permitted use through this or any other Zoning Determination. Instead, GridStor must seek a text amendment or similar legislative change to the municipal code in an ordinance adopted by the City Council.

III. GridStor’s Proposed Project Highlights the Risk of Allowing Battery Storage Uses.

In addition to the inherent risks associated with battery storage uses discussed above, including the risk of fire, explosion, and the expulsion of toxic gases, there are additional unique risks presented by the GridStor’s proposed project at the Romandel Site. In this regard, the Project’s proposed location surrounds an adjacent parcel which Bridgeland owns and utilizes for oil production operations and facilities (APN 8011-007-040), including an idle oil well and an active waterflood injector well. Moreover, Bridgeland serves as the “unit operator” for numerous oil production facilities in the vicinity of the Romandel Site and operates these facilities pursuant to, among other things, that certain *Unit Agreement* recorded on May 23, 1969, as Instrument No. 6933200 in the Official Records of Los Angeles County (the “**Unit Agreement**”). Pursuant to the Unit Agreement and Bridgeland’s role as unit operator, Bridgeland holds certain rights to use portions of the surface of the Romandel Site and other lands in the vicinity for oil production operations and facilities.

The Romandel Site’s extremely close proximity to Bridgeland’s oil operations and facilities not only increases the inherent risks associated with battery storage uses but also adds additional risks to Bridgeland’s oil operations. A fire, explosion, or expulsion of toxic gas at the Project could cause additional fires or dangers at Bridgeland’s oil facilities. Although Bridgeland takes all precautions in operating its oil facilities, and although oil and gas operations are dramatically less risky than battery storage uses, oil and gas operations nevertheless present their own risks; and these should not be compounded by locating a battery storage use at the Romandel Site.

In addition to Bridgeland’s existing operations and facilities, pursuant to the Unit Agreement and Bridgeland’s role as unit operator, Bridgeland holds rights that allow it to expand its oil production operations and construct new facilities on the Bridgeland-owned parcel, the Romandel Site, and other lands in the vicinity. Should Bridgeland choose to exercise these rights, the Project’s associated risks would be increased even further by close proximity to additional oil operations and facilities. For example, Bridgeland may redrill or rework the existing idle oil well so that it actively produces oil. Moreover, the Project would significantly impede and interfere

with Bridgeland's rights to use portions of the surface of the Romandel Site for oil operations and facilities. Consequently, the Project could increase the danger associated with Bridgeland's oil operations in the event use of portions of the Romandel Site becomes necessary.

In light of the above, Gridstor's proposed Project highlights the risk of allowing battery storage use in the M-2 zone. Given the unique danger battery storage uses present, which is only worsened by the Project's close proximity to longstanding oil production operations and facilities, the City should not allow battery storage uses in the M-2 zone.

IV. Conclusion

Battery storage uses are not like other principally permitted uses in the M-2 zone. Not only do they not resemble any other principally permitted use, they are distinctively dangerous and unsafe. For the reasons discussed herein, the Commission should not allow battery storage uses in the M-2 zone at all, much less by right. If the City nevertheless believes that battery storage uses may be appropriate, a CUP should be required. If so, the applicant must seek a text amendment to allow battery storage as a conditionally permitted use in the M-2 zone.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'ERNEST J. GUADIANA', with a long horizontal stroke extending to the right.

ERNEST J. GUADIANA
Elkins Kalt Weintraub Reuben Gartside LLP

EJG:jdm

ATTACHMENT E:
GRIDSTOR LLC REQUEST FOR CONTINUANCE DATED SEPTEMBER 8, 2023

Hi Alejandro,

We wanted to express our gratitude for sharing the Comment Letter with us. Considering the concerns raised by our neighboring landowner, we believe it is important to take the time to address these issues and work towards a mutually agreeable resolution. To allow for this process, we kindly request to defer our agenda item to a future meeting.

Additionally, we would appreciate a call with you, Coung, and Wayne today to discuss the letter in more detail. Please let us know your availability.

Thank you for your understanding, and we look forward to our call today.

Thank you,
Matrell Everett



Matrell Everett
Development Manager
[GridStor, LLC](https://www.gridstor.com) | 909-495-7588
matrell.everett@gridstor.com



ATTACHMENT F:
GRIDSTOR LLC RESPONSE LETTER DATED SEPTEMBER 22, 2023



Driving progress
through partnership

Phillip Babich

Direct Phone: +1 415 659 5654

Email: pbabich@reedsmith.com

Reed Smith LLP
101 Second Street
Suite 1800
San Francisco, CA 94105-3659
+1 415 543 8700
Fax +1 415 391 8269
reedsmith.com

September 22, 2023

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Response to Bridgeland's September 7th Public Comment Letter on the GridStor's Proposed Battery Energy Storage System in the M-2 Zone (Zoning Determination Case No. 2023-01)

Dear Commissioners:

Reed Smith LLP is representing GridStor, LLC ("GridStor") in connection with the prospective development of a 90-megawatt Battery Energy Storage System on an approximately 9.3-acre site located at 10051 Romandel Avenue, Santa Fe Springs, California (the "Property"), which would connect to an existing Southern California Edison substation via a new 66 kV overhead electric tie-line on Romandel Avenue (the "Project").

On Thursday, September 7, 2023, we received a copy of a letter that the law firm Ellkins Kalt sent to the Planning Commission on behalf of Bridgeland Resources LLC ("Bridgeland"). The letter objected to siting the Project on the Property. It also raised generalized concerns that some battery energy storage systems have risks for "fires, toxic gas releases, and explosions." (Letter at p. 1.) Bridgeland asserts it submitted its public comments as an operator of oil extraction operations and holder of related surface rights on or adjacent to the Property.

Because Bridgeland—and any other company, business, or resident near the Project—has the right to object to GridStor's plans, which right is fully supported, GridStor has taken the time to consider Bridgeland's points and provide a meaningful response to the Planning Commission. Thus, it was appropriate for GridStor to request on September 8 that the Planning Commission take off the September 11 calendar the public hearing on GridStor's request that the Commission find the Project to be similar in use to an electric distribution substation for zoning purposes. We understand that the hearing has now been rescheduled for October 9.

GridStor does not agree with many points that Bridgeland raised. What follows is a discussion of three main issues: (1) the Project is similar to an electric distribution substation and is permitted in an M-2 zone; (2) the Project must comply with fire, health, and safety laws and regulations and industry standards, which compliance addresses Bridgeland's fire hazard concerns; and (3) the Project will not infringe on Bridgeland's property rights or interfere with their operations. To help the Commission track GridStor's responses to Bridgeland's main

points, we have prepared a table (Exhibit A) that shows Bridgeland's points in the left-hand column and GridStor's responses in the right-hand column.

1. The Project Is Similar To An Electric Distribution Substation

Bridgeland misses the correct permitted use to which the Project should be compared: an electric distribution substation (SFSMC, § 155.181(N)), which is a permitted use in the M-L Zone and which is incorporated into permitted uses in the M-2 Zone. Bridgeland argues that a battery energy storage system is not similar to any of the principally permitted uses in the M-2 zone. This is incorrect.

The permitted uses in the M-2 zone include any use that is permitted in the M-1 zone. (SFSMC, § 155.241.) The permitted uses in the M-1 zone include any use that is permitted in the ML zone [*Id.*, § 155.211(A)], which uses include, among other things, "electric distribution substations" [*Id.*, 155.181(N)]. Thus, because these uses are permitted in the M-L zone they are also permitted in the M-2 zone.

A battery energy storage system is similar to an electric distribution substation in size, bulk, and components including: switchgears, breakers, transformers, meters, circuits, and SCADA equipment. As development of battery energy storage systems becomes more prevalent in southern California, an increasing number of municipalities and counties are coming to such a conclusion. For example, the Los Angeles County Department of Regional Planning prepared and posted a memorandum titled "Subdivision and Zoning Ordinance Interpretation No. 2021-03 – Battery Electric Storage Systems," dated October 18, 2021, stating that battery energy storage systems are most similar to electric distribution substations and that the development standards for electric distribution substations set forth in the Los Angeles County Code shall apply to battery energy storage systems.

The City of Santa Fe Springs Planning Department has also previously indicated that a battery energy storage system is similar to an electric distribution substation. On January 4, 2022, the Planning Department provided a Zoning Certification Letter for the project site, which stated: "As it relates to the classification of your proposed use, based on the materials . . . that were provided to the City to date, the Planning Department found that it would be appropriate to classify the proposed use as 'electric distribution substations, electric transmission substations and public utility buildings' per Section 155.181(N) of the City's Zoning Ordinance." Additionally, on May 18, 2023, the Planning Department sent a letter responding to GridStor's Preliminary Review Application, which stated: "Based on previous conversations, and memorialized in an e-mail to Max Margolin on October 11, 2021, the proposed use is classified as a principal permitted use under Section 155.181 (N) – Electrical distribution substations, electric transmission substations and public utility buildings."

In addition to Los Angeles County and the City of Santa Fe Springs, numerous governmental agencies in California consider energy storage to be similar to energy distribution or transmission. Here are just two examples:

- Orange County includes energy storage within the definition of “energy facility,” which is defined as “[a]ny public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy.” (O. Co. Zoning Ordinance, § 7-9-135.)
- The California Public Utilities Commission (CPUC) recognizes that battery or energy storage facilities distribute energy. For example, California Public Utilities Code section 2835(a)(1) defines an “energy storage system” to mean a commercially available technology that is capable of “absorbing energy, storing it for a period of time, and thereafter dispatching the energy.” (Cal. Pub. Util. Code, § 2835(a)(1).) The energy storage system may “[b]e either centralized or distributed[.]” (*Id.*, § 2835(a)(2)(A).)

Because the Project is similar to an electric distribution substation, it is a permitted use in the M-2 Zone and a CUP is not required. The Planning Commission should find, pursuant to Section 155.181(II), that the Project is a similar use as an electric distribution substation, such use is not inconsistent with the purposes of Section 155.181, and it is compatible with the section’s other permitted uses.

Not only is Bridgeland in error that the Project requires a CUP, it also incorrectly states that “[u]nfortunately” the Planning Commission does not have authority to issue a CUP for the Project. Rather, according to Bridgeland, “GridStor must seek a text amendment or similar legislative change to the municipal code in an ordinance adopted by the City Council.” (pp. 4-5.) Bridgeland relies on Section 155.243 (K) which provides that the Commission can issue a CUP to “commercial and service type uses.”

Contrary to Bridgeland’s assertion, the Planning Commission’s authority to grant a CUP in the M-2 zone is *not* “specifically limit[ed]” to “commercial and service type uses” under Section 155.243(K). (Letter at p. 4-5.) Subsection (K) specifies just *one* of 98 categories of uses which the Planning Commission can conditionally permit. (See SFSMC, §§ 155.243(A) through (O).) So, GridStor does not need to seek a “text amendment or similar legislative change to the municipal code,” let alone a CUP to site the Project in an M-2 zone.

2. The Project Must Comply With Fire, Health, And Safety Laws And Regulations And Industry Standards

As for Bridgeland’s claims that battery energy storage systems “present unique and undeniable hazards, including the risk of fires, explosions, and the release of toxic gases,” such claims have been raised by opponents of this technology, but these are generalized claims that typically, as here, do not establish a factual nexus with the actual project at issue. Generalized concerns are not sufficient for the Commission to reject a project application, let alone deny a request for a similar use determination.

At this stage of the project approval process, the factors under consideration do not include potential environmental concerns. The key considerations for the Commission are whether the proposed use is similar and compatible with other permitted uses. (See e.g. SFSMC, § 155.181(II).)

As previously discussed, the proposed use is similar to other permitted uses. Turning to compatibility, the proposed Project is an industrial energy project in an industrial zone near another industrial energy project, i.e. Bridgeland's oil extraction. The uses are obviously compatible, and because the proposed Project is a clean energy project with no emissions and no odors or vibrations, it does not and cannot be incompatible with Bridgeland's operations, particularly since strict safety measures and regulatory compliance will be in place. In addition, the Project site will feature perimeter fencing with a building code-compliant chain link fence up to eight feet in height topped with barbed wire with screening or slats, along with extra landscaping and fencing around the substation zone for added screening. The Project will also include landscaping along Romandel Avenue to enhance visual screening from public rights of way.

The Project will have no greater impact than a typical electric distribution substation. There are several other electrical distribution substations currently within the City, including at 14127 Carmentia Road, 12761 Los Nietos Road, and another at the southeast corner of Pioneer Boulevard and Rivera Road. The Project's process is largely identical to the process of an electric distribution substation with the exception that some energy is stored in batteries before being distributed on the electric grid.

With respect to Bridgeland's generalized concerns about battery energy storage, the Project will be required to comply with the following codes and standards:

Built Environment

- International Fire Code (IFC) and the International Building Code (IBC)
- The IFC and IBC reference other codes including National Fire Protection Association (NFPA) codes
- The California Fire and Building codes are based on the IFC and IBC

Battery Energy Storage System (BESS)

- Underwriters Laboratories (UL) 9540 – Energy Storage System Safety Standards
- NFPA 855 - Standard for the Installation of Stationary Energy Storage Systems

Installation

- NFPA 70 - National Electrical Code (NEC)
- UL 9540A - Battery Energy Storage System Test Method

BESS Components

- UL 1973 - Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail (LER) Applications
- UL 1741 - Standard for Safety Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources

This means that the Project will be designed and built to the latest safety standards with multiple forms of protection against electrical faults and fire events at every level of the system. Through the design process, fire risk factors will be analyzed as will Project design features including systems for monitoring, diagnostics, and fire suppression.

- **Engineering Standards and Testing:** GridStor's batteries are designed, manufactured, tested, and certified to adhere with the highest safety standards. The battery equipment must pass large-scale fire testing under Underwriters Laboratory certification.
- **Proper Temperature Management:** GridStor's projects have thermal management systems including ventilation, heating equipment, and cooling equipment, to maintain safe operating temperatures and humidity for the batteries.
- **Battery Health Sensors:** GridStor's projects are equipped with sensors that monitor battery voltage, current, temperatures and health to ensure early detection and mitigation of issues.
- **Fire Safety Equipment:** GridStor's energy storage facilities include equipment and systems designed to detect thermal events, vent gasses, and mitigate propagation of any fire or thermal event.
- **Local Training:** GridStor provides site-specific information and training to local fire departments and first responders to ensure an appropriate response to any project emergency.
- **24/7 Monitoring by Trained Personnel:** GridStor's energy storage facilities are monitored 24/7 by trained personnel prepared to maintain safety and respond to emergency events.
- **Protected Access:** GridStor only permits authorized personnel to access its facilities, just as a local utility would for its facilities.
- **Emergency Response Plans:** GridStor develops, maintains, and trains using a project-specific emergency response plan to ensure that, if there is an emergency, it is handled safely and according to best practices.

The Project will isolate and control a potential fire incident to the immediately affected equipment. For example, a battery exhibiting irregular behavior will be automatically disconnected from system and not

reconnected until it passes inspection. In addition, housing battery units in enclosed structures will provide containment in the unlikely event that a fire breaks out. The Project will include multiple redundant forms of protection to reduce risks of overcharge and electrical surges. Every battery cell bank will be monitored for voltage, temperature, and current. Safety measurement points in each battery pack and throughout the system alert a Project operator if there is a deviation from normal operating conditions. In addition, the Project is also required to meet the latest standards from Underwriters Laboratory and the National Fire Protection Association, which includes a destructive test for battery racks that determines that a fire at one location will not propagate to any neighboring batteries.

Bridgeland's letter and its citations to articles give the impression that BESS fires are rampant around the world. The letter fails to point out that while the articles identify a few BESS fires in the United States, they also identify efforts to improve safety and design features that can prevent catastrophic thermal runaways. Please see Exhibit A rows 5 through 7 for some examples.

3. The Project Will Not Infringe On Bridgeland's Property Rights

Lastly, Bridgeland states in its letter that GridStor proposes to place battery energy storage facilities "directly on top of portions of the Romandel Site on which Bridgeland has surface rights for future oil extraction." However, Bridgeland has offered no support for this statement, and based on the information available, the only portion of the site on which Bridgeland might have surface rights for future oil extraction is a portion of APNs 8011-002-023 and 8011-002-016. Whether or not Bridgeland has surface rights for future oil extraction in that area is still being investigated by GridStor and to be confirmed. In any event, it is a small portion of the site and the layout of the project could be modified to avoid placing any improvements in that area to the extent Bridgeland has surface rights for future oil extraction there.

It also appears that Bridgeland or its affiliate may be the current lessee under that certain Lease Agreement dated January 23, 2020, entered into between Productol, Inc., a Delaware corporation, as lessor, and Breitburn Operating LP, a Delaware limited partnership, as lessee. However, such Lease Agreement is related to facilities for the discharge of wastewater (and not related to oil extraction) and only affects a small area in the southern portion of APN 8011-002-018. Additionally, GridStor does not plan on placing any improvements in such area.

In any event, Bridgeland's property rights can and should be asserted independently of any City review of the Project.

4. Conclusion

GridStor has reached out to Bridgeland to discuss their concerns and work cooperatively with the company to coordinate safety efforts and avoid any unnecessary impact on each others operations. These efforts, however, should not deter the Planning Commission from finding that the Project is similar to an electric distribution substation for zoning purposes.

Santa Fe Springs Planning Commission
September 22, 2023
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ReedSmith

Thank you for your attention to this matter. Please do not hesitate to contact Ryan Schalk at ryan.schalk@gridstor.com or (503) 758-5843 with any questions.

Sincerely,

Reed Smith LLP

Exhibit A

	Bridgeland's Comments	GridStor's Responses
1.	Among other issues, battery storage uses create a unique and well-documented hazard that includes the risk of fires, toxic gas releases, and explosions. (p. 1.)	Discussed below in Nos. 5 through 7.
2.	[I]f the City determines that battery storage uses should be allowed anywhere in the M-2 zone, then the City should, at the very least, require a conditional use permit (“ CUP ”) to ensure that battery storage uses remain safe, suitably located, and appropriately conditioned to protect the community. (p. 1.)	Discussed below in Nos. 8 through 11.
3.	GridStor proposes siting battery facilities directly on top of portions of the Romandel Site on which Bridgeland has surface rights for future oil extraction. If constructed, the Project will both endanger Bridgeland's existing operations and interfere with Bridgeland's surface rights. (p. 1.)	Bridgeland has offered no support for these statements, and based on available public records, the only portion of the Property on which Bridgeland may have surface rights is a portion of APN's 8011-002-023 and 8011-002-016. In an effort to clarify, GridStor has reached out to Bridgeland. If any such rights exist, they would be on a small portion of the Property, and the Project can be designed to avoid placing improvements there.
4.	Battery storage uses are not similar to the other principally permitted uses in the M-2 zone. Notably, the code fails to list any other energy storage-type use as a principally permitted or even conditionally permitted use. At best, the code allows “public utility service yards.” <i>See</i> SFSMC § 155.241(X).	Bridgeland misreads the City's zoning code and fails to identify the correct use category that is similar to the project. The correct comparison is to an “electric distribution substation” not a “public utility service yard.” Permitted uses in the M-2 zone include any permitted in the M-1 zone, which includes

	Bridgeland's Comments	GridStor's Responses
		any permitted use in the ML Zone. Within an ML Zone, "electric distribution substations" are permitted uses. A full discussion of this issue is in the body of the letter.
5.	The Federal Emergency Management Agency ("FEMA") states that the "lithium cells in [battery storage projects] can experience thermal runaway which causes them to release very hot flammable, toxic gases. In large storage systems, failure of one lithium cell can cascade to include hundreds of individual cells. The hot flammable gases can result in an explosion, or a very difficult to extinguish fire." (p. 2.)	The FEMA web page that Bridgeland cites says nothing about the level of risk, the number of thermal runaways, or other asserted BESS accidents. Nor, does it say anything about BESS projects in California and the number of regulations in place with BESS projects must comply. The sole focus of the FEMA web page is to identify a 2016 investigation to "develop a better understanding of the magnitude of the fire hazards."
6.	A recent American Chemical Society publication, for instance, states that "[l]ithium ion batteries are prone to overheating, swelling, electrolyte leakage venting, fires, smoke, and explosions in worst-cases scenarios involving thermal runaway.... [T]he gases produced as a result of a fire, smoke, and/or thermal runaway can accumulate to a combustible level in the installation location and cause an explosion (detonation)." (pp. 2-3.)	The American Chemical Society article cited by Bridgeland discusses a wide range of "off-nominal condition." The off-nominal conditions that "can cause the occurrence of catastrophic events with Li-ion batteries can be categorized into electrical, mechanical, and environmental types." The article goes on to state that the "most common electrical hazards are over-charge, over-discharge, and external and internal short circuits." (<i>Id.</i> at p. 2726. It further states that "if [these hazards are] not prevented by design, [they] can create an internal short circuit that can lead to a catastrophic thermal runaway." (<i>Id.</i> at p. 2728.) It is in this context that the authors of the article identified the hazards that Bridgeland cited.

	Bridgeland's Comments	GridStor's Responses
7.	This risk is not theoretical. Consider the following news articles detailing recent battery storage fires and fire-related injuries in California, Arizona, and New York, among others[.]” Bridgeland cites seven articles. (pp. 3-4.)	The first five articles discuss the same three fires at a PG&E facility in Moss Landing, California in 2022, an Arizona Public Service’s facility in Surprise, Arizona, in 2019, and an AES Battery Warehouse in Chandler, Arizona, and none of those fires involved a BESS facility. The fifth article mentions battery fires in South Korea, Europe, and Australia but do not, even remotely, discuss the regulations and safety measures applicable in those regions of the world and how, if at all, they compare to the regulations and safety measures that would apply to the Project. The final two articles state there were three BESS fires in the state but provide not details about the facilities or the causes of the fires. In any event, the focus of those articles is the formation of a state working group that will analyze causes of BESS fires and ways to prevent and respond to them. Importantly, accidents at out-of-county and out-of-state facilities have no evidentiary weight where there is no nexus to this Project. In addition, the Project will include, as part of its design, safety features with multiple forms of protection against electrical faults and fire events at every level of the system. The Project is also required to meet the latest standards from Underwriters Laboratory and the National Fire Protection Association, which includes a destructive test for battery racks that determines that a fire at one location will not propagate to any neighboring batteries.

	Bridgeland's Comments	GridStor's Responses
8.	[I]f the City believes that some battery storage uses should be allowed in the M-2 zone, such use that should <i>not</i> be permitted by right. At minimum, the City should require a CUP for battery storage uses in the M-2 zone.	The Zoning Code does not require a CUP, and the Planning Commission does not have authority to impose requirements beyond those set forth in the Zoning Code.
9.	The City already requires various potentially hazardous uses to obtain a CUP, including the manufacture of chlorine and other chemicals (<i>see</i> SFSMC § 155.243(A)(1-31), the storage of large quantities of oil, flammable gases, or flammable liquids (<i>see</i> SFSMC § 155.243(B)(1), (3)), the storage of explosives or black powder (SFSMC § 155.243(B)(5)), and petroleum refining (SFSMC § 155.243(F)(1)). In fact, the City also requires a CUP in the M-2 zone for a variety of mostly benign activities, such as ambulance services (SFSMC § 155.243(J)(1), dog kennels (SFSMC § 155.243(J)(11), and motorcycle sales (SFSMC § 155.243(J)(16)). High-risk battery storage should not escape the same scrutiny. (p. 4.)	Section 155.243 of the Zoning Code sets forth a list of uses that are permitted in the M-2 zone only with the issuance of a CUP. An “electric distribution substation” is not included in this list. Indeed, this is a <i>permitted</i> use and does not require a CUP in the M-2 zone. This use is not considered in Bridgeland’s analysis as it misreads the M-2 zone regulations which permit all principally permitted uses in the M-1 and M-L zones, which includes “Electric distribution substations.” (SFSMC, § Section 155.181(N).)
10.	Conditional use permits ... explicitly require the Commission to determine whether the use would “be detrimental to persons or property in the immediate vicinity” or would “adversely affect the city in general.” SFSMC § 155.716. And conditional use permits specifically allow the Commission to condition the project to ensure “proper integration of the [use] into the community, which may only be suitable in specific locations....” SFSMC § 155.711; <i>see also</i> SFSMC § 155.718 (allowing for conditions	Whether a CUP is required does not necessarily turn on the hazardous or non-hazardous nature of the proposed use. “The purpose of the conditional use permit is to allow proper integration of uses into the community which may only be suitable in specific locations, or only if such uses are designed or constructed in a particular manner on the site, and under certain conditions.” (<i>Id.</i> , § 155.711.) As previously discussed, the Project will be suitably located next to another industrial site, Bridgeland’s

	Bridgeland's Comments	GridStor's Responses
	of approval). Given the clear risks presented by battery storage uses, the City should require a CUP in order to ensure that any proposed battery storage project will be safe, suitably located, and appropriately conditioned to protect the community.	oil extraction operations. In addition, the Project's required compliance with fire, health, and safety codes, regulations and standards will protect nearby operations and the community at large.
11.	Unfortunately, allowing battery storage uses by CUP is a legislative task for the City Council, not the Commission. While the Commission can allow additional conditionally-permitted uses in the M-2 zone, the code specifically limits this ability to "commercial and service type uses." SFSMC § 155.243(K). Because battery storage uses constitute an obvious heavy industrial use, not a commercial or service type use (e.g., bank, department store, office, supermarket, restaurant, etc.), the Commission does not have the authority to allow it as a conditionally-permitted use through this or any other Zoning Determination. Instead, GridStor must seek a text amendment or similar legislative change to the municipal code in an ordinance adopted by the City Council. (pp. 4-5.)	As was stated earlier, a CUP is not required for an electric distribution substation or an electric transmission substation, which means a CUP is not required for the Project, which is similar in use to either substation. In any event, Bridgeland is incorrect that the Planning Commission's authority to grant a CUP in the M-2 zone is limited to "commercial and service type uses" under Section 155.243(K). The Planning Commission's authority is not so limited. Subsection (K) specifies just one of 98 categories of uses which the Planning Commission can conditionally permit. (See SFSMC, §§ 155.243(A) through (O).) So, GridStor does not need to seek a "text amendment or similar legislative change to the municipal code," let alone a CUP to sit the Project in an M-2 zone.
12.	The Romandel Site's extremely close proximity to Bridgeland's oil operations and facilities not only increases the inherent risks associated with battery storage uses but also adds additional risks to Bridgeland's oil operations. A fire, explosion, or expulsion of toxic gas at the Project could cause additional fires or dangers at Bridgeland's oil facilities. Although Bridgeland takes all	As was previously discussed, the Project is required to comply with fire, health, and safety laws and regulation and industry standards which means the Project will not pose a risk to adjacent operations. To the extent Bridgeland wishes to coordinate fire, health, and safety protections and procedures, GridStor would be open to

	Bridgeland's Comments	GridStor's Responses
	precautions in operating its oil facilities, and although oil and gas operations are dramatically less risky than battery storage uses, oil and gas operations nevertheless present their own risks; and these should not be compounded by locating a battery storage use at the Romandel Site.	discussing this. Please see pages 4 through 6 of this letter for further discussion.
13.	In addition to Bridgeland's existing operations and facilities, pursuant to the Unit Agreement and Bridgeland's role as unit operator, Bridgeland holds rights that allow it to expand its oil production operations and construct new facilities on the Bridgeland-owned parcel, the Romandel Site, and other lands in the vicinity. Should Bridgeland choose to exercise these rights, the Project's associated risks would be increased even further by close proximity to additional oil operations and facilities. For example, Bridgeland may redrill or rework the existing idle oil well so that it actively produces oil. Moreover, the Project would significantly impede and interfere with Bridgeland's rights to use portions of the surface of the Romandel Site for oil operations and facilities. Consequently, the Project could increase the danger associated with Bridgeland's oil operations in the event use of portions of the Romandel Site becomes necessary. (pp. 5-6.)	Discussed above in No. 3.

Santa Fe Springs Planning Commission
September 22, 2023
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ReedSmith

Sincerely,

Phillip Babich

PB:go

ATTACHMENT G:
RESIDENT OPPOSITION LETTERS

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01

Dear Commissioners:

As a resident of Santa Fe Springs, in the neighborhood adjacent to 10051 Romandel Ave., I strongly urge you to deny the request of GridStor to determine that a "battery energy storage system" constitutes a principally permitted use in the M-2 zone. Such a decision would allow GridStor to install a Battery Energy Storage System on the proposed site without any additional review or conditions to ensure safety.

These types of battery storage projects present unique risks, including the risk of fire, explosion and the expulsion of toxic gasses. These risks are well cited and can be easily found with a simple Google search. FEMA themselves put out an article, "*Emerging Hazards of Battery Energy System Fires*," as recently as 2020. These types of projects should not exist in our City.

If the Planning Commission insists on proceeding, we also ask that a full safety and environmental review be completed and every exhaustive regulation be administered to ensure the safety of the residents of all adjacent neighborhoods. The clear risk of fire presents too real a danger to the families of our neighborhood.

Donnie Foul
Name

10534 Wisteria
Address

[Signature]
Signature

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01

Dear Commissioners:

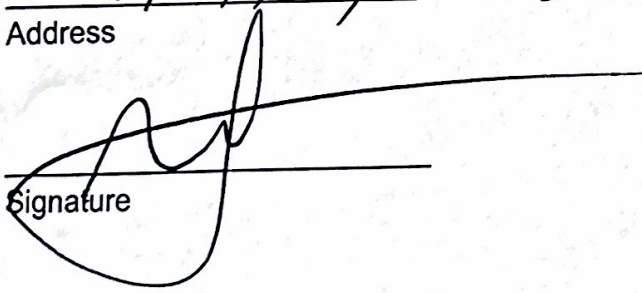
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Ike Ahm.
Name

12269 Holly Court
Address


Signature

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01

Dear Commissioners:

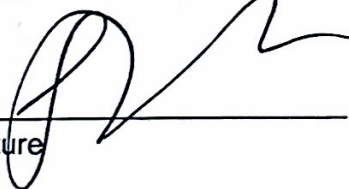
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If the Planning Commission insists on proceeding, we also ask that a full safety and environmental review be completed and every exhaustive regulation be administered to ensure the safety of the residents of all adjacent neighborhoods. The clear risk of fire presents too real a danger to the families of our neighborhood.

Marisol Lomeli
Name

10592 Acacia Ln Santa Fe Springs CA 90670.
Address


Signature

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01

Dear Commissioners:

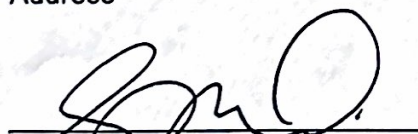
As a resident of Santa Fe Springs, in the neighborhood adjacent to 10051 Romandel Ave., I strongly urge you to deny the request of GridStor to determine that a "battery energy storage system" constitutes a principally permitted use in the M-2 zone. Such a decision would allow GridStor to install a Battery Energy Storage System on the proposed site without any additional review or conditions to ensure safety.

These types of battery storage projects present unique risks, including the risk of fire, explosion and the expulsion of toxic gasses. These risks are well cited and can be easily found with a simple Google search. FEMA themselves put out an article, "*Emerging Hazards of Battery Energy System Fires*," as recently as 2020. These types of projects should not exist in our City.

If the Planning Commission insists on proceeding, we also ask that a full safety and environmental review be completed and every exhaustive regulation be administered to ensure the safety of the residents of all adjacent neighborhoods. The clear risk of fire presents too real a danger to the families of our neighborhood.

Maggie Moto
Name

10460 Elderberry Ln
Address


Signature

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01

Dear Commissioners:

As a resident of Santa Fe Springs, in the neighborhood adjacent to 10051 Romandel Ave., I strongly urge you to deny the request of GridStor to determine that a "battery energy storage system" constitutes a principally permitted use in the M-2 zone. Such a decision would allow GridStor to install a Battery Energy Storage System on the proposed site without any additional review or conditions to ensure safety.

These types of battery storage projects present unique risks, including the risk of fire, explosion and the expulsion of toxic gasses. These risks are well cited and can be easily found with a simple Google search. FEMA themselves put out an article, "*Emerging Hazards of Battery Energy System Fires*," as recently as 2020. These types of projects should not exist in our City.

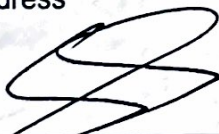
If the Planning Commission insists on proceeding, we also ask that a full safety and environmental review be completed and every exhaustive regulation be administered to ensure the safety of the residents of all adjacent neighborhoods. The clear risk of fire presents too real a danger to the families of our neighborhood.

Wan Park

Name

10454 Elderberry lane.

Address



Signature

Santa Fe Springs Planning Commission
11710 E. Telegraph Road
Santa Fe Springs, CA 90670

Re: Proposed Battery Storage Use in M-2 Zone, Zoning Determination Case No. 2023-01

Dear Commissioners:

As a resident of Santa Fe Springs, in the neighborhood adjacent to 10051 Romandel Ave., I strongly urge you to deny the request of GridStor to determine that a "battery energy storage system" constitutes a principally permitted use in the M-2 zone. Such a decision would allow GridStor to install a Battery Energy Storage System on the proposed site without any additional review or conditions to ensure safety.

These types of battery storage projects present unique risks, including the risk of fire, explosion and the expulsion of toxic gasses. These risks are well cited and can be easily found with a simple Google search. FEMA themselves put out an article, "*Emerging Hazards of Battery Energy System Fires*," as recently as 2020. These types of projects should not exist in our City.

If the Planning Commission insists on proceeding, we also ask that a full safety and environmental review be completed and every exhaustive regulation be administered to ensure the safety of the residents of all adjacent neighborhoods. The clear risk of fire presents too real a danger to the families of our neighborhood.

UNSEES D. GAVAN WASHUT

Name

10484 ELDERBERRY LN 90670 SANTA FE SPRINGS

Address



Signature

ATTACHMENT H:
CEQA NOTICE OF EXEMPTION

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☐ Categorical Exemption. State type and section number: _____
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Alejandro De Loera Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

ATTACHMENT I:
RESOLUTION NO. 250-2023

**CITY OF SANTA FE SPRINGS
PLANNING COMMISSION**

RESOLUTION NO. 250-2023

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS, APPROVING ZONE DETERMINATION CASE NO. 2023-01 TO DETERMINE THAT A BATTERY ENERGY STORAGE SYSTEM WITH DIRECT CONNECTION TO A PUBLIC UTILITY GRID IS A SIMILAR AND COMPATIBLE USE WITH OTHER SIMILARLY PRINCIPALLY PERMITTED USES LISTED IN THE M-2, HEAVY MANUFACTURING, ZONE, AND ADOPTING A NOTICE OF EXEMPTION UNDER CEQA SECTION 15061 (B)(3) (COMMON SENSE EXEMPTION)

WHEREAS, A Zone Determination (“ZD”) (Case No. 2023-01) request has been received and accepted; and

WHEREAS, on July 24, 2023, the City of Santa Fe Springs received a request from GridStor LLC for a ZD to determine that a battery energy storage system with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone (“Project”); and

WHEREAS, per Section 155.241(Y) of the City’s Zoning Ordinance, the Planning Commission may, after study and deliberation, allow other similar uses as a principally permitted use if they are found not to be inconsistent with the purpose of the M-2, Heavy Manufacturing, Zone, they are similar to the uses listed as permitted uses, and they would be compatible to those uses; and

WHEREAS, the ZD (Case No. 2023-01), is an activity, but not subject to CEQA under California Environmental Quality Act (CEQA) Section 15060(c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the ZD (Case No. 2023-01), is considered a “project” as defined by CEQA, Article 20, Section 15378(a); and

WHEREAS, the Project is exempt per CEQA Section 15061(b)(3) (Common Sense Exemption) because it can be seen with certainty that there is no possibility that a determination that a battery storage system with direct connection to a public utility grid is similar to and compatible with other permitted uses within the M-2 Zone will have a significant effect on the environment; and

WHEREAS, on August 31, 2023, the City of Santa Fe Springs Planning and Development Department published a legal notice in the *Whitter Daily News*, a local paper of general circulation, indicating the date and time of the public hearing; and

WHEREAS, on August 31, 2023, the legal notice was also sent by first class mail to all property owners whose names and addresses appear on the latest County Assessor's Roll within 500 feet of the exterior boundaries of what was used as a prospective site location at 10051 Romandel Avenue and was also posted in Santa Fe Springs City Hall, the City's Town Center kiosk, and the City's Library on August 31, 2023; and

WHEREAS, on September 11, 2023, the Planning Commission of the City of Santa Fe Springs opened the public hearing for this item and continued the item to the next scheduled public hearing; and

WHEREAS, on October 9, 2023, the Planning Commission of the City of Santa Fe Springs continued the item to the next scheduled public hearing; and

WHEREAS, on November 13, 2023, the Planning Commission of the City of Santa Fe Springs considered the application, the written and oral staff report, and all testimony, written and spoken, at a duly noticed public hearing; and

NOW THEREFORE, the Planning Commission of the City of Santa Fe Springs hereby finds, declares and resolves as follows:

SECTION I. RECITALS

Based on staff presentations, testimony, and all other evidence presented to the Planning Commission during the noticed public hearing of this matter, the Planning Commissions hereby finds and declares that the foregoing recitals are true and correct, and expressly incorporates them as substantive findings into this Resolution.

SECTION II. ENVIRONMENTAL FINDINGS AND DETERMINATION

The Planning Commission find and determine that the ZD (Case No. 2023-01) is considered a "project" under the California Environmental Quality Act (CEQA); and as a result, the Project is subject to the City's environmental review process. The Project, however, meets the criteria covered by the Common Sense Exemption found under CEQA Section 15061(b)(3).

Pursuant to Section 15061(b)(3) (Common Sense Exemption) of the California Environmental Quality Act (CEQA), the Planning Commission hereby finds and determines that the project is exempt. The Common Sense Exemption affirms that CEQA applies only to projects which have the potential for causing a significant effect on the environment. If it can be seen with certainty that there is no possibility that the activity in question will have a significant effect on the environment, the activity is not subject to CEQA. A zone determination that a battery energy storage system with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone will not have a significant

effect on the environment in that the only action being taken is an interpretation of the Zoning Code. It is not site specific, nor is there any aspect or details of the future project to be analyzed. Thus, with certainty this zoning determination cannot possibly have a significant effect on the environment.

SECTION III. ZONE DETERMINATION FINDINGS

Pursuant to Section 155.241(Y) of the City of Santa Fe Springs Zoning Ordinance, the Planning Commission has made, after study and deliberation, the following findings:

(A) That the subject use is not inconsistent with the purpose of the M-2, Heavy Manufacturing, Zone.

The purpose of the M-2, Heavy Manufacturing, Zone as stated in Section 155.240 of the City of Santa Fe Springs Zoning Ordinance is for heavy industrial uses and, among other things, to promote uniform and orderly industrial development. A proposed battery energy storage system use is not inconsistent with other industrial uses permitted in the M-2 Zone such as an electrical distribution substation. A battery storage system use is no more intense than other principally permitted uses in the M-2 Zone and is compatible with the uses of that zone. The subject use is not expected to interfere with any portion of the purpose of the M-2 Zone to create an aesthetically pleasing and desirable industrial environment. Battery energy storage system uses with direct connection to a public utility grid are well suited to comply with the aesthetic and operational requirements to fulfill and further the purpose of the M-2 Zone.

(B) That the subject use would be similar to the uses listed as permitted in the M-2, Heavy Manufacturing, Zone.

All principally permitted uses in the M-L Zone and the M-1 Zone are also principally permitted uses in the M-2 Zone per Sections 155.211(A) and 155.241(A) of the City of Santa Fe Springs Zoning Ordinance.

A proposed battery energy storage system with direct connection to a public utility grid has been determined to be similar to the following principally permitted use currently listed within the City's ML Zone:

Code Section:	Principal Permitted Uses
155.181	<u>Section 155.181</u> (N) Electric Distribution substation, electric transmission substation and public utility buildings.

The proposed use is similar to a typical electrical distribution substation in that they both involve the following features and operations:

1. Receiving transmission of electricity from transmission towers; and

2. Distributing received electricity into a public utility grid; and
3. Require supplemental equipment on-site to monitor and control the substation (i.e. circuit breakers, disconnects, safety systems, etc.); and
4. Are equipped with advanced safety features to prevent and mitigate the risk associated with high voltage electricity; and
5. Are primarily unmanned operations with the exception of occasional maintenance.

A battery energy storage system would be required to be connected to electrical transmission lines and then distribute the received energy back into a public utility grid. This process is identical to that of a typical electric substation with the exception that the received energy may also be stored for a period of time in the batteries prior to being distributed back into the public utility grid.

Jurisdictions within Los Angeles County, including the County of Los Angeles and the City of Lancaster, permit battery energy storage system projects by-right in Industrial zones with only a ministerial (non-discretionary) site plan review. This means that approvals are granted without significant discretionary review.

The Los Angeles County Department of Regional Planning prepared and posted a memorandum titled “Subdivision and Zoning Ordinance Interpretation No. 2021-03 – Battery Electric Storage Systems,” dated October 18, 2021. In this memorandum, it stated that for the purposes of land use, battery energy storage systems are most similar to electric distribution substations.

In addition to jurisdictions making the determination that energy storage systems are likened to electric distribution substations, the California Public Utilities Commission (CPUC) recognizes that energy storage systems distribute energy, much like an electrical distribution substation would. The CPUC is the regulatory agency that oversees privately owned public utilities in the state of California.

To clarify, California Public Utilities Code section 2835(a)(1) defines an “energy storage system” to mean a commercially available technology that is capable of absorbing energy, storing it for a period of time, and thereafter dispatching the energy (Cal. Pub. Util. Code, § 2835(a)(1)). In other words, an energy storage system is designed to absorb, store, and release energy, which aligns with the functionality of a battery energy storage system.

Because a proposed battery energy storage system use is similar to an electric distribution substation, which is a permitted use in the M-2 Zone with other heavy industrial uses, it should be principally permitted in the M-2 Zone without a CUP.

(C) That the subject use would be compatible with the uses listed as permitted in the M-2, Heavy Manufacturing, Zone.

A proposed battery energy storage system is not any more intense than a typical electric distribution substation. There are several other electrical distribution substations currently within the City including at 14127 Carmenita Road, 12714 Los Nietos Road, and another at the southeast corner of Pioneer Boulevard and Rivera Road. The battery energy storage system process is similar to that of a typical electric substation with the exception that the received energy may also be stored for a period of time in the batteries prior to being distributed back into the public utility grid.

Screening, setbacks, landscaping and other development standards typical with an electrical distribution substation will be required for any battery energy storage system. Strict compliance to the development standards and state regulatory procedures will ensure that battery energy storage system uses with direct connection to a public utility grid will be compatible with other uses permitted in the zone.

Noise and visual impacts associated with the use will be minimized by utilizing enclosure units and proper screening throughout any site. All construction and permitting related to the project will be reviewed by the Planning, Building, and Fire Department. As such, all Zoning, Building, and Fire safety codes will be met. Additionally, the battery energy storage system will be monitored and controlled at a level similar to a typical electric substation.

SECTION IV. PLANNING COMMISSION ACTION

The Planning Commission hereby adopts Resolution No. 250-2023 to determine that the Project is exempt from CEQA pursuant to Section 15061(b)(3) (Common Sense Exemption) and to approve ZD Case No. 2023-01 to determine that a battery energy storage system with direct connection to a public utility grid is a similar and compatible use with other similarly principally permitted uses listed in the M-2, Heavy Manufacturing, Zone.

PASSED and ADOPTED this 13th day of November, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

Francis Carbajal, Chairperson

ATTEST:

Teresa Cavallo, Planning Secretary



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Dino Torres, Director of Police Services

BY: Luis Collazo, Code Enforcement Inspector

SUBJECT: Alcohol Sales Conditional Use Permit Case No. 86 and Adoption of Resolution No. 251-2023: a request to allow the operation and maintenance of the storage, wholesale sales, and distribution of alcohol beverages.

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Open the Public Hearing and receive the written and oral report and any comments from the public regarding Alcohol Sales Conditional Use Permit (ASCUP) Case No. 86, and thereafter, close the Public Hearing; and
- 2) Find that the applicant's ASCUP request meets the criteria set forth in §§155.628 and 155.716 of the City's Zoning Ordinance, for the granting of a Conditional Use Permit; and
- 3) Find and determine that pursuant to Section 15301, Class 1 (Existing Facility) of the California Environmental Quality Act (CEQA), the project Categorically Exempt; and
- 4) Recommend to the City Council the approval of Alcohol Sales Conditional Use Permit Case No. 86 subject to the conditions of approval as contained within Resolution No. 251-2023; and
- 5) Adopt Resolution No. 251-2023, which incorporates the Planning Commission's findings and actions regarding this matter.

BACKGROUND/DISCUSSION:

The business ABS Wholesale moved into the 18,435 square foot warehouse building at 13701 Excelsior Drive in February 2023. ABS Wholesale is a distributor of smoking accessories (butane, lighters, smoking paper, etc.) which are distributed to several mini-marts and liquor stores, including Seven Eleven. Majority of the distribution is done in bulk quantities. However, some local retailers have the option to enter the establishment and purchase merchandise as a wholesale acquisition with proof of a wholesale license.

Alcohol Sales Conditional Use Permit Case No. 86

Page 2 of 6

Considering that majority of their customers includes mini-marts, liquor stores and other retail establishments where the sale of alcoholic beverages are licensed, the Applicant is proposing to provide those customers with a selection of imported beer and wine.

In accordance with Section 155.628, the Applicant is requesting approval of Alcohol Sales Conditional Use Permit Case No. 86 to allow the operation and maintenance of an alcoholic beverage storage and distribution use. Concurrent with this request, the applicant is also in the preliminary application review process for a Type 9 (Beer and Wine Importer) and a Type 17 (Beer and Wine Wholesaler) from the California Department of Alcoholic Beverages Control ("ABC").

Staff does not foresee that the listed ABC Licenses will be denied to the Applicant. Nevertheless, should ASCUP Case No. 86 be approved and the ABC license applications be denied, the Applicant will have up to one-year to make alternative arrangements to satisfy ABC's requirements and obtain the necessary licenses, otherwise this Permit will become null and void pursuant to Section 155.811 of the City Code.

ANALYSIS AND FINDINGS:

Section 155.628, regarding the warehousing, sale or service of alcoholic beverages, states the following:

"A Conditional Use Permit shall be required for the establishment, continuation or enlargement of any retail, commercial, wholesale, warehousing or manufacturing business engaged in the sale, storage or manufacture of any type of alcoholic beverage meant for on or off-site consumption. In establishing the requirements for such uses, the City Planning Commission and City Council shall consider, among other criteria, the following":

- a. **Conformance with parking regulations.** *The subject property was built in 1962 with a 9,520 sq. ft. warehouse building. In 1965, an additional 8,915 sq. ft. was added for a total footprint of 18,435 sq. ft. The initial building and the added structure were built in accordance with the City's Development Standards. Upon full completion 37 parking spaces were provided in compliance with Chapter 155 Section 155.480.*
- b. **Control of vehicle traffic and circulation.** *Unobstructed on-site vehicular circulation is available on the property. The property has two access driveways on Excelsior Drive for ingress and egress.*
- c. **Hours and days of operation.** *The applicant has noted that the hours of operation will be conducted Monday through Friday from 8:00 a.m. to 5:00 p.m.*
- d. **Security and/or law enforcement plans.** *A security plan will be required as part of the conditions of approval.*

- e. **Proximity to sensitive and/or incompatible land uses, such as schools, religious facilities, recreational or other public facilities attended or utilized by minors.** *The subject site is located approximately 1-mile walking distance to Ramona Pre-School located at 14616 Dinard Avenue in the City of Norwalk, and 1.75-miles walking distance to St. Linus Catholic Church located at 13915 Shoemaker Avenue, also in the City of Norwalk. The facility will not be maintaining an on-site retail element at the location and all alcohol beverages will be stored in a locked storage area of the warehouse. Consequently, Staff believes that the proposed alcoholic beverage storage use will not have an impact to the sensitive uses listed considering its distance and the described on-site activities.*
- f. **Proximity to other alcoholic beverage uses to prevent the incompatible and undesirable concentration of such uses in an area.** *The proposed alcoholic beverage use will not be permitted to have any on-site consumption or on-site retail sales. As a result, staff does not feel that the alcohol beverage activities will have a negative impact and/or create or contribute an undesirable concentration of alcoholic beverages sales to the general area. Moreover, the warehouse is located in area developed with other warehouse buildings with the closest retail seller of alcoholic beverages being approximately 1 mile away at an ARCO Station at 13340 Rosecrans Avenue in the City of Norwalk.*
- g. **Control of noise, including noise mitigation measures.** *The subject use will operate mainly as a warehouse use with the storage of alcoholic beverages and other merchandise inside the building. Noise control measures or mitigation measures to minimize noise are not foreseen as a requirement at this time. It should be noted that the City Code has in place maximum allowable ambient noise requirements, all land use activities are required to operate under those requirements.*
- h. **Control of littering, including litter mitigation measures.** *As part of the Conditions of Approval and pursuant to the City's Public Nuisance Ordinance, the applicant is required to maintain the property free of trash and debris at all times.*
- i. **Property maintenance.** *As part of the conditions of approval, the applicant is required to maintain the property in compliance with the City's Public Nuisance Ordinance. An inspection of the site revealed that the property is well maintained and the landscaping is being cared for on an on-going basis.*
- j. **Control of public nuisance activities, including, but not limited to, disturbance of the peace, illegal controlled substances activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, curfew violations, sale of alcoholic beverages to a minor, lewd conduct or excessive police incident responses resulting from the use.** *The*

subject proposed alcohol warehouse/distribution facility is a low-key operation providing alcoholic beverages to established businesses. Consequently, Staff does not foresee that the business or its respective activities will generate any of the listed public nuisances. Nevertheless, a compliance review will be conducted within the first year from the approval of this permit, and every five years thereafter. If any of the listed items occur, and if the applicant is unresponsive to address them, staff has the authority to bring this matter back to the Commission with a request to revoke the Permit.

CEQA FINDINGS

Considering that the building and property in which the Applicant will be occupying is fully built and will not have any alterations, Staff finds and determines that this proposed Alcohol Sales Conditional Use Permit request before the Planning Commission is a categorically-exempt project pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA); consequently, no other environmental documents are required by law. Additionally, the project site is not listed on the Hazardous Waste and Substance Site List (also known as the Cortese List) and is therefore not subject to the requirements set forth in Government Code Section 65962.5.

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 for the proposed Alcohol Sales Conditional Use Permit was sent by first class mail to all property owners whose names and addresses appear on the latest County Assessor's Roll within 500 feet of the exterior boundaries of the subject property on or before October 25, 2023. On the same date, a legal notice was posted in Santa Fe Springs City Hall, the City Library and Town Center as required by the State Zoning and Development Laws and by the City's Zoning Regulations. A Notice was also published in the Whittier Daily Newspaper on November 2, 2023. Staff will report any inquiries received for this matter at the time of the Commission's meeting.

ZONING AND LAND USES

The site is comprised of a single parcel approximately .80 acres in size. The parcel as well as the surrounding buildings are within the Heavy Manufacturing (M-2) Zone and have a General Plan Land Use as an Industrial designation. The parcel is developed with an 18,435 square foot tilt-up warehouse building which conforms to the Zoning Code and the General Plan.

SUMMARY/NEXT STEPS

Based on Staff's findings listed within this report and the proposed conditions of approval listed within Resolution 251-2023 as Exhibit-B within this report, the Commission can recommend to the City Council the approval of Alcohol Sales Conditional Use Permit Case No. 86.

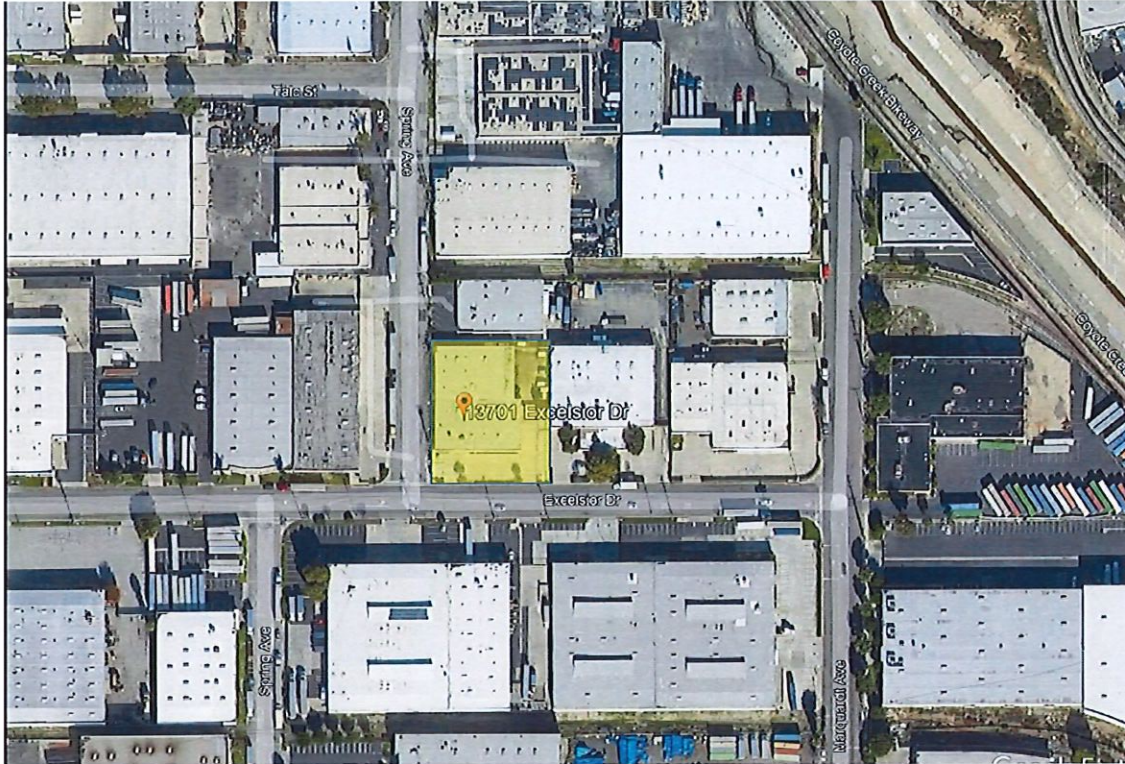
ATTACHMENT(S):

1. Attachment A – Location map
2. Attachment B – Resolution No. 251-2023 with Conditions of Approval

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

Attachment A

Location Map



Alcohol Sales Conditional Use Permit Case No. 86

**ABS Wholesale
13701 Excelsior Drive**

CITY OF SANTA FE SPRINGS
RESOLUTION NO. 251-2023

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SANTA FE SPRINGS REGARDING
ALCOHOL SALES CONDITIONAL USE PERMIT CASE NO. 86**

WHEREAS, a request was filed for an Alcohol Sales Conditional Use Permit Case No. 86 to allow the operation and maintenance of an alcoholic beverage use involving the warehousing and distribution of alcoholic beverages at ABS Wholesale, located at 13701 Excelsior Drive, within the Heavy Manufacturing (M-2) Zone; and

WHEREAS, the subject property is identified as Accessor's Parcel Number 8069-004-031, as shown in the latest rolls of the Los Angeles County Office of the Assessor; and

WHEREAS, the property owner is Sheth Properties, LLC; and

WHEREAS, the proposed request is categorically-exempt project pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA); consequently, no other environmental documents are required by law; and

WHEREAS, the City of Santa Fe Springs Department of Police Services on November 2, 2023, published a legal notice in the *Whittier Daily News*, a local paper of general circulation, indicating the date and time of the public hearing, and also mailed said public hearing notice on or before October 25, 2023, to each property owner within a 500 foot radius of the project site in accordance with state law; and

WHEREAS, the City of Santa Fe Springs Planning Commission has considered the application, the written and oral staff report, the General Plan and Zoning of the subject property, the testimony, written comments, or other materials presented at the Planning Commission Meeting on November 13, 2023, concerning Alcohol Sales Conditional Use Permit Case No. 86.

NOW, THEREFORE, be it RESOLVED that the PLANNING COMMISSION of the CITY OF SANTA FE SPRINGS does hereby RESOLVE, DETERMINE and ORDER AS FOLLOWS:

SECTION I. ENVIRONMENTAL FINDINGS AND DETERMINATION

The request of Alcohol Sales Conditional Use Permit Case No. 86 is considered a project under the California Environmental Quality Act (CEQA) and as a result, the project is subject to the City's environmental review process. Staff finds and determines that because the building is now built and the establishment consists of an approved warehouse and distribution business, this proposed Alcohol Sales Conditional Use Permit request before the Planning Commission is a categorically-exempt project pursuant to Section

15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA); consequently, no other environmental documents are required by law.

SECTION II. COMMISSION CONSIDERATION

Pursuant to Section 155.628 of the Zoning Regulations, the Planning Commission has considered the criteria in approving Alcohol Sales Conditional Use Permit Case No. 86 and pursuant to Section 155.716 the Planning Commission finds that the proposed warehousing and distribution of alcoholic beverages within the subject property will not be detrimental to persons or property in the immediate vicinity and will not have an adverse effect on the City in general.

SECTION V. PLANNING COMMISSION ACTION

That the Planning Commission hereby adopt Resolution 251-2023 and to recommend approval of Alcohol Sales Conditional Use Permit Case No. 86 to the City Council, subject to the attached conditions hereby attached as Exhibit-A, and find and determine that the proposed project is a categorically-exempt project pursuant to Section 15301 (Class 1, Existing Facilities) of the California Environmental Quality Act (CEQA); consequently, no other environmental documents are required by law.

ADOPTED and APPROVED this 13th day of November 2023 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS.

Francis Carbajal, Chairperson

ATTEST:

Teresa Cavallo, Planning Secretary

EXHIBIT – A

CONDITIONS OF APPROVAL

1. That if the State Alcohol Beverage Commission (ABC) does not grant the applicant's request to obtain a Type 9 (Beer and Wine Importer) and a Type 17 (Beer and Wine Wholesaler), the Applicant will be provided one-year to reapply otherwise this Permit will become null and void.
2. That the building, including any 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.
3. That the applicant shall be responsible for maintaining control of litter, debris, boxes, pallets and trash on the subject property, and shall implement a daily clean-up program to maintain the leased area clean and orderly.
4. That alcoholic beverages shall not be sold to the general public or in a retail type purchase from the subject site.
5. That it shall be unlawful to maintain on the premises any alcoholic beverages other than the alcohol beverages which the licensee is authorized to store and/or distribute under their Type 9 (Beer and Wine Importer) and a Type 17 (Beer and Wine Wholesaler).
6. That the required off-street parking areas shall not be encroached on, reduced or used for outdoor storage of trucks, trailers, equipment or any other related material. Overnight parking of trucks and trailers associated with the business are exempt from this condition.
7. That the applicant and/or his employees shall prohibit the public consumption of alcoholic beverages on the subject property at all times.
8. That this permit is contingent upon the approval by the Department of Police Services of a security plan that, within thirty (30) days of the effective date of this approval, shall be submitted by the applicant and shall address the following for the purpose of minimizing risks to the public health, welfare and safety:
 - (A) A description of crime prevention barriers in place at the subject premises, including, but not limited to, placement of signage, landscaping, ingress and egress controls, security systems and site plan layouts;
 - (B) A description of how the permittee plans to educate employees on their responsibilities, actions required of them with respect to enforcement of laws

dealing with the sale of alcohol to minors and the conditions of approval set forth herein;

(C) A business policy requiring employees to notify the Police Services Center of any potential violations of the law or this Conditional Use Permit occurring on the subject premises and the procedures for such notifications.

(D) The City's Director of Police Services may, at his discretion, require amendments to the Security Plan to assure the protection of the public's health, welfare and safety.

9. That the applicant shall, at all times, maintain in working order an alarm system and/or service that notifies the Whittier Police Department immediately if a breach occurs.
10. That the owner, corporate officers and managers shall cooperate fully with law enforcement personnel, or their representatives, and shall not obstruct or impede their entrance into the licensed premises while in the course of their official duties.
11. That in the event the owner(s) intend to sell, lease or sublease the subject business operation or transfer the subject Permit to another party or licensee, the Director of Police Services shall be notified in writing of said intention not less than (60) days prior to signing of the agreement to sell or sublease.
12. That Alcohol Sales Conditional Use Permit Case No. 86 shall be subject to a compliance review within one year, from the date of approval by the City Council, to ensure that the alcohol sales activity are still operating in strict compliance with the original conditions of approval. Thereafter, a compliance review shall be conducted every five years if the Applicant continues to maintain the premises in full compliance with these Conditions and all applicable codes, regulations and state laws.
13. That all other applicable requirements of the City Zoning Ordinance, Uniform Building Code, Uniform Fire Code, the determinations of the City and State Fire Marshall, the security plan as submitted under Condition No. 8 and all other applicable regulations shall be strictly complied with.
14. That Alcohol Sales Conditional Use Permit Case No. 86 shall not be valid until approved by the City Council and shall be subject to any other conditions the City Council may deem necessary to impose.
15. That 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 shall be subject to the revocation process pursuant to Sections 155.810-155.814 of the Santa Fe Springs Municipal Code.



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Wayne M. Morrell, Director of Planning

BY: Jimmy Wong, Associate Planner

SUBJECT: **PUBLIC HEARING TO CONSIDER THE PROPOSED ZONE TEXT AMENDMENTS TO ENSURE THAT THE CITY'S ZONING ORDINANCE IS ALIGNED WITH THE STATE'S ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) STATUTES.**

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Open the Public Hearing and receive the written and oral staff report and any comments from the public regarding the proposed zone text amendments related to ADU and JADU regulations; and
- 2) Find and determine that the proposed zone text amendments are consistent with the goals, policies, and program of the City's General Plan; and
- 3) Find and determine that the proposed zone text amendments are consistent with the State's ADU and JADU regulations; and
- 4) Find and determine that this Project is exempt from California Environmental Quality Act (CEQA) pursuant to Public Resource Code (PRC) Section 21080.17 which provides an exemption for the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (the state ADU law); and
- 5) Adopt Resolution No. 252-2023, which incorporates the Planning Commission's findings and actions regarding this matter; and
- 6) Recommend that the City Council approve and adopt Ordinance No. 1134 to effectuate the proposed amendments to the text of the City's Zoning Ordinance;

and

- 7) Take such additional, related action that may be desirable.

FISCAL IMPACT

Adoption of the proposed Ordinance No. 1134 ,which implement zoning text amendments to the City's Zoning Ordinance is not expected to have any immediate fiscal impact.

BACKGROUND/DISCUSSION

Background

On March 9, 2017, in response to changes in the State's ADU and JADU regulations, the City Council adopted Ordinance No. 1084, which updated the City's Zoning Ordinance to comply with the State's regulations at that time.

In 2021, the City of Santa Fe Springs applied for and was selected by the Southern California Association of Government (SCAG) and the State of California Department of Housing and Community Development (CA HCD) to participate in the SCAG 2020/2021 Sustainable Communities Program (SCP) as part of the Regional Early Action Program (REAP). The SCP is a multi-year program designed to support and implement the policies and initiatives of Connect SoCal, the 2020 Regional Transportation Plan, and the Sustainable Communities Strategy (RTP/SCS) and continues the themes of the previous round of funded projects.

The project type that the City had applied for was Advance Accessory Dwelling Unit Implementation. Its goal is to provide planning assistance to develop effective ADU implementation policies and programs, accelerating housing production and serving as best practices for other cities in the region. One of the project's primary deliverables is the update of the City's ADU and JADU ordinance to align with State laws and promote ADU and JADU productivity within the City.

Since the adoption of Ordinance No. 1084 in March of 2017, a new set of State ADU laws (SB-897, AB-2221, and AB-916) took effect on January 1, 2023, which invalidated certain provisions of the City's Zoning Ordinance related to ADUs and JADUs. (Attachment B)

According to California Government Code Section 65852.2, local ordinances failing to meet the requirements of State ADU/JADU Laws may be deemed null and void in their entirety. Subsequently, the local jurisdiction will be limited to applying only State Law standards without local refinements to all local ADU and JADU development projects. The proposed Zoning Text Amendment (ZTA) will establish updated City procedures and development standards for ADUs and JADUs that align with recent State Laws.

ANALYSIS

As previously mentioned, the City was selected to participate in SCAG REAP for Advanced ADU Implementation. City staff collaborated closely with SCAG consultant, Woodsong Associates, and the City Attorney's Office to develop a proposed Zone Text Amendment that aligns the City's Zoning Ordinance regulations for ADUs and JADUs with recent State Laws. This update will update the City's Zoning Ordinance regulations for both ADUs and JADUs.

In addition to the essential updates mandated by State Laws, Woodsong Associates proposed further amendments to the City's Zoning Ordinance, aimed at promoting the production of ADUs and JADUs. After careful review, City staff decided that certain amendments proposed by Woodsong Associates did not align with the goals and policies of the residential land-use designations in Santa Fe Springs. Consequently, these changes were not included in the final draft Zone Text Amendment (Attachment D) recommended by staff.

ZTA A (Attachment C) is proposed by the Woodsong Associates, and ZTA B (Attachment D) is proposed by staff. It should be noted that both proposed ZTAs align with State Law and have been reviewed by the City's attorney.

The table below provides a summary of both versions.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
Section 155.003 (Definition)	Updated term related to Accessory Dwelling Unit (ADU) under Section 155.003 (Definition). Here's the list of updated terms: <i>Accessory Dwelling Unit (ADU)</i> <i>Accessory Dwelling Unit, Junior (JADU)</i> <i>Living Area</i>	Staff recommends accepting all the updates suggested by the consultant.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
Section 155.003 (Definition)	Added several new terms associated with ADUs to Section 155.003 (Definition). These terms will enhance our understanding and communication regarding ADU-related topics. Here's the list of new terms: <i>Carriage House</i> <i>Efficiency Kitchen</i> <i>Impact Fee</i> <i>Nonconforming Zoning Condition</i> <i>Objective Standards</i> <i>Permit Fees</i> <i>Permitting Agency</i> <i>Proposed Dwelling</i> <i>Public Transit</i> <i>Tandem Parking, Residential</i>	Staff recommends accepting all of the new terms. Staff recommends editing the terms 'Permit Fee' and 'Impact Fee' to apply to both homeowners and developers, rather than exclusively to ADU projects.
Section 155.644. Accessory Dwelling Units	Updated the "Intent" subsection under Section 155.644 to align more closely with State ADUs and JADUs Law.	Staff recommends accepting all the consultant's revisions. Additionally, the 'Applications' subsection has been updated to align more closely with State Law.
Section 155.644 (D). Accessory Dwelling Unit Standards	Updated the "Allowable zones" subsection under Section 155.644 to include single family residential, multifamily residential and mixed use zone	Staff recommends accepting all updates suggested by the consultant
	Updated the "Number of ADUs" subsection under Section 155.644 to be consistent with the State Law. Furthermore, the consultant is recommending allowing two ADUs per parcel zoned for single-family residential use instead of the State minimum of one ADU per parcel.	Staff recommends accepting all other revision suggested by the consultant beside the number of ADU per parcel. Staff recommends allowing only one ADU and one JADU per parcel. This decision is in response to the ongoing parking issues raised by residents. Allowing an additional ADU could exacerbate the existing parking problem in the City. Furthermore, with the passage of SB9, residents will have the ability to construct one additional unit on top of the allowable ADU and JADU.
	Updated the "Allowable forms" subsection under Section 155.644 to be consistent with the State Law.	Staff recommends accepting all the updates suggested by the consultant.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
Section 155.644 (D). Accessory Dwelling Unit Standards	Updated the "Floor area standards" subsection under Section 155.644 by increasing the allowable square footage of an accessory dwelling unit with more than one bedroom from 1,000 sf to 1,200 sf. Additionally, consultant suggest eliminated the floor area restriction on attached accessory dwelling units.	Staff recommends accepting all the updates suggested by the consultant.
Section 155.644.1 Junior Accessory Dwelling Unit	Updated the "Setback standards" subsection under Section 155.644 by: 1. Allowing accessory dwelling unit under 16' in height to have zero side and rear setback. 2. Allow for carriage houses in the front setback area 3. Accessory dwelling units can be constructed within the front setback, provided they are set back at least four feet from the sidewalk line.	Staff recommends rejecting all proposed updates from the consultant. Instead, we recommend updating the setback standards to meet the minimum requirements of State Law: 1. Retain the applicable front setback standard for the specific zone unless it would prohibit the construction of at least an 850 square foot accessory dwelling unit. 2. Maintain the 4-foot setback from the side and rear property lines. 3. Keep the existing setback requirement for the conversion of an existing accessory structure into an accessory dwelling unit. Staff believes that encroaching into the front yard should only be considered as a last resort for constructing an accessory dwelling unit. Additionally, having no setback requirements for the rear and sides could pose building health and safety concerns to the neighboring property.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
Section 155.644.1 Junior Accessory Dwelling Unit	Updated the 'Height standards' subsection under Section 155.644 as follows: 1. Detached accessory dwelling units can have a maximum height of 25 feet. 2. Attached accessory dwelling units must not exceed the maximum allowable height of the base zone.	Staff recommend rejecting all proposed updates from the consultant. Instead, we recommend updating the setback standards to meet the minimum requirements of State Law: 1. Retain the maximum 16 feet height for detach accessory dwelling unit. 2. As required by State law, staff recommends allowing detached accessory dwelling units on a lot within one-half mile walking distance of a major transit stop or high-quality transit corridor, as defined in Public Resources Code Section 21155, are allowed a maximum height of 18 feet. An additional two feet in height is permitted to align with the roof pitch of the primary dwelling unit. 3. As required by State law, staff recommends allowing for an accessory dwelling unit that is attached to a primary dwelling to not exceed 25 feet in height or the height of the primary dwelling, whichever is lower. Staff is concerned that allowing two-story ADUs may result in privacy issues for neighboring properties, particularly in light of the minimum setback requirement of 4 feet from both side and rear property lines. Consequently, staff recommends updating the height standard to align with the State law's minimum requirement.
	Remove the 'Location' subsection under Section 155.644.	Staff recommends retaining the 'Location' subsection to clearly identify the preferred location of the proposed ADU.
	Updated the 'Manufacturing ADU' subsection under Section 155.644 to include factory-built ADUs, and modular ADUs, as required by State laws.	Staff recommends accepted all updates suggested by the consultant
	Remove the 'Parking' subsection under Section 155.644.	Staff recommends retaining the 'Parking' subsection. This decision is in response to the ongoing parking issues raised by residents. By removing this section, no parking will be required for any type of ADU or JADU development.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
Section 155.644.1 Junior Accessory Dwelling Unit	Combine and update the 'Replacement parking' subsection with 'Parking' subsection under Section 155.644 as follows: 1. Remove the parking requirement for ADUs and JADUs. 2. Eliminate the need for replacement parking, irrespective of the parcel's distance from a transit stop.	Staff recommends keeping the 'Replacement parking' subsection in response to the parking issues raised by residents. Without this section, no parking would be required for any ADU or JADU development, even when existing parking is removed.
	Updated the 'Owner occupancy' subsection under Section 155.644 to not require owner occupancy for any of the unit in the parcel.	Staff recommends accepting all the updates suggested by the consultant.
	Updated the 'Rentals and separate sale of ADUs' subsection under Section 155.644 to align with State Laws. This update permits the sale of ADUs under specific provisions and requirements. Furthermore, the consultant recommends allowing ADUs to be sold or conveyed separately from the primary home as condominiums, subject to the following requirements listed Section 155.644 (D)(12)(b), irrespective of income level.	Staff recommends accepting only the updates mandated by State Laws and rejecting updates that allow ADUs to be sold separately, irrespective of income level. With the passage of SB9, residents already have the ability to sell a second dwelling through an urban lot split irrespective of income level. Additionally, the new condominium provision in state law applies only if a city adopts an ordinance allowing for it. Therefore, the City is not required to adopt this provision.
		Staff recommends updating the language in the 'Utility connection or capacity charges' subsection in accordance with the City's attorney recommendations to be consistent with State Laws.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
	Updated the 'Impact fee' subsection under Section 155.644 to be consistent with State law.	Staff recommends accepting all the updates suggested by the consultant.
	Removed the 'Deed restriction' subsection and requirement under Section 155.644.	Staff recommends accepting all the updates suggested by the consultant.
	Updated the 'Design standard' subsection under Section 155.644 to align with State law on objective design standards.	Staff recommends accepting all the updates suggested by the consultant.
	Updated the 'Mandatory application approvals' subsection under Section 155.644 to 'ADU application approvals'. Updated the language to align the language with State law regarding application approval.	Staff recommends accepting most of the updates proposed by the consultant. However, we advise against adopting subsection (2) at this time because the City is still in the process of creating the pre-approved ADU plans, and this subsection is not required to be adopted until 2025
	Updated the 'Existing unit' subsection under Section 155.644 to align with State law on existing ADUs constructed prior to 2018.	Staff recommends accepting all the updates suggested by the consultant.
		Staff recommends updating the language under the 'Intent' and 'Administrative review' subsections, as recommended by the City's attorney.
Section 155.644.1 (C) Junior Accessory Dwelling Unit Standards	Updated the 'Number allowed' subsection to allow for two ADUs and one JADU per residential parcel.	Staff recommends allowing only one ADU and one JADU per parcel. As mentioned previously, this decision is in response to the ongoing parking issues raised by residents. Allowing an additional ADU could exacerbate the existing parking problem in the City. Furthermore, with the passage of SB9, residents will have the ability to construct one additional unit on top of the allowable ADU and JADU.

Category	ZTA A (Woodsong Associates)	ZTA B (Staff)
Section 155.644.1 (C) Junior Accessory Dwelling Unit Standards		Staff recommends updating the language in the 'Allowable location' subsections to clarify that residents can convert their attached garage into a JADU.
	Updated the 'Kitchen required' subsection to provide a clearer definition of what constitutes a kitchen within a JADU.	Staff recommends accepting all the updates suggested by the consultant.
		Staff recommends updating the language under the 'Enforcement' subsections, as recommended by the City's attorney.

ENVIRONMENTAL

Pursuant to California Public Resources Code (PRC) Section 21080.17, adoption of the Zone Text Amendment and Ordinance is exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an Ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU law). The ZTA implements California Government Code Sections 65852.2 and 65852.22 within the City of Santa Fe Springs in a manner that is consistent with the requirements of State ADU/JADU Laws. As such, the proposed ZTA and Ordinance is exempt from CEQA.

DISCUSSION

Authority of the Planning Commission

The Planning Commission hearing to consider the proposed Zone Text Amendment related to Section 155.003 (Definitions), Section 155.644 (Accessory Dwelling Unit), and Section 155.644.1 (Junior Accessory Dwelling Unit), are required by State Statute and provides an opportunity for the community and interested parties to provide their comments regarding the Project. Furthermore, because the Project is an amendment to the City's Municipal Code, the Planning Commission's recommendation regarding the proposed updates will be forwarded to the City Council for their consideration at a subsequent public hearing, tentatively scheduled for December 5, 2023.

SUMMARY

Reports Received

On August 31, 2023, the Planning Department staff submitted a draft Zone Text Amendment (ZTA) and the proposed ZTA by Woodsong Associates (Attachment C) to the City Attorney's Office for review and comments. Staff has incorporated the City's Attorney's recommendations into the final proposed ZTA, as outlined in Attachment D.

Public Notification

This matter was set for Public Hearing in accordance with the requirements of Sections 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.

The legal notice was posted at Santa Fe Springs City Hall, the City's Town Center Kiosk, the City's Library, and also published in a newspaper of general circulation (Whittier Daily News) on November 2, 2023, as required by the State Zoning and Development Laws. As of the date of this report, staff has not received any further inquiry regarding the proposed project.

ATTACHMENT(S):

- A. Attachment A – Public Hearing Notice
- B. Attachment B – New ADU State Laws
- C. Attachment C – ZTA A by Woodsong Associate
- D. Attachment D – ZTA B by Staff
- E. Attachment E – Resolution No. 252-2023
- F. Attachment F – Draft Ordinance No. 1134

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

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**CITY OF SANTA FE SPRINGS
NOTICE OF PUBLIC HEARING**

**ZONE TEXT AMENDMENT TO ENSURE THAT THE CITY'S ZONING ORDINANCE IS
ALIGNED WITH THE STATE'S ACCESSORY DWELLING UNIT (ADU) AND JUNIOR
ACCESSORY DWELLING UNIT (JADU) REGULATIONS**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Santa Fe Springs will hold a Public Hearing to consider the following:

PROJECT: The City of Santa Fe Springs is proposing a Zone Text Amendment (ZTA) related to Section 155.003 (Definitions), Section 155.644 (Accessory Dwelling Unit), and Section 155.644.1 (Junior Accessory Dwelling Unit) of the City's Zoning Ordinance to align it with the State's ADU and JADU Regulations.

PROJECT LOCATION: All parcels zoned residential or mixed-use within the City of Santa Fe Springs' city boundaries.

THE HEARING will be held before the Planning Commission of the City of Santa Fe Springs in the Council Chambers of the City Hall, 11710 Telegraph Road, Santa Fe Springs, on **Monday, November 13, 2023 at 6:00 p.m.**

You may attend the meeting telephonically or electronically using the following means:

Electronically using Zoom

Go to Zoom.us and click on "Join A Meeting" or use the following link:

<https://zoom.us/j/558333944?pwd=b0FqbKv2aDZneVRnQ3BjYU12SmJIQT09>

Zoom Meeting ID: 558 333 944

Password: 554545

Telephonically

Dial: 888-475-4499

Meeting ID: 558 333 944

CEQA STATUS: Pursuant to California Public Resources Code (PRC) Section 21080.17, adoption of the subject ZTA and Ordinance is exempt from the California Environmental Quality Act (CEQA). Under PRC Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU law). The ZTA implements California Government Code Sections 65852.2 and 65852.22 within the City of Santa Fe Springs in a manner that is consistent with the requirements of State ADU/JADU Laws. As such, the proposed ZTA and Ordinance is exempt from CEQA.

ALL INTERESTED PERSONS are invited to participate in the Public Hearing and express their opinion on the item listed above. Please note that if you challenge the aforementioned item in court, you may be limited to raising only those issues raised at the

US POSTAGE

Public Hearing described in this notice, or in written correspondence delivered to the office of the Commission at, or prior to the Public Hearing.

PUBLIC COMMENTS may be submitted in writing to the Planning Department at City Hall, 11710 Telegraph Road, Santa Fe Springs CA 90670 or, otherwise, e-mail the Planning Secretary Teresa Cavallo at teresacavallo@santafesprings.org. Please submit your written comments by 12:00 p.m. on the day of the Planning Commission meeting. You may also contact the Planning Department at: (562) 868-0511 ext. 7550.

FURTHER INFORMATION on this item may be obtained from Jimmy Wong, Associate Planner, via e-mail at: jimmywong@santafesprings.org or otherwise by phone at: (562) 868-0511 ext. 7451.

FAQS about new ADU Laws for 2023

On September 28, 2022, Governor Newsom signed new laws into effect impacting ADUs: **SB 897**, **AB 2221**, and **AB 916**. Taking effect as of January 2023, these laws made changes to the statewide regulatory standards that apply to ADUs, including providing a height allowance for two-story ADUs statewide, and further clarified the expected processes for issuance of a building permit within 60 days of the submittal of an application to build an ADU.



How to construct an ADU on YOUR property

ADUs are a rather unique **homeowner-initiated** housing type. You can expect that the ADU process will follow these general steps:

SECURE FINANCING: Common sources of financing for ADUs include home equity loans, savings, second mortgages, and/or funds from family members.

HIRE A DESIGNER: A full set of professionally drawn site and floor plans by an architect or design team are needed for approval of ADUs.

APPLY FOR PERMITS: Site plans and floor plans are preliminarily reviewed by the Planning Division. A site visit is conducted to evaluate the accuracy of the submitted plans. Planning approval, full-scale construction drawings, and an administrative action form are submitted to the Building and Safety Division for plan check review. The application is approved and a building permit is issued or the applicant is given another list of corrections to address before approval.

CONSTRUCTION: Once the building permit is approved and issued, a licensed contractor can execute the approved ADU plans. Inspections will be conducted and a Permit Final will be issued.

The final step is to **ENJOY YOUR ADU!**

Please contact the Planning Department at (562) 868-0511, ext. 7550 or waynemorrell@santafesprings.org for more information.

How tall of an ADU can be built under new State laws?

Attached ADUs that are affixed to the primary dwelling are allowed to be up to two stories with a height of up to 25 feet, or the height limit in the underlying zoning, whichever is lower. If there is an existing or proposed garage attached to the primary dwelling, this would allow for an ADU to be built above the attached garage.

Detached ADUs within ½ mile walking distance of transit are allowed up to 18 feet in height, plus an additional two feet in height allowance to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling. Transit is defined as either a major transit stop or a High-Quality Transit Corridor (HQTC); however, currently, Santa Fe Springs is not served by any such qualifying transit service.

On a property with an existing or proposed **multifamily, multi-story dwelling**, an ADU height allowance is provided of 18 feet. This applies to all lots that allow multifamily residential uses, regardless of relative proximity to transit.

The existing height allowance of 16 feet is maintained for **all ADUs not covered by one of the previous three exemption categories** above. This height is generally considered insufficient to allow for two-story ADUs.

What is the new ADU approval process, under State law? The new 2022 ADU bills clarify that within 60 days of receiving a completed application for an ADU, the local agency must approve or deny the permit application.

If the local agency denies the application, then it must, within the 60-day period, provide a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant to be approved upon submittal. The 60-day clock is paused if the application is returned to the applicant with this set of comments. Once the applicant has submitted a corrected application, then the 60-day clock resumes.

If the local agency has not approved or denied the completed application within 60 days, then **the application shall be deemed approved**. This applies to all "Permitting Agencies" defined as "any entity that is involved in the review of a permit for an ADU". Examples include, but are not limited to, the Planning Division, Building and Safety Division, Public Works Department, Los Angeles County Fire Department, utilities, and special districts.



Can an attached ADU be built on the second story of a home? Yes. Two-story attached ADUs are allowed as part of the new height exemptions. Existing State law already allowed livable space on the second floor of a residence to be converted to an ADU or JADU.

With changes to the height allowance regulations, can a detached garage be converted to a two-story ADU? In most cases, yes, the conversion of an existing accessory structure to a two-story ADU is allowed. ADUs built within the footprint of existing accessory structures are not required to comply with several ADU regulations including maximum size restrictions, setbacks, or lot coverage requirements. However, the conversion of an existing garage to an ADU is not always the most quick, simple or cost-effective method to construct an ADU on a property. Converting a single-story garage to a two-story ADU will most likely require deeper footings to reinforce the existing foundation. Building a two-story ADU also may require approval from Southern California Edison, as there may be easements of up to 10 feet to accommodate power lines. Even with an approved building permit, homeowners are encouraged to delay construction until final approval from Edison is granted.

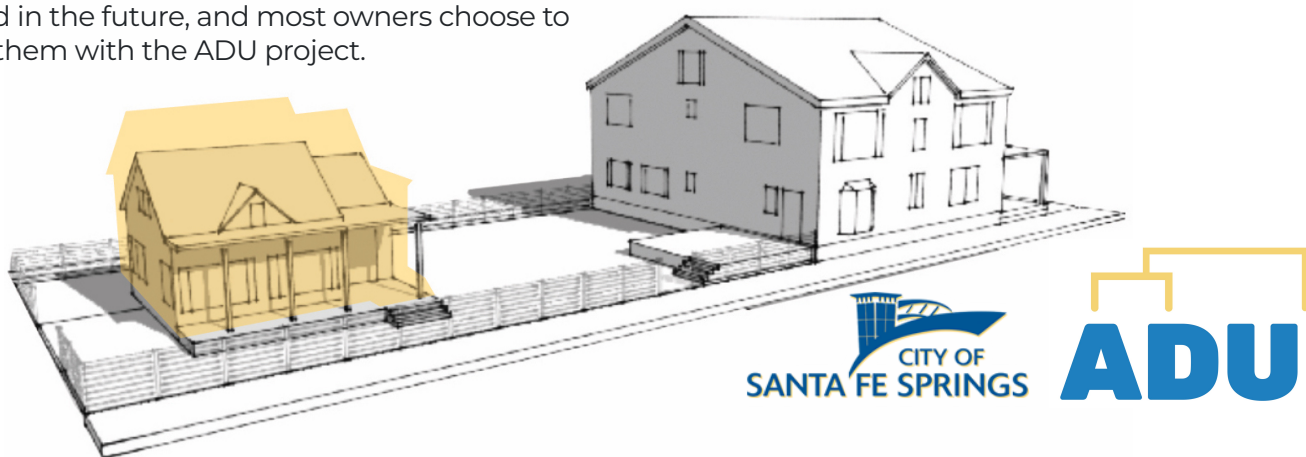
Can an ADU be built within the front setback between a house and the public street? In certain situations, yes. The new legislation stressed that every lot that allows residential uses has a right to construct at least an 800 sf ADU. If such an ADU does not fit within the rear or side yard, then the ADU is allowed within the front setback.

If a property has a nonconforming building, should the applicant be worried about applying to build an ADU? This should no longer be a barrier to constructing an ADU. AB-2221 and SB-897 clarify that local agencies shall not deny a permit to create an ADU due to the presence of nonconforming zoning conditions, building code violations, or unpermitted structures, as long as they do not present a threat to public health or safety, and are not affected by the construction of the ADU. However, these conditions would need to be corrected in the future, and most owners choose to address them with the ADU project.

If the applicant wants to replace a detached garage with an ADU, do any special processes need to be followed? The 2023 updates to State law state that local agencies must review and issue demolition permits for detached garages to be replaced with an ADU at the same time as the application to create the ADU. Further, any requirement for the ADU applicant to provide written notice or post a placard for the demolition of a detached garage is prohibited, unless the property is located within an architecturally and historically significant historic district.

If a property has an unpermitted ADU built prior to 2018, can it be legalized? Yes. The updated State ADU regulations state that local jurisdictions must provide a pathway to legalization of unpermitted ADUs constructed prior to 2018. Additionally, a local agency must approve any permit to legalize an unpermitted ADU built prior to 2018, even if it is in violation of building standards, State ADU code, or local ADU ordinances, unless the structure is deemed substandard, or if the local agency finds that correcting the violation is necessary to protect the health and safety of the public or of occupants of the structure. When a record of the issuance of a building permit for the construction of an existing ADU does not exist, the building official shall determine when the residential unit was constructed, apply the building standards in effect on that date, and issue a retroactive building permit for that construction. However, any new alteration, remodeling, and/or addition to the existing unpermitted work is required to comply with the current California building codes, and other regulations.

If the current home does not have fire sprinklers, but fire sprinklers would now be required in a new structure due to updates to the fire code, is there a requirement to install sprinklers in a new ADU? No. The updated State ADU regulations strengthened language around this issue. Fire sprinklers are not required in an ADU unless already installed in the existing home. Also, the installation of fire sprinklers cannot be required for the primary dwelling as a condition of approval for an ADU.



Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code

Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.003 DEFINITIONS is hereby amended as follows:

§ 155.003 DEFINITIONS.

ACCESSORY DWELLING UNIT (ADU). Either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. An **ACCESSORY DWELLING UNIT ADU** may also be located within an existing or proposed primary dwelling unit. An **ACCESSORY DWELLING UNIT ADU** also includes the following:

- (1) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.
- (2) A manufactured home, as defined in California Health and Safety Code § 18007. A factory-built ADU, such as manufactured homes as defined in California Health and Safety Code § 18007, or in the Code of Federal Regulations governing manufactured homes: Code of Federal Regulations Title 24, Housing and Urban Development, Part 3280, Manufactured Home Construction and Safety Standards, Subsection 3280.2, "Definitions."
- (3) A factory-built modular ADU that complies with the standards of Chapter 155.644 (D).

ACCESSORY DWELLING UNIT, JUNIOR (JADU). ~~A junior accessory dwelling unit is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence~~

- (1) Is no more than 500 square feet in size;
- (2) Is contained entirely within an existing or proposed single-family structure;
- (3) Has or shares sanitation facilities within the existing or proposed single-family structure;
- (4) Includes an efficiency kitchen.

CARRIAGE HOUSE. An ADU that is located above a detached garage.

EFFICIENCY KITCHEN. A kitchen that includes each of the following:

- (1) An area used for cooking, with kitchen appliances;
- (2) A food preparation counter that is adequate for the size of the unit; and
- (3) Food storage cabinets that are adequate for the size of the unit.

IMPACT FEE. A monetary exaction that is charged by the City to a homeowner in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities, public improvements, public services, and community amenities; this does not include fees for processing applications for governmental regulatory actions or approvals or any connection fee or capacity charge charged by a local agency, special district, or water corporation.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics meeting habitable space requirements of the California Building Code with Los Angeles County amendments but not including a garage or any accessory structure.

NONCONFORMING ZONING CONDITION. A physical improvement on a property that does not conform with current zoning standards.

OBJECTIVE STANDARDS. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

PERMIT FEES. A monetary exaction charged to a homeowner in connection with an application for a permit for the reimbursement of expenses incurred during the processing and review of the application, but not fees otherwise classified as impact fees.

PERMITTING AGENCY. Any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, fire departments, utilities, and special districts.

PROPOSED DWELLING. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

PUBLIC TRANSIT. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

TANDEM PARKING, RESIDENTIAL. Two or more automobiles parked on a permitted parking are lined up behind one another.

Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code

Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.644 ACCESSORY DWELLING UNITS is hereby amended as follows:

§ 155.644 ACCESSORY DWELLING UNITS.

(A) Intent. In enacting this section, it is the intent of the city to encourage the provision of accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Accessory dwelling units provide housing for extended family members, students, the elderly in-home health care providers, the disabled, and others, ~~additional housing~~ at below market prices within existing neighborhoods. Homeowners who create accessory dwelling units can benefit from added income, and an increased sense of security. Allowing accessory dwelling units in residential zones provides needed additional rental housing. This section provides the requirements for the establishment of accessory dwelling units consistent with Cal. Government Code § 65852.2.

(B) Interpretation. In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is in conflict with State law, the mandatory requirement of State law shall control, but only to the extent legally required.

(C) Applications.

(1) *Administrative Review.* All accessory dwelling unit applications shall be ministerially approved by the Director of Planning and Development and a permit issued within 60 days upon presentation of a complete application to build an accessory dwelling unit if the plans conform to the standards and criteria provided in subsection (D) and (E) of this section. If the accessory dwelling unit is being proposed in conjunction with a new single-family dwelling, the Director may delay acting on the permit application until the City acts on the permit application for the new single-family dwelling. The City shall grant a delay if requested by the applicant.

(2) *Fees.* Applications for an accessory dwelling unit shall be accompanied by an application fee and shall be subject to applicable inspection and permit fees.

(D) Accessory dwelling unit standards. The following standards and criteria shall apply to the creation of an accessory dwelling unit:

(1) Allowable zones. The accessory dwelling unit shall be allowed only on a lot or parcel that is zoned for single family residential, multifamily residential or mixed use with an existing or proposed residential dwelling.

(2) Number of ADUs. ~~There shall not be more than one accessory dwelling unit per lot or parcel, except as provided for in § 155.644(F)(1)(a).~~

(a) There shall not be more than two ADUs, and one JADU within the walls of the existing or proposed residence, per lot or parcel that is zoned for single family residential use.

(b) On a lot with existing multifamily dwelling structures, at least one unit and up to 25% of the total multifamily dwelling units are allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

(c) On a lot with an existing or proposed multifamily dwelling, not more than two detached units, subject to the height limitation set forth in subsection (D)(7), and at least a four-foot side and rear yard setback. The maximum square footage shall comply with the limits set forth in § 155.644(D)(5). The city shall not require any modifications to an existing multifamily dwelling that has a rear or side yard setback of less than four feet if the proposed accessory dwelling unit satisfies the provisions of this subsection.

(3) Conformance with zoning and General Plan. An accessory dwelling unit that conforms to the development standards of this section is deemed to be an accessory use and/or structure and will not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to conform to the zoning and General Plan.

(4) Allowable forms. The accessory dwelling unit may be attached to or detached from the primary residential dwelling or located within an existing or proposed single-family residence, including a garage, or within an accessory structure.

(5) *Floor area standards.*

(a) The detached or attached accessory dwelling unit with one or less bedroom shall not exceed a total floor area of 850 square feet.

(b) The detached or attached accessory dwelling unit with more than one bedroom shall not exceed a total floor area of 1,000 1,200 square feet.

~~(c) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50% of the existing primary dwelling.~~

~~(d)~~ The minimum floor area for an accessory dwelling unit shall be 150 square feet.

(6) *Setback standards.*

(a) The accessory dwelling unit shall comply with the front setback standard applicable to the specific zone in which it is located, unless otherwise modified by this section.

(b) Any portion of the accessory dwelling unit that is above 16 feet in height shall be set back no less than four feet from the side and rear property line.

(c) Notwithstanding any other provision of this section, no setback shall be required for an existing permitted living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. ~~A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.~~

(d) Carriage houses are allowed in the front setback.

(e) An ADU may be constructed within the front setback, provided it is set back at least four feet from the sidewalk line.

(7) ~~The accessory dwelling unit shall not be greater than 16 feet in height.~~ Allowable ADU Height. Detached accessory dwelling units shall not be greater than 25 feet in height; attached ADUs shall not exceed the maximum allowable height of the base zone.

~~(8) The attached or detached accessory dwelling unit shall be located within, to the rear, or to the side of the existing or proposed primary residence unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as a previously existing approved accessory structure, including an attached or detached garage.~~

(98) Regulating code. The accessory dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations. Accessory

dwelling units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

~~(109)~~ Manufactured ADUs. Manufactured housing, factory-built accessory dwelling units, and modular accessory dwelling units ~~is are~~ allowed in compliance with the provisions herein and Health and Safety Code § 18007; however, mobile homes, trailers and recreational vehicles shall not be used as accessory dwelling units.

~~(1110)~~ Parking. ~~In addition to all other required off-street parking, parking requirements for accessory dwelling units shall not exceed one space per unit. Parking may also be located in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that such parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the city. Mechanical parking lifts may also be used for replacement parking.~~

~~(12)~~ When a garage, carport, or covered parking structure is demolished in conjunction with the construction of or conversion to an accessory dwelling unit, no replacement parking shall be required. Additionally, no parking shall be required for an accessory dwelling unit in any of the following instances:

(a) Off-street parking is not required for an ADU or JADU. The accessory dwelling unit is located within one-half mile walking distance of public transit.

(b) When a garage, carport or covered parking structure is demolished in conjunction with the construction of or conversion to an ADU, no replacement parking shall be required. The accessory dwelling unit is located within an architecturally and historically significant historic district.

(c) If an applicant chooses to add parking when adding an ADU, parking may be located in setback areas, or through tandem parking, unless specific findings are made that such parking is infeasible based upon specific site or regional topographical or fire and life safety conditions. Mechanical parking lifts may also be used. The accessory dwelling unit is part of the existing primary residence or an existing permitted accessory structure.

(d) When on-street parking permits are required but has not offered to the occupant of the accessory dwelling unit.

(e) When there is a car share vehicle located within one block of the accessory dwelling unit.

~~(1311)~~ The owner of the property on which the accessory dwelling unit is located shall reside in either of the dwelling units on the property as his/her/their principal residence. This is a perpetual requirement that runs with the land, and a restrictive covenant establishing this requirement shall be recorded prior to occupancy of the accessory dwelling unit. This provision shall not apply to an accessory dwelling unit approved between January 1, 2020, and January 1, 2025. Owner occupancy. Owner-

occupancy is not required of the primary residence with an attached or detached ADU, or the ADU on the same lot as the primary residence.

(1412)Rentals and separate sale of ADUs. The accessory dwelling unit and the primary residential dwelling may be rented concurrently, provided that the term of the rental is at least 31 days or more. ~~but the accessory dwelling unit shall not be sold or owned separately from the primary dwelling.~~ An accessory dwelling unit may be sold or conveyed separately from the primary residence, only if:

(a) The accessory dwelling unit is sold to a qualified buyer, including persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code, and all of the following apply:

(I) The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation, one that is organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(II) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(III)The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A)The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(B)A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.

(C)A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.

(D)Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(E) The tenancy in common agreement shall include all of the following:

(i) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's

obligations to each of the other cotenants have been satisfied.

(ii) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(IV) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(V) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) An ADU may be sold or conveyed separately from the primary home as a condominium, subject to the following requirements:

(I) The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(II) The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of a local subdivision ordinance.

(III) Before recordation of the condominium plan, a safety inspection of the accessory dwelling unit shall be conducted, as evidenced either through a certificate of occupancy from the local agency, or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

(IV) The following requirements must be met prior to recordation of the condominium plan with the county recorder:

(A) Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:

(i) A lienholder may refuse to give consent.

(ii) A lienholder may consent, provided that any terms and conditions required by the lienholder are satisfied.

(B) Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder, along with a signed statement from each lienholder that states as follows:

(i) (Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion, and the borrower has or will satisfy any additional terms and conditions the lienholder may have."

(C) The lienholder's consent shall be included on the condominium plan, or on a separate form attached to the condominium plan, that includes the following information:

(i) The lienholder's signature.

(ii) The name of the record owner or ground lessee.

(iii) The legal description of the real property.

(iv) The identities of all parties with an interest in the real property, as reflected in the real property records.

(D) The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.

(c) An ADU on a property that is zoned for single family residential may be conveyed separately from the primary unit using a lot split, subject to the provisions of Senate Bill 9.

(1513) Utility connection or capacity charges. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(a) For attached units or units located within the ~~living area of~~ proposed or the existing single-family dwelling and meeting the definition of § 155.644(F)(1)(a) below, the city shall not require the applicant to install a new or separate utility connection between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge. Such requirements and charges may be imposed when the accessory dwelling unit is being constructed in connection with a proposed single-family residential dwelling.

(b) For all other accessory dwelling units other than those described in § 155.644(D)(~~1614~~)(a) below, the city may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU upon the water or sewer system based upon either its size or the number of its plumbing fixtures, and may not exceed the reasonable cost of providing the water or sewer service.

~~(1614)~~ *Impact fees.*

(a) No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size, except for impact fees used to fund schools, which shall not be imposed on any ADU of or less than 500 square feet in size.

(b) For accessory dwelling units 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

(c) All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Cal. Government Code §§ 66000 et seq. and 66012 et seq.

(d) For purposes of this section, "impact fee" shall have the same meaning as set forth in Cal. Government Code § 65852.2(f).

~~(1715)~~ *Prior approvals.* The provisions of this section shall not apply to any accessory dwelling units for which the city issued conditional use permits prior to the effective date of this section.

~~(18) Prior to obtaining a building permit for the accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.~~

(E) Design standards.

~~(1) The accessory dwelling unit shall be designed to be architecturally compatible with the primary dwelling. A site plan, elevations and floor plan depicting said architectural compatibility shall be submitted to the Director of Planning and Development for ministerial review and approval prior to the issuance of any building permits. A site plan, elevations and floor plan depicting the location of the accessory dwelling unit in relation to the primary dwelling shall be submitted to the Director of Planning and Development for ministerial review and approval prior to the issuance of any building permits.~~

~~(2) When feasible, windows facing an adjoining residential property shall be designed to protect the privacy of neighbors. If window placement does not protect privacy, then fencing or landscaping might be used to provide screening. Windows and doors of an ADU shall not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Windows and glass doors that face an adjoining property and are within fifteen (15) feet of a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six (6) feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.~~

(3) An accessory dwelling unit shall have a separate exterior entrance from the primary dwelling unit.

~~(4) To the maximum extent feasible, the accessory dwelling unit shall not alter the appearance of the primary single-family dwelling unit.~~

~~(5) When feasible, no more than one exterior entrance on the front or on any street-facing side of the primary dwelling unit and accessory dwelling unit combined.~~

~~(6) No exterior stairway shall be located on the front or on any street-facing side of the accessory dwelling unit.~~

(F) ~~Mandatory~~ ADU Application Approvals.

~~(1) Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone:~~

~~(a) A junior or accessory dwelling unit within the existing or proposed space of a single-family dwelling or accessory structure subject to the following requirements:~~

~~1. An expansion of up to 150 square feet shall be allowed in an accessory structure that is converted to an ADU solely for the purposes of accommodating ingress and egress.~~

~~2. The junior or accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.~~

~~3. The side and rear setbacks shall be sufficient for fire and building and safety.~~

~~4. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of § [155.644.1](#) below.~~

~~(b) One detached or attached accessory dwelling unit subject to the following requirements:~~

~~1. The accessory dwelling unit shall be set back no less than four feet from the side and rear property line.~~

~~2. The accessory dwelling unit shall be on a lot or parcel with an existing or proposed single-family dwelling.~~

~~3. The accessory dwelling unit shall not exceed 800 square feet in size.~~

~~4. The accessory dwelling unit shall not exceed 16 feet in height.~~

~~5. A junior accessory dwelling unit may be developed with this type of detached accessory dwelling unit, it shall comply with all requirements of § [155.644.1](#) below.~~

~~(c) On a lot with a multifamily dwelling structure, up to 25% of the total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but no limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.~~

~~(d) On a lot with a multifamily dwelling structure, up to two detached units, provided that neither unit is greater than 16 feet in height, is provided with at least a four foot side and rear yard setback. The maximum square footage shall comply with the limits set forth in § [155.644\(D\)\(5\)](#).~~

~~(2) For those accessory dwelling units which require mandatory approval, the city shall not require the correction of legal, nonconforming zoning conditions.~~

(1) A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City and any associated permitting agencies including, but not limited to, applicable planning departments, building departments, consultants or contractors working as agents of the City, utilities, and special districts, shall approve and issue a building permit or deny the application to create or serve an ADU or a JADU within 60 calendar days after receiving a completed application if there is an existing primary dwelling on the lot and if it meets the minimum ADU and/or JADU standards of this chapter.

(a) If the City and any associated permitting agencies has not approved or denied the completed application within 60 days, the application shall be deemed approved and a building permit issued for its construction.

(b) If the City or any associated permitting agencies denies an application for an ADU or JADU pursuant to paragraph (a), the City and any associated permitting agencies shall, within the 60 day time period, transmit to the applicant a list of items that are defective or deficient and a description of how the application can be remedied.

(c) If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City and any associated permitting agencies may delay approving or denying the permit application for the ADU or JADU until the City approves or denies the permit application to create the new dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing.

(d) If the applicant requests a delay, the 60-day time period shall be paused for the period of the delay. If the permit application is returned to the applicant with a list of corrections requested to comply with applicable codes and regulations, any accounting of the 60-day time period shall be paused for the period of time until the applicant re-submits a corrected application.

(e) A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU, and a building permit for the ADU shall be issued at the same time as the demolition permit; the applicant shall not be required

to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU.

(2) The City and any associated permitting agencies including, but not limited to, applicable planning departments, building departments, consultants or contractors working as agents of the City, utilities, and special districts, shall approve and issue a building permit or deny the application to create or serve an accessory dwelling unit plan within 30 calendar days after receiving a completed application, if:

(a) The plan been pre-approved by the City within the current triennial California Building Standards Code rulemaking cycle, or

(b) The plan is identical to a plan used in an application for a detached accessory dwelling unit approved by the City within the current triennial California Building Standards Code rulemaking cycle.

(3) The City shall not require the correction of existing legal, nonconforming zoning conditions prior to issuing a permit for an ADU.

~~(G) **Enforcement.** Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an accessory dwelling unit that substantially provides as follows: Existing Units.~~

~~(1) You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Planning Department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice. Existing ADUs that have not been approved by the City are required to obtain approval in order to be considered a lawful use. An application for an unpermitted ADU that was constructed before January 1, 2018 shall not be denied due to violations of building standards, or if the unpermitted ADU does not comply with Chapter 155 of the Santa Fe Springs Municipal Code, unless it is found that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure pursuant to Section 17920.3 of the Health and Safety Code. An application for an unpermitted ADU for which a building permit does not exist shall be approved based the version of the applicable Building Standards Code in effect when the residential unit was determined to be constructed for the purposes of issuing a building permit; the appropriate enforcement official may make a determination of the date of construction, and issue a retroactive building permit for that construction.~~

~~(2) This provision shall only apply if the accessory dwelling unit was built before January 1, 2020 and after July 25, 2020. The City shall delay enforcement of building standards that are not a matter of public health and safety for existing ADUs upon request of the ADU owner, as follows:~~

(a) ADUs built prior to January 1, 2020 are eligible, or ADUs built on or after January 1, 2020 at a time that the City had a noncompliant ADU ordinance.

(b) Until January 1, 2030, the City shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an ADU that substantially provides as follows:

(i) You have been issued an order to correct violations or abate nuisances relating to your ADU. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Planning Department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

Key:

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Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.644.1 JUNIOR ACCESSORY DWELLING UNITS is hereby amended as follows:

§ 155.644.1 JUNIOR ACCESSORY DWELLING UNITS.

(A) *Intent.* In enacting this section, it is the intent of the city to encourage the provision of junior accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Junior accessory dwelling units provide housing for extended family members, students, the elderly in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create junior accessory dwelling units can benefit from added income, and an increased sense of security. Allowing junior accessory dwelling units in residential zones provides needed additional rental housing. This section provides the requirements for the establishment of junior accessory dwelling units consistent with Cal. Government Code § 65852.22.

(B) *Administrative review.* All junior accessory dwelling unit applications shall be ministerially approved by the Director of Planning and Development and a permit issued within 60 days upon presentation of a complete application to provide a junior accessory dwelling unit if the plans conform to the standards and criteria provided in § 155.644.1(C) and (D). If the junior accessory dwelling unit is being proposed in conjunction with a new single-family dwelling, the Director may delay acting on the permit application until the city acts on the permit application for the new single-family dwelling. The city shall grant a delay if requested by the applicant.

(C) *Junior Accessory Dwelling Unit Standards.* The following standards and criteria shall apply to the creation of a junior accessory dwelling unit:

(1) Number allowed. ~~A maximum of one junior accessory dwelling unit shall be permitted~~ No more than two ADUs, and one JADU within the wall of the existing or proposed residence, are allowed per residential lot containing an existing or proposed single-family dwelling. Junior accessory dwelling units do not count towards the density requirements of the general plan or zoning ordinance.

(2) Owner occupancy. The property owner shall occupy either the main single-family dwelling or the junior accessory dwelling unit.

(3) Tenure. The junior accessory dwelling unit or the main single-family dwelling may be rented, provided the rental term is at least 31 days or more, but the junior accessory dwelling unit shall not be sold or owned separately from the single-family dwelling

(4) Allowable location. The junior accessory dwelling unit must be created within the existing walls of an existing single-family dwelling.

(5) Size. The junior accessory dwelling unit shall not exceed 500 square feet in size.

(6) Entrance. The junior accessory dwelling unit shall include a separate exterior entrance from the main entrance to the single-family home. An interior entry to the main living area shall be required if the junior accessory dwelling unit shares sanitary facilities with the single-family home. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(7) Kitchen required. The junior accessory dwelling unit shall include a food preparation area, requiring and limited to the following components:

(a) ~~A cooking facility with appliances~~ An area used for cooking, with kitchen appliance; and

(b) A food preparation counter and storage cabinets, which may not be required to exceed six feet in length.

(8) Parking. No additional off-street parking is required beyond that required for the main single-family dwelling.

(9) Utility service. A separate water connection or meter, and a separate sewer service connection are not required for a junior accessory dwelling unit. Water and sewer service for the junior accessory dwelling unit is shared with the main single-family dwelling unit.

(10) Applicable codes. The junior accessory dwelling unit shall comply with all applicable building standards and shall be subject to permit and inspection fees to ensure

such compliance. Fire sprinklers shall only be required if they are required in the existing or proposed single-family residence.

(11) Regulations and connection fees. For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

(12) Deed restriction. Prior to obtaining a building permit for the junior accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

(D) Enforcement. The city shall not require the correction of a legal, nonconforming zoning conditions for approval of a junior accessory dwelling unit.

Key:

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Strikethrough Text = Proposed language to be removed from existing Code Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.003 DEFINITIONS is hereby amended as follows:

§ 155.003 DEFINITIONS.

ACCESSORY DWELLING UNIT (ADU). Either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. An ~~ACCESSORY DWELLING UNIT~~ ADU may also be located within an existing or proposed primary dwelling unit. An ~~ACCESSORY DWELLING UNIT~~ ADU also includes the following:

(1) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

(2) ~~A manufactured home, as defined in California Health and Safety Code § 18007. A~~ factory-built ADU, such as manufactured homes as defined in California Health and Safety Code § 18007, or in the Code of Federal Regulations governing manufactured homes: Code of Federal Regulations Title 24, Housing and Urban Development, Part 3280, Manufactured Home Construction and Safety Standards, Subsection 3280.2, "Definitions."

(3) ~~A factory-built modular ADU that complies with the standards of Chapter 155.644~~ (D).

ACCESSORY DWELLING UNIT, JUNIOR (JADU). ~~A junior accessory dwelling unit is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence~~

(1) Is no more than 500 square feet in size;

(2) Is contained entirely within an existing or proposed single-family structure;

(3) Has or shares sanitation facilities within the existing or proposed single-family structure;

(4) Includes an efficiency kitchen.

CARRIAGE HOUSE. An ADU that is located above a detached garage.

EFFICIENCY KITCHEN. A kitchen that includes each of the following:

- (1) An area used for cooking, with kitchen appliances;
- (2) A food preparation counter that is adequate for the size of the unit; and
- (3) Food storage cabinets that are adequate for the size of the unit.

IMPACT FEES. A monetary exaction that is charged by the City to a property owner and/or project applicant in connection with approval of a project for the purpose of defraying all or a portion of the cost of public facilities, public improvements, public services, and community amenities; this does not include fees for processing applications for governmental regulatory actions or approvals or any connection fee or capacity charge charged by a local agency, special district, or water corporation.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics meeting habitable space requirements of the California Building Code with Los Angeles County amendments but not including a garage or any accessory structure.

OBJECTIVE STANDARDS. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

PERMIT FEES. A monetary exaction charged to a property owner and/or project applicant in connection with an application for a permit for the reimbursement of expenses incurred during the processing and review of the application, but not fees otherwise classified as impact fees.

PERMITTING AGENCY. Any entity that is involved in the review of a permit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, fire departments, utilities, and special districts.

PROPOSED DWELLING. A dwelling that is the subject of a permit application and that

meets the requirements for permitting.

PUBLIC TRANSIT. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

TANDEM PARKING, RESIDENTIAL. Two or more automobiles parked on a permitted parking are lined up behind one another.

Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.644 ACCESSORY DWELLING UNITS is hereby amended as follows:

§ 155.644 ACCESSORY DWELLING UNITS.

(A) Intent. In enacting this section, it is the intent of the city to encourage the provision of accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Accessory dwelling units provide housing for extended family members, students, the elderly in-home health care providers, the disabled, and others, ~~additional housing~~ at below market prices within existing neighborhoods. Homeowners who create accessory dwelling units can benefit from added income, and an increased sense of security. Allowing accessory dwelling units in residential zones provides needed additional rental housing. This section provides the requirements for the establishment of accessory dwelling units consistent with Cal. Government Code § 65852.2.

(B) Interpretation. In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is in conflict with State law, the mandatory requirement of State law shall control, but only to the extent legally required.

(C) Applications.

(1) *Administrative Review.* All accessory dwelling unit applications shall be ministerially approved by the Director of Planning and Development, or his/her designee, and a permit issued within 60 days upon ~~presentation~~ receipt of a completed application ~~to build an accessory dwelling unit if the plans conform to the~~ complying with the

standards and criteria ~~provided set forth in § 155.644(D) and (E)~~ this section. If an application for accessory dwelling unit is denied within those 60 days, the applicant will be provided with a list of defective items and description of how the deficiencies can be remedied. If the application is neither approved nor denied within the 60 days after a complete application is submitted, the application is deemed approved. If the accessory dwelling unit is being proposed in conjunction with a new single-family dwelling, the Director may delay acting on the accessory dwelling unit permit application until the city acts on the permit application for the new single-family dwelling. If the applicant requests a delay, the city shall grant a delay if requested by the applicant and the city's 60-day period for consideration will be tolled during that for the period of the requested delay.

(2) *Fees.* Applications for an accessory dwelling unit shall be accompanied by an application fee and shall be subject to applicable inspection and permit fees.

(D) Accessory dwelling unit standards. The following standards and criteria shall apply to the creation of an accessory dwelling unit:

(1) Allowable zones. The accessory dwelling unit shall be allowed only on a lot or parcel that is zoned for single family residential, multifamily residential or mixed use with an existing or proposed residential dwelling.

(2) Number of ADUs. ~~There shall not be more than one accessory dwelling unit per lot or parcel, except as provided for in § 155.644(F)(1)(a).~~

(a) There shall not be more than one ADU, and one JADU within the walls of the existing or proposed residence, per lot or parcel that is zoned for single family residential use.

(b) On a lot with existing multifamily dwelling structures, at least one unit and up to 25% of the total multifamily dwelling units are allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

(c) On a lot with an existing or proposed multifamily dwelling, not more than two detached units, subject to the height limitation set forth in subsection (D)(7), and at least a four-foot side and rear yard setback. The maximum square footage shall comply with the limits set forth in § 155.644(D)(5). The city shall not require any modifications to an existing multifamily dwelling that has a rear or side yard setback of less than four feet if the proposed accessory dwelling unit satisfies the provisions of this subsection.

(3) Conformance with zoning and General Plan. An accessory dwelling unit that conforms to the development standards of this section is deemed to be an accessory use and/or structure and will not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to conform to the zoning and General Plan.

(4) Allowable forms. The accessory dwelling unit may be attached to or detached

from the primary residential dwelling or located within an existing or proposed single-family residence, including a garage, or within an accessory structure.

(5) Floor area standards.

(a) The detached or attached accessory dwelling unit with one or less bedroom shall not exceed a total floor area of 850 square feet.

(b) The detached or attached accessory dwelling unit with more than one bedroom shall not exceed a total floor area of ~~1,000~~ 1,200 square feet.

~~(c) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50% of the existing primary dwelling.~~

~~(d)~~ (e) The minimum floor area for an accessory dwelling unit shall be 150 square feet.

(6) Setback standards.

(a) The accessory dwelling unit shall comply with the front setback standard applicable to the specific zone in which it is located, unless doing so would prohibit the construction of at least an 850 square foot accessory dwelling unit. The first priority placement shall be in the rear of a property, developed in compliance with the required setbacks. If proposed at the front of a property, the front setback shall be maximized to the extent allowed within these requirements. Notwithstanding any other provision in this section, an accessory dwelling unit that encroaches into the front yard setback shall be limited to a total of eight hundred square feet otherwise modified by this section.

(b) The accessory dwelling unit shall be set back no less than four feet from the side and rear property lines.

(c) Notwithstanding any other provision of this section, no setback shall be required for an existing permitted living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

~~(7) The accessory dwelling unit shall not be greater than 16 feet in height~~ The height of an accessory dwelling unit shall be as follows:

(a) A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit shall not be greater than 16 feet in height.

(b) A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Public Resources Code

Section 21155, shall not be greater than 18 feet in height. Two additional feet in height is allowed to accommodate roof pitch of the accessory dwelling unit to align with the roof pitch of the primary dwelling unit.

(c) A detached accessory dwelling unit on a lot with an existing or proposed multifamily multistory dwelling shall not be greater than 18 feet in height.

(d) For an accessory dwelling unit that is attached to a primary dwelling, an accessory dwelling unit shall not be higher than 25 feet or the height of the primary dwelling, whichever is lower.

(e) An accessory dwelling unit shall not exceed two stories.

(8) Location. The attached or detached accessory dwelling unit shall be located within, or if outside of the existing walls of the existing or proposed primary residence, preferably to the rear, or to the side of the existing or proposed primary residence unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as an previously existing approved accessory structure, including an attached or detached garage.

(9) Regulating code. The accessory dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations. Accessory dwelling units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

(10) Manufacturing ADUs. Manufactured housing, factory-built ADUs, and modular ADUs is are allowed in compliance with the provisions herein and Cal. Health and Safety Code § 18007; however, mobile homes, trailers and recreational vehicles shall not be used as accessory dwelling units.

(11) Parking. In addition to all other required off-street parking, parking requirements for accessory dwelling units shall not exceed one space per unit. Parking may also be located in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that such parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, ~~or that it is not permitted anywhere else in the city.~~ Mechanical parking lifts may also be used for replacement parking.

(12) Replacement parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of or conversion to an accessory dwelling unit, no replacement parking shall be required. Additionally, no parking shall be required for an accessory dwelling unit in any of the following instances:

(a) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(b) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(c) The accessory dwelling unit is part of the proposed or existing primary residence or an ~~existing-permitted~~ accessory structure.

(d) When on-street parking permits are required but ~~has~~ not offered to the occupant of the accessory dwelling unit.

(e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection.

(13)–Rentals and separate sale of ADUs. The accessory dwelling unit and the primary residential dwelling may be rented concurrently, provided that the term of the rental is at least 31 days or more. ~~, but the accessory dwelling unit shall not be sold or owned separately from the primary dwelling.~~ An accessory dwelling unit may be sold or conveyed separately from the primary residence, only if:

(a) The accessory dwelling unit is sold to a qualified buyer, including persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code, and all of the following apply:

(I) The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation, one that is organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(II) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(III)The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A)The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(E) The tenancy in common agreement shall include all of the following:

(i) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(ii) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(IV) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(V) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(14) *Rentals and tenure.* The accessory dwelling unit and the primary residential dwelling may be rented concurrently provided that the term of the rental is at least 31 days or more, but the accessory dwelling unit shall not be sold or owned separately from the primary dwelling, unless the owner is another governmental agency, land trust, housing organization, or qualified non-profit.

(15) *Utility connection or capacity charges.* Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(a) For attached units or units located within the ~~living area of proposed or the~~ existing single-family dwelling and meeting the definition of § 155.644(F)(1)(a) below, the city shall not require the applicant to install a new or separate utility connection between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge. Such requirements and charges may be imposed when the accessory dwelling

unit is being constructed in connection with a ~~proposed~~ new single-family residential dwelling.

(b) For all other accessory dwelling units other than those described in § 155.644(D)(15)(a) above, the city may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate in relation to the square footage of the primary dwelling unit. ~~burden of the proposed accessory dwelling unit upon the water or sewer system based upon either its size or the number of its plumbing fixtures,~~ and may not exceed the reasonable cost of providing the water or sewer service.

(16) Impact fees.

(a) No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size, except for impact fees used to fund school, which shall not be imposed on any ADU of or less than 500 square feet in size.

(b) For accessory dwelling units 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

(c) All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Cal. Government Code §§ 66000 et seq. and 66012 et seq.

(d) For purposes of this section, "impact fee" shall have the same meaning as set forth in Cal. Government Code § 65852.2(f).

~~(17)~~ (16) Prior approvals. The provisions of this section shall not apply to any accessory dwelling units for which the city issued conditional use permits prior to the effective date of this section.

~~(18) Prior to obtaining a building permit for the accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.~~

(E) Design standards.

~~(1) The accessory dwelling unit shall be designed to be architecturally compatible with the primary dwelling. A site plan, elevations and floor plan depicting said architectural compatibility shall be submitted to the Director of Planning and Development for ministerial review and approval prior to the issuance of any building permits.~~ A site plan, elevations and floor plan depicting the location of the ADU in relation to the primary dwelling shall be submitted to the Director of Planning and Development for ministerial review and approval prior to the issuance of any building permits.

~~(2) When feasible, windows facing an adjoining residential property shall be designed to protect the privacy of neighbors. If window placement does not protect privacy, then fencing or landscaping might be used to provide screening.~~ Windows and

doors of an ADU shall not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Windows and glass doors that face an adjoining property and are within fifteen (15) feet of a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six (6) feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(3) An accessory dwelling unit shall have a separate exterior entrance from the primary dwelling unit.

~~(4) To the maximum extent feasible, the accessory dwelling unit shall not alter the appearance of the primary single-family dwelling unit.~~

~~(5) When feasible, no more than one exterior entrance on the front or on any street-facing side of the primary dwelling unit and accessory dwelling unit combined.~~

~~(6)~~ No exterior stairway shall be located on the front or on any street-facing side of the accessory dwelling unit.

(F) Mandatory ADU application approvals.

~~(1) Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone:~~

~~(a) A junior or accessory dwelling unit within the existing or proposed space of a single-family dwelling or accessory structure subject to the following requirements:~~

~~1. An expansion of up to 150 square feet shall be allowed in an accessory structure that is converted to an ADU solely for the purposes of accommodating ingress and egress.~~

~~2. The junior or accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.~~

~~3. The side and rear setbacks shall be sufficient for fire and building and safety.~~

~~4. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of § [155.644.1](#) below.~~

~~(b) One detached or attached accessory dwelling unit subject to the following requirements:~~

~~1. The accessory dwelling unit shall be set back no less than four feet from the side and rear property line.~~

~~2. The accessory dwelling unit shall be on a lot or parcel with an existing or proposed single-family dwelling.~~

~~3. The accessory dwelling unit shall not exceed 800 square feet in size.~~

~~4. The accessory dwelling unit shall not exceed 16 feet in height.~~

~~5. A junior accessory dwelling unit may be developed with this type of detached accessory dwelling unit, it shall comply with all requirements of § 155.644.1 below.~~

~~(c) On a lot with a multifamily dwelling structure, up to 25% of the total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but no limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.~~

~~(d) On a lot with a multifamily dwelling structure, up to two detached units, provided that neither unit is greater than 16 feet in height, is provided with at least a four foot side and rear yard setback. The maximum square footage shall comply with the limits set forth in § 155.644(D)(5).~~

~~(2) For those accessory dwelling units which require mandatory approval, the city shall not require the correction of legal, nonconforming zoning conditions.~~

(1) A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City and any associated permitting agencies including, but not limited to, applicable planning departments, building departments, consultants or contractors working as agents of the City, utilities, and special districts, shall approve and issue a building permit or deny the application to create or serve an ADU or a JADU within 60 calendar days after receiving a completed application if there is an existing primary dwelling on the lot and if it meets the minimum ADU and/or JADU standards of this chapter.

(a) If the City and any associated permitting agencies has not approved or denied the completed application within 60 days, the application shall be deemed approved and a building permit issued for its construction.

(b) If the City or any associated permitting agencies denies an application for an ADU or JADU pursuant to paragraph (a), the City and any associated permitting agencies shall, within the 60 day time period, transmit to the applicant a list of items that are defective or deficient and a description of how the application can be remedied.

(c) If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City and any associated permitting agencies may delay approving or denying the permit application for the ADU or JADU until the City approves or denies the permit application

to create the new dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing.

(d) If the applicant requests a delay, the 60-day time period shall be paused for the period of the delay. If the permit application is returned to the applicant with a list of corrections requested to comply with applicable codes and regulations, any accounting of the 60-day time period shall be paused for the period of time until the applicant re-submits a corrected application.

(e) A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU, and a building permit for the ADU shall be issued at the same time as the demolition permit; the applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU.

(2) The City shall not require the correction of existing legal, nonconforming zoning conditions prior to issuing a permit for an ADU.

~~(G) *Enforcement.* Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an accessory dwelling unit that substantially provides as follows: Existing Units.~~

~~(1) You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Planning Department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice. Existing ADUs that have not been approved by the City are required to obtain approval in order to be considered a lawful use. An application for an unpermitted ADU that was constructed before January 1, 2018 shall not be denied due to violations of building standards, or if the unpermitted ADU does not comply with Chapter 155 of the Santa Fe Springs Municipal Code, unless it is found that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure pursuant to Section 17920.3 of the Health and Safety Code. An application for an unpermitted ADU for which a building permit does not exist shall be approved based the version of the applicable Building Standards Code in effect when the residential unit was determined to be constructed for the purposes of issuing a building permit; the appropriate enforcement official may make a determination of the date of construction, and issue a retroactive building permit for that construction.~~

~~(2) This provision shall only apply if the accessory dwelling unit was built before January 1, 2020 and after July 25, 2020. The City shall delay enforcement of building standards that are not a matter of public health and safety for existing ADUs upon request of the ADU owner, as follows:~~

(a) ADUs built prior to January 1, 2020 are eligible, or ADUs built on or after January 1, 2020 at a time that the City had a noncompliant ADU ordinance.

(b) Until January 1, 2030, the City shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an ADU that substantially provides as follows:

(i) You have been issued an order to correct violations or abate nuisances relating to your ADU. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Planning Department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.644.1 JUNIOR ACCESSORY DWELLING UNITS is hereby amended as follows:

§ 155.644.1 JUNIOR ACCESSORY DWELLING UNITS.

(A) *Intent.* In enacting this section, it is the intent of the city to encourage the provision of junior accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Junior accessory dwelling units provide housing for ~~extended family members, students, the elderly in home health care providers, the disabled, and others~~ at below market prices within existing neighborhoods. Homeowners who create junior accessory dwelling units can benefit from added income, and an increased sense of security. Allowing junior accessory dwelling units in single-family residential zones provides needed additional rental housing. This section provides the requirements for the establishment of junior accessory dwelling units consistent with Cal. Government Code § 65852.22.

(B) *Administrative review.* All junior accessory dwelling unit applications shall be ministerially approved by the Director of Planning and Development, or his/her designee, and a permit issued within 60 days upon ~~presentation~~ receipt of a completed application ~~to provide a junior accessory dwelling unit if the plans conform to~~ complying with the standards and criteria provided in ~~§ 155.644.1(C) and (D)~~ this section. If an application for a junior accessory dwelling unit is denied within those 60 days, the applicant will be provided with a list of defective items and description of how the deficiencies can be remedied. If the application is neither approved nor denied within the 60 days after a complete application is submitted, the application is deemed approved. If the junior

accessory dwelling unit is being proposed in conjunction with a new single-family dwelling, the Director may delay acting on the permit application until the city acts on the permit application for the new single-family dwelling. If the applicant requests a delay, the city shall grant a delay if requested by the applicant and the city's 60-day period will be tolled for the period of the requested delay ~~for consideration will be tolled during that requested delay.~~

(C) *Junior accessory dwelling unit standards.* The following standards and criteria shall apply to the creation of a junior accessory dwelling unit:

(1) Number Allowed. A maximum of one junior accessory dwelling unit shall be permitted per residential lot containing an existing or proposed single-family dwelling. Junior accessory dwelling units do not count towards the density requirements of the general plan or zoning ordinance.

(2) Owner occupancy. The property owner shall occupy either the main single-family dwelling or the junior accessory dwelling unit.

(3) Tenure. The junior accessory dwelling unit or the main single-family dwelling may be rented, provided the rental term is at least 31 days or more, but the junior accessory dwelling unit shall not be sold or owned separately from the single-family dwelling

(4) Allowable location. The junior accessory dwelling unit must be created within the existing walls of an existing single-family dwelling, which includes an attached garage.

(5) Size. The junior accessory dwelling unit shall not exceed 500 square feet in size.

(6) Entrance. The junior accessory dwelling unit shall include a separate exterior entrance from the main entrance to the single-family home. An interior entry to the main living area shall be required if the junior accessory dwelling unit shares sanitary facilities with the single-family home. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(7) Kitchen required. The junior accessory dwelling unit shall include a food preparation area, requiring and limited to the following components:

(a) ~~A cooking facility with appliances~~ An area used for cooking, with kitchen appliance; and

(b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling ~~which do not exceed six feet in length.~~

(8) Parking. No additional off-street parking is required beyond that required for the main single-family dwelling.

(9) Utility service. A separate water connection or meter, and a separate sewer service connection are not required for a junior accessory dwelling unit. Water and sewer service for the junior accessory dwelling unit is shared with the main single-family dwelling unit.

(10) Applicable codes. The junior accessory dwelling unit shall comply with all applicable building standards and shall be subject to permit and inspection fees to ensure such compliance. Fire sprinklers shall be required if they are required in the existing or proposed single-family residence.

(11) Regulations and connection fees. For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

(12) Deed restriction. Prior to obtaining a building permit for the junior accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

(D) Enforcement. The city shall not require the correction of a ~~legal~~, nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affect by the construction of the junior accessory dwelling unit in the for approval of a junior accessory dwelling unit.

CITY OF SANTA FE SPRINGS
RESOLUTION NO. 252-2023

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
SANTA FE SPRINGS RECOMMENDING THAT THE CITY COUNCIL
APPROVE AND ADOPT ZONE TEXT AMENDMENT TO ENSURE THAT
THE CITY'S ZONING ORDINANCE IS ALIGNED WITH THE STATE'S
ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY
DWELLING UNIT (JADU) STATUTES**

WHEREAS, on March 9, 2017, the City Council adopted Ordinance No. 1084, which updated the City's Zoning Ordinance to comply with the State's statutes in connection with Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU); and

WHEREAS, in 2021, the City of Santa Fe Springs applied for and was selected by the Southern California Association of Government (SCAG) and the State of California Department of Housing and Community Development (CA HCD) to participate in the SCAG 2020/2021 Sustainable Communities Program (SCP) as part of the Regional Early Action Program (REAP) for Advance Accessory Dwelling Unit Implementation; and

WHEREAS, one of the project's primary deliverables is the update of the City's ADU and JADU ordinance to align with State Laws and promote ADU and JADU productivity within the City; and

WHEREAS, new State ADU Laws (SB-897 and AB-2221) amending Government Code Sections 65852.2 and 65852.22 became effective on January 1, 2023, amending the existing requirement for the development of ADUs and JADUs; and

WHEREAS, an additional new law (AB 1033) amending Government Code Section 65852.2, which will go into effect on January 1, 2024, eliminates the owner occupancy requirements for ADUs; and

WHEREAS, pursuant to Government Code Section 65852.2, if a local ordinance conflicts with state law, state law supersedes the conflicting local ordinance; and

WHEREAS, SCAG consultant Woodsong Associates assisted the City with developing a Zone Text Amendment to align with the State ADUs and JADUs statutes; and

WHEREAS, the City has prepared a Zone Text Amendment to the City's Zoning Ordinance, as codified in Title 15 of the Santa Fe Springs Municipal Code, which updates Section 155.003 (Definitions), Section 155.644 (Accessory Dwelling Unit), and Section 155.644.1 (Junior Accessory Dwelling Unit); and

WHEREAS, pursuant to California Public Resources Code (PRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU Law); and

WHEREAS, on November 2, 2023, the City of Santa Fe Springs Department of Planning and Development published a legal notice in the *Whitter Daily News*, a local paper of general circulation, indicating the date and time of the public hearing; and

WHEREAS, on November 4, 2023, a public hearing notice was also posted in the Santa Fe Springs City Hall window, the City's Town Center kiosk, and the City's Library; and

WHEREAS, the City of Santa Fe Springs Planning Commission has reviewed and considered the written and oral staff report, the testimony, written comments, and other materials presented at the public hearing on November 13, 2023; and

WHEREAS, on November 13, 2023, the City of Santa Fe Springs Planning Commission conducted a duly noticed public hearing and considered public testimony concerning amendments to the text of the City's Zoning Regulations.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION I: The Planning Commission recommends that the following findings be made by the City Council regarding the Zone Text Amendment:

1. The above recitals are true and correct and are a substantial part of this Resolution.
2. The Exhibits attached to this Resolution are each incorporated by reference and made a part of this Resolution.
3. The proposed Zone Text Amendment meets or exceeds the minimum provisions outlined in Section 65852.2 of the Government Code (State ADU Law).
4. The proposed Zone Text Amendment is consistent with the Santa Fe Springs General Plan.
5. That pursuant to California Public Resources Code (PRC) Section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU Law).
6. That the Planning Commission recommends that the City Council approve and adopt Ordinance No. 1134, amending the text of the City's Zoning Ordinance.

SECTION II. ENVIRONMENTAL FINDINGS AND DETERMINATION

Pursuant to California Public Resources Code (PRC) Section 21080.17, California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU Law). The ZTA implements California Government Code Sections 65852.2 and 65852.22, as amended, within the City of Santa Fe Springs in a manner that is consistent with the requirements of State ADU/JADU Laws. As such, the proposed ZTA and Ordinance is exempt from CEQA.

SECTION III. PLANNING COMMISSION ACTION

The Planning Commission hereby adopts Resolution No. 252-2023 to determine that the Zoning Text Amendment is exempt pursuant to the PRC Section 21080.17, and to recommend that the City Council adopt Ordinance No. 1134 amending Title 15, Sections 155.003 (Definitions), 155.644 (Accessory Dwelling Unit), and 155.644.1 (Junior Accessory Dwelling Unit); of the Santa Fe Springs Municipal Code.

ADOPTED and APPROVED this 13th day of November 2023 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE SPRINGS.

Francis Carbajal, Chairperson

ATTEST:

Teresa Cavallo, Planning Secretary

Exhibit A – Ordinance No. 1134

CITY OF SANTA FE SPRINGS
ORDINANCE NO. 1134

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS ADOPTING ZONE TEXT AMENDMENT TO ENSURE THAT THE CITY'S ZONING ORDINANCE IS ALIGNED WITH THE STATE'S ACCESSORY DWELLING UNIT (ADU) AND JUNIOR ACCESSORY DWELLING UNIT (JADU) STATUTES

WHEREAS, on March 9, 2017, the City Council adopted Ordinance No. 1084, which updated the City's Zoning Ordinance to comply with the State's statutes in connection with Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU); and

WHEREAS, in 2021, the City of Santa Fe Springs applied for and was selected by the Southern California Association of Government (SCAG) and the State of California Department of Housing and Community Development (CA HCD) to participate in the SCAG 2020/2021 Sustainable Communities Program (SCP) as part of the Regional Early Action Program (REAP) for Advance Accessory Dwelling Unit Implementation; and

WHEREAS, one of the project's primary deliverables is the update of the City's ADU and JADU ordinance to align with State Laws and promote ADU and JADU productivity within the City; and

WHEREAS, new State ADU Laws (SB-897 and AB-2221) amending Government Code Sections 65852.2 and 65852.22 became effective on January 1, 2023, amending the existing requirements for the development of ADUs and JADUs; and

WHEREAS, an additional new law (AB 1033) amending Government Code Section 65852.2, which will go into effect on January 1, 2024, eliminates the owner occupancy requirements for ADUs; and

WHEREAS, according to Government Code Section 65852.2, if a local ordinance conflicts with state law, state law supersedes the conflicting local ordinance; and

WHEREAS, SCAG consultant Woodsong Associates assisted the City with developing a Zone Text Amendment to align with the State ADUs and JADUs statutes; and

WHEREAS, the City has prepared a Zone Text Amendment to the City's Zoning Ordinance, as codified in Title 15 of the Santa Fe Springs Municipal Code, which updates Section 155.003 (Definitions), Section 155.644 (Accessory Dwelling Unit), and Section 155.644.1 (Junior Accessory Dwelling Unit); and

WHEREAS, pursuant to California Public Resources Code (PRC) Section 21080.17, the California Environmental Quality Act (CEQA) does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU Law); and

WHEREAS, on November 2, 2023, the City of Santa Fe Springs Department of Planning and Development published a legal notice in the *Whitter Daily News*, a local paper of general circulation, indicating the date and time of the public hearing; and

WHEREAS, on November 4, 2023, a public hearing notice was also posted in the Santa Fe Springs City Hall window, the City's Town Center kiosk, and the City's Library; and

WHEREAS, on November 13, 2023, the Planning Commission of the City of Santa Fe Springs adopted Resolution 252-2023 recommending that the City Council adopt an Ordinance amending the Zoning Code in relation to ADUs and JADUs; and

WHEREAS, on December 4, 2023, the City Council of the City of Santa Fe Springs considered the Zone Text Amendment, the staff report, and all testimony, written and spoken, at a duly noticed public hearing.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SANTA FE SPRINGS DOES HEREBY FIND, DETERMINE AND ORDAIN AS FOLLOWS:

SECTION I. Findings:

1. The above recitals are true and correct and are a substantial part of this Ordinance.
2. The Exhibits attached to this Ordinance are each incorporated by reference and made a part of this Ordinance.
3. The proposed Zone Text Amendment meets or exceeds the minimum provisions outlined in Section 65852.2 of the Government Code (State ADU Law).
4. The proposed Zone Text Amendment is consistent with the Santa Fe Springs General Plan.
5. The Zone Text Amendment meets the requirements as contained in Planning and Zoning Law (Government Code sections 65800-65912).
6. The Zone Text Amendment has been prepared and will be adopted in accordance with the requirements of Planning and Zoning Law (Government Code sections 65853-65860).

SECTION II. The City Council hereby finds with respect to CEQA:

Pursuant to California Public Resources Code (PRC) Section 21080.17, California Environmental Quality Act (CEQA) does not apply to the adoption of an Ordinance by a city or county to implement the provisions of Section 65852.2 of the Government Code (State ADU Law). The ZTA implements California Government Code Sections 65852.2 and 65852.22, as amended, within the City of Santa Fe Springs in a manner that is consistent with the requirements of State ADU/JADU Laws. As such, the proposed ZTA and Ordinance is exempt from CEQA.

SECTION III. Amendments:

1. Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.003 DEFINITIONS is hereby amended as provided in Exhibit "A" attached hereto and incorporated herein by reference.
2. Code of Ordinances of the City of Santa Fe Springs Chapter 155, Sections 155.644 (Accessory Dwelling Unit) and 155.644.1 (Junior Accessory Dwelling Unit) is hereby amended as provided in Exhibit "B" attached hereto and incorporated herein by reference.

Section IV. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or of Chapter 155, 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 V. The 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 thereof.

PASSED and ADOPTED this ____ day of _____, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

Juanita Martin, Mayor

ATTEST:

Janet Martinez, CMC, City Clerk

Exhibit A – Definitions Text Amendments

Exhibit B – Accessory Dwelling Unit and Junior Accessory Dwelling Unit Text Amendments

Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.003 DEFINITIONS is hereby amended as follows:

§ 155.003 DEFINITIONS.

ACCESSORY DWELLING UNIT (ADU). Either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation. An **ACCESSORY DWELLING UNIT ADU** may also be located within an existing or proposed primary dwelling unit. An **ACCESSORY DWELLING UNIT ADU** also includes the following:

(1) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

(2) A manufactured home, as defined in California Health and Safety Code § 18007. A factory-built ADU, such as manufactured homes as defined in California Health and Safety Code § 18007, or in the Code of Federal Regulations governing manufactured homes: Code of Federal Regulations Title 24, Housing and Urban Development, Part 3280, Manufactured Home Construction and Safety Standards, Subsection 3280.2, "Definitions."

(3) A factory-built modular ADU that complies with the standards of Chapter 155.644 (D).

ACCESSORY DWELLING UNIT, JUNIOR (JADU). ~~A junior accessory dwelling unit is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence~~

(1) Is no more than 500 square feet in size;

(2) Is contained entirely within an existing or proposed single-family structure;

(3) Has or shares sanitation facilities within the existing or proposed single-family structure;

(4) Includes an efficiency kitchen.

CARRIAGE HOUSE. An ADU that is located above a detached garage.

EFFICIENCY KITCHEN. A kitchen that includes each of the following:

- (1) An area used for cooking, with kitchen appliances;
- (2) A food preparation counter that is adequate for the size of the unit; and
- (3) Food storage cabinets that are adequate for the size of the unit.

IMPACT FEES. A monetary exaction that is charged by the City to a property owner and/or project applicant in connection with approval of a project for the purpose of defraying all or a portion of the cost of public facilities, public improvements, public services, and community amenities; this does not include fees for processing applications for governmental regulatory actions or approvals or any connection fee or capacity charge charged by a local agency, special district, or water corporation.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics meeting habitable space requirements of the California Building Code with Los Angeles County amendments but not including a garage or any accessory structure.

NONCONFORMING ZONING CONDITION. A physical improvement on a property that does not conform with current zoning standards.

OBJECTIVE STANDARDS. Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

PERMIT FEES. A monetary exaction charged to a property owner and/or project applicant in connection with an application for a permit for the reimbursement of expenses incurred during the processing and review of the application, but not fees otherwise classified as impact fees.

PERMITTING AGENCY. Any entity that is involved in the review of a permit and for which there is no substitute, including, but not limited to, applicable planning departments,

building departments, fire departments, utilities, and special districts.

PROPOSED DWELLING. A dwelling that is the subject of a permit application and that meets the requirements for permitting.

PUBLIC TRANSIT. A location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

TANDEM PARKING, RESIDENTIAL. Two or more automobiles parked on a permitted parking are lined up behind one another.

Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.644 ACCESSORY DWELLING UNITS is hereby amended as follows:

§ 155.644 ACCESSORY DWELLING UNITS.

(A) Intent. In enacting this section, it is the intent of the city to encourage the provision of accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Accessory dwelling units provide housing for extended family members, students, the elderly in-home health care providers, the disabled, and others, additional housing at below market prices within existing neighborhoods. Homeowners who create accessory dwelling units can benefit from added income, and an increased sense of security. Allowing accessory dwelling units in residential zones provides needed additional rental housing. This section provides the requirements for the establishment of accessory dwelling units consistent with Cal. Government Code § 65852.2.

(B) Interpretation. In cases of conflict between this section and any other provision of this title, the provisions of this section shall prevail. To the extent that any provision of this section is in conflict with State law, the mandatory requirement of State law shall control, but only to the extent legally required.

(C) Applications.

(1) *Administrative Review.* All accessory dwelling unit applications shall be ministerially approved by the Director of Planning and Development, or his/her designee, and a permit issued within 60 days upon presentation receipt of a completed application ~~to build an accessory dwelling unit if the plans conform to the~~ complying with the standards and criteria ~~provided set forth in § 155.644(D) and (E)~~ this section. If an application for accessory dwelling unit is denied within those 60 days, the applicant will be provided with a list of defective items and description of how the deficiencies can be remedied. If the application is neither approved nor denied within the 60 days after a complete application is submitted, the application is deemed approved. If the accessory dwelling unit is being proposed in conjunction with a new single-family dwelling, the Director may delay acting on the accessory dwelling unit permit application until the city acts on the permit application for the new single-family dwelling. If the applicant requests a delay, the city shall grant a delay if requested by the applicant and the city's 60-day period for consideration will be tolled during that for the period of the requested delay.

(2) *Fees.* Applications for an accessory dwelling unit shall be accompanied by an application fee and shall be subject to applicable inspection and permit fees.

(D) Accessory dwelling unit standards. The following standards and criteria shall apply to the creation of an accessory dwelling unit:

(1) Allowable zones. The accessory dwelling unit shall be allowed only on a lot or parcel that is zoned for single family residential, multifamily residential or mixed use with an existing or proposed residential dwelling.

(2) Number of ADUs. ~~There shall not be more than one accessory dwelling unit per lot or parcel, except as provided for in § 155.644(F)(1)(a).~~

(a) There shall not be more than one ADU, and one JADU within the walls of the existing or proposed residence, per lot or parcel that is zoned for single family residential use.

(b) On a lot with existing multifamily dwelling structures, at least one unit and up to 25% of the total multifamily dwelling units are allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

(c) On a lot with an existing or proposed multifamily dwelling, not more than two detached units, subject to the height limitation set forth in subsection (D)(7), and at least a four-foot side and rear yard setback. The maximum square footage shall comply with the limits set forth in § 155.644(D)(5). The city shall not require any modifications to an existing multifamily dwelling that has a rear or side yard setback of less than four feet if the proposed accessory dwelling unit satisfies the provisions of this subsection.

(3) Conformance with zoning and General Plan. An accessory dwelling unit that conforms to the development standards of this section is deemed to be an accessory use and/or structure and will not be considered to exceed the allowable density for the lot upon which it is located and shall be deemed to conform to the zoning and General Plan.

(4) Allowable forms. The accessory dwelling unit may be attached to or detached from the primary residential dwelling or located within an existing or proposed single-family residence, including a garage, or within an accessory structure.

(5) Floor area standards.

(a) The detached or attached accessory dwelling unit with one or less bedroom shall not exceed a total floor area of 850 square feet.

(b) The detached or attached accessory dwelling unit with more than one bedroom shall not exceed a total floor area of ~~1,000~~ 1,200 square feet.

~~(c) If there is an existing primary dwelling, the total floor area of an attached~~

~~accessory dwelling unit shall not exceed 50% of the existing primary dwelling.~~

(d~~c~~) The minimum floor area for an accessory dwelling unit shall be 150 square feet.

(6) Setback standards.

(a) The accessory dwelling unit shall comply with the front setback standard applicable to the specific zone in which it is located, unless doing so would prohibit the construction of at least an 850 square foot accessory dwelling unit. The first priority placement shall be in the rear of a property, developed in compliance with the required setbacks. If proposed at the front of a property, the front setback shall be maximized to the extent allowed within these requirements. Notwithstanding any other provision in this section, an accessory dwelling unit that encroaches into the front yard setback shall be limited to a total of eight hundred square feet ~~otherwise modified by this section.~~

(b) The accessory dwelling unit shall be set back no less than four feet from the side and rear property lines.

(c) Notwithstanding any other provision of this section, no setback shall be required for an existing permitted living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit. A setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

~~(7) The accessory dwelling unit shall not be greater than 16 feet in height~~ The height of an accessory dwelling unit shall be as follows:

(a) A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit shall not be greater than 16 feet in height.

(b) A detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as defined in Public Resources Code Section 21155, shall not be greater than 18 feet in height. Two additional feet in height is allowed to accommodate roof pitch of the accessory dwelling unit to align with the roof pitch of the primary dwelling unit.

(c) A detached accessory dwelling unit on a lot with an existing or proposed multifamily multistory dwelling shall not be greater than 18 feet in height.

(d) For an accessory dwelling unit that is attached to a primary dwelling, an accessory dwelling unit shall not be higher than 25 feet or the height of the primary dwelling, whichever is lower.

(e) An accessory dwelling unit shall not exceed two stories.

(8) Location. The attached or detached accessory dwelling unit shall be located within, or if outside of the existing walls of the existing or proposed primary residence, preferably to the rear, or to the side of the existing or proposed primary residence unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as an ~~previously existing approved~~ accessory structure, including an attached or detached garage.

(9) Regulating code. The accessory dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations. Accessory dwelling units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

(10) Manufacturing ADUs. Manufactured housing, factory-built ADUs, and modular ADUs ~~is are~~ allowed in compliance with the provisions herein and Cal. Health and Safety Code § 18007; however, mobile homes, trailers and recreational vehicles shall not be used as accessory dwelling units.

(11) Parking. In addition to all other required off-street parking, parking requirements for accessory dwelling units shall not exceed one space per unit. Parking may also be located in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that such parking is infeasible based upon specific site or regional topographical or fire and life safety conditions, ~~or that it is not permitted anywhere else in the city.~~ Mechanical parking lifts may also be used for replacement parking.

(12) Replacement parking. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of or conversion to an accessory dwelling unit, no replacement parking shall be required. Additionally, no parking shall be required for an accessory dwelling unit in any of the following instances:

(a) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(b) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(c) The accessory dwelling unit is part of the proposed or existing primary residence or an ~~existing-permitted~~ accessory structure.

(d) When on-street parking permits are required but ~~has~~ not offered to the occupant of the accessory dwelling unit.

(e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other

criteria listed in this subsection.

(13)–Rentals and separate sale of ADUs. The accessory dwelling unit and the primary residential dwelling may be rented concurrently, provided that the term of the rental is at least 31 days or more. ~~, but the accessory dwelling unit shall not be sold or owned separately from the primary dwelling.~~ An accessory dwelling unit may be sold or conveyed separately from the primary residence, only if:

(a) The accessory dwelling unit is sold to a qualified buyer, including persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code, and all of the following apply:

(I) The accessory dwelling unit or the primary dwelling was built or developed by a qualified nonprofit corporation, one that is organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(II) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(III)The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A)The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property.

(C)A requirement that the qualified buyer occupy the accessory dwelling unit or primary dwelling as the buyer's principal residence.

(D)Affordability restrictions on the sale and conveyance of the accessory dwelling unit or primary dwelling that ensure the accessory dwelling unit and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(E) The tenancy in common agreement shall include all of the following:

(i) Delineation of all areas of the property that are for the exclusive use of a cotenant. Each cotenant shall agree not to claim a right of occupancy to an area delineated for the exclusive use of another cotenant, provided that the latter cotenant's obligations to each of the other cotenants have been satisfied.

(ii) Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, improvements, and any other costs, obligations, or liabilities associated with the property. This delineation shall only be binding on the parties to the agreement, and shall not supersede or obviate the liability, whether joint and several or otherwise, of the parties for any cost, obligation, or liability associated with the property where such liability is otherwise established by law or by agreement with a third party.

(iii) Procedures for dispute resolution among the parties before resorting to legal action.

(IV) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(V) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(14) *Rentals and tenure.* The accessory dwelling unit and the primary residential dwelling may be rented concurrently provided that the term of the rental is at least 31 days or more, but the accessory dwelling unit shall not be sold or owned separately from the primary dwelling, unless the owner is another governmental agency, land trust, housing organization, or qualified non-profit.

(15) *Utility connection or capacity charges.* Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(a) For attached units or units located within the ~~living area of proposed or the existing single-family dwelling~~ and meeting the definition of § 155.644(F)(1)(a) below, the city shall not require the applicant to install a new or separate utility connection between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge. Such requirements and charges may be imposed when the accessory dwelling unit is being constructed in connection with a ~~proposed~~ new single-family residential dwelling.

(b) For all other accessory dwelling units other than those described in § 155.644(D)(15)(a) above, the city may require a new or separate utility connection directly between the accessory dwelling unit and the utility. The connection fee or capacity charge shall be proportionate in relation to the square footage of the primary dwelling unit. ~~burden of the proposed accessory dwelling unit upon the water or sewer system based upon either its size or the number of its plumbing fixtures,~~ and may not exceed the reasonable cost of providing the water or sewer service.

(16) *Impact fees.*

(a) No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size, except for impact fees used to fund school, which shall not be imposed on any ADU of or less than 500 square feet in size.

(b) For accessory dwelling units 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

(c) All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Cal. Government Code §§ 66000 et seq. and 66012 et seq.

(d) For purposes of this section, "impact fee" shall have the same meaning as set forth in Cal. Government Code § 65852.2(f).

~~(1716)~~ Prior approvals. The provisions of this section shall not apply to any accessory dwelling units for which the city issued conditional use permits prior to the effective date of this section.

~~(18) Prior to obtaining a building permit for the accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.~~

(E) Design standards.

~~(1) The accessory dwelling unit shall be designed to be architecturally compatible with the primary dwelling. A site plan, elevations and floor plan depicting said architectural compatibility shall be submitted to the Director of Planning and Development for ministerial review and approval prior to the issuance of any building permits. A site plan, elevations and floor plan depicting the location of the ADU in relation to the primary dwelling shall be submitted to the Director of Planning and Development for ministerial review and approval prior to the issuance of any building permits.~~

~~(2) When feasible, windows facing an adjoining residential property shall be designed to protect the privacy of neighbors. If window placement does not protect privacy, then fencing or landscaping might be used to provide screening. Windows and doors of an ADU shall not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight. Windows and glass doors that face an adjoining property and are within fifteen (15) feet of a property line that is not a right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six (6) feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.~~

(3) An accessory dwelling unit shall have a separate exterior entrance from the primary dwelling unit.

~~(4) To the maximum extent feasible, the accessory dwelling unit shall not alter the appearance of the primary single-family dwelling unit.~~

~~(5) When feasible, no more than one exterior entrance on the front or on any street-facing side of the primary dwelling unit and accessory dwelling unit combined.~~

~~(6) No exterior stairway shall be located on the front or on any street-facing side of the accessory dwelling unit.~~

~~(F) Mandatory ADU application approvals.~~

~~(1) Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone:~~

~~(a) A junior or accessory dwelling unit within the existing or proposed space of a single-family dwelling or accessory structure subject to the following requirements:~~

~~1. An expansion of up to 150 square feet shall be allowed in an accessory structure that is converted to an ADU solely for the purposes of accommodating ingress and egress.~~

~~2. The junior or accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.~~

~~3. The side and rear setbacks shall be sufficient for fire and building and safety.~~

~~4. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of § [155.644.1](#) below.~~

~~(b) One detached or attached accessory dwelling unit subject to the following requirements:~~

~~1. The accessory dwelling unit shall be set back no less than four feet from the side and rear property line.~~

~~2. The accessory dwelling unit shall be on a lot or parcel with an existing or proposed single-family dwelling.~~

~~3. The accessory dwelling unit shall not exceed 800 square feet in size.~~

~~4. The accessory dwelling unit shall not exceed 16 feet in height.~~

~~5. A junior accessory dwelling unit may be developed with this type of detached accessory dwelling unit, it shall comply with all requirements of § [155.644.1](#) below.~~

~~(c) On a lot with a multifamily dwelling structure, up to 25% of the total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but no limited to, storage rooms,~~

~~boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.~~

~~(d) On a lot with a multifamily dwelling structure, up to two detached units, provided that neither unit is greater than 16 feet in height, is provided with at least a four foot side and rear yard setback. The maximum square footage shall comply with the limits set forth in § 155.644(D)(5).~~

~~(2) For those accessory dwelling units which require mandatory approval, the city shall not require the correction of legal, nonconforming zoning conditions.~~

(1) A permit application for an ADU or a JADU shall be considered and approved ministerially without discretionary review or a hearing. The City and any associated permitting agencies including, but not limited to, applicable planning departments, building departments, consultants or contractors working as agents of the City, utilities, and special districts, shall approve and issue a building permit or deny the application to create or serve an ADU or a JADU within 60 calendar days after receiving a completed application if there is an existing primary dwelling on the lot and if it meets the minimum ADU and/or JADU standards of this chapter.

(a) If the City and any associated permitting agencies has not approved or denied the completed application within 60 days, the application shall be deemed approved and a building permit issued for its construction.

(b) If the City or any associated permitting agencies denies an application for an ADU or JADU pursuant to paragraph (a), the City and any associated permitting agencies shall, within the 60 day time period, transmit to the applicant a list of items that are defective or deficient and a description of how the application can be remedied.

(c) If the permit application to create an ADU or a JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the City and any associated permitting agencies may delay approving or denying the permit application for the ADU or JADU until the City approves or denies the permit application to create the new dwelling, but the application to create the ADU or JADU shall be considered without discretionary review or hearing.

(d) If the applicant requests a delay, the 60-day time period shall be paused for the period of the delay. If the permit application is returned to the applicant with a list of corrections requested to comply with applicable codes and regulations, any accounting of the 60-day time period shall be paused for the period of time until the applicant re-submits a corrected application.

(e) A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU, and a building permit for the ADU shall be issued at the same time as the demolition permit; the applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an ADU.

(2) The City shall not require the correction of existing legal, nonconforming zoning conditions prior to issuing a permit for an ADU.

(G) *Enforcement.* Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an accessory dwelling unit that substantially provides as follows: Existing Units.

(1) You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Planning Department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice. Existing ADUs that have not been approved by the City are required to obtain approval in order to be considered a lawful use. An application for an unpermitted ADU that was constructed before January 1, 2018 shall not be denied due to violations of building standards, or if the unpermitted ADU does not comply with Chapter 155 of the Santa Fe Springs Municipal Code, unless it is found that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure pursuant to Section 17920.3 of the Health and Safety Code. An application for an unpermitted ADU for which a building permit does not exist shall be approved based the version of the applicable Building Standards Code in effect when the residential unit was determined to be constructed for the purposes of issuing a building permit; the appropriate enforcement official may make a determination of the date of construction, and issue a retroactive building permit for that construction.

(2) This provision shall only apply if the accessory dwelling unit was built before January 1, 2020 and after July 25, 2020. The City shall delay enforcement of building standards that are not a matter of public health and safety for existing ADUs upon request of the ADU owner, as follows:

(a) ADUs built prior to January 1, 2020 are eligible, or ADUs built on or after January 1, 2020 at a time that the City had a noncompliant ADU ordinance.

(b) Until January 1, 2030, the City shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an ADU that substantially provides as follows:

(i) You have been issued an order to correct violations or abate nuisances relating to your ADU. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the City Planning Department. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

Key:

Normal Text = Existing unmodified Code language

Strikethrough Text = Proposed language to be removed from existing Code Underline Text = Proposed language to be added to Code

***** = Existing unmodified Code language not included in exhibit for sake of brevity Code of Ordinances of the City of Santa Fe Springs Chapter 155, Section 155.644.1 JUNIOR ACCESSORY DWELLING UNITS is hereby amended as follows:

§ 155.644.1 JUNIOR ACCESSORY DWELLING UNITS.

(A) *Intent.* In enacting this section, it is the intent of the city to encourage the provision of junior accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Junior accessory dwelling units provide housing for ~~extended family members, students, the elderly in-home health care providers, the disabled, and others~~ at below market prices within existing neighborhoods. Homeowners who create junior accessory dwelling units can benefit from added income, and an increased sense of security. Allowing junior accessory dwelling units in single-family residential zones provides needed additional rental housing. This section provides the requirements for the establishment of junior accessory dwelling units consistent with Cal. Government Code § 65852.22.

(B) *Administrative review.* All junior accessory dwelling unit applications shall be ministerially approved by the Director of Planning and Development, or his/her designee, and a permit issued within 60 days upon presentation receipt of a completed application ~~to provide a junior accessory dwelling unit if the plans conform to complying with the standards and criteria provided in § 155.644.1(C) and (D)~~ this section. If an application for a junior accessory dwelling unit is denied within those 60 days, the applicant will be provided with a list of defective items and description of how the deficiencies can be remedied. If the application is neither approved nor denied within the 60 days after a complete application is submitted, the application is deemed approved. If the junior accessory dwelling unit is being proposed in conjunction with a new single-family dwelling, the Director may delay acting on the permit application until the city acts on the permit application for the new single-family dwelling. If the applicant requests a delay, The the city shall grant a delay if requested by the applicant and the city's 60-day period will be tolled for the period of the requested delay ~~for consideration will be tolled during that requested delay.~~

(C) *Junior accessory dwelling unit standards.* The following standards and criteria shall apply to the creation of a junior accessory dwelling unit:

(1) Number Allowed. A maximum of one junior accessory dwelling unit shall be permitted per residential lot containing an existing or proposed single-family dwelling. Junior accessory dwelling units do not count towards the density requirements of the general plan or zoning ordinance.

(2) Owner occupancy. The property owner shall occupy either the main single-family dwelling or the junior accessory dwelling unit.

(3) Tenure. The junior accessory dwelling unit or the main single-family dwelling may be rented, provided the rental term is at least 31 days or more, but the junior accessory dwelling unit shall not be sold or owned separately from the single-family dwelling

(4) Allowable location. The junior accessory dwelling unit must be created within the existing walls of an existing single-family dwelling, which includes an attached garage.

(5) Size. The junior accessory dwelling unit shall not exceed 500 square feet in size.

(6) Entrance. The junior accessory dwelling unit shall include a separate exterior entrance from the main entrance to the single-family home. An interior entry to the main living area shall be required if the junior accessory dwelling unit shares sanitary facilities with the single-family home. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(7) Kitchen required. The junior accessory dwelling unit shall include a food preparation area, requiring and limited to the following components:

(a) ~~A cooking facility with appliances~~An area used for cooking, with kitchen appliance; and

(b) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling~~which do not exceed six feet in length.~~

(8) Parking. No additional off-street parking is required beyond that required for the main single-family dwelling.

(9) Utility service. A separate water connection or meter, and a separate sewer service connection are not required for a junior accessory dwelling unit. Water and sewer service for the junior accessory dwelling unit is shared with the main single-family dwelling unit.

(10) Applicable codes. The junior accessory dwelling unit shall comply with all applicable building standards and shall be subject to permit and inspection fees to ensure such compliance. Fire sprinklers shall be required if they are required in the existing or proposed single-family residence.

(11) Regulations and connection fees. For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

(12) Deed restriction. Prior to obtaining a building permit for the junior accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder to evidence and give notice of the requirements of this section.

(D) Enforcement. The city shall not require the correction of a ~~legal~~, nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affect by the construction of the junior accessory dwelling unit in the ~~for~~ approval of a junior accessory dwelling unit.



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Honorable Chairperson and Planning Commission Members

FROM: Wayne Morrell, Director of Planning

BY: James Enriquez, P.E., Public Works Director

SUBJECT: **Parkway Tree Removal Appeal Decision - Resident Request for Removal of Parkway Tree at 10318 Harvest Avenue**

DATE: November 13, 2023

RECOMMENDATION:

It is recommended that the Planning Commission:

1. Reaffirm the decision of the Director of Public Works to deny the request by the property owner to have the City remove the parkway tree in front of 10318 Harvest Avenue; and
2. Deny the property owner at 10318 Harvest Avenue a permit to remove the parkway tree at his or her own expense.

FISCAL IMPACT

None.

BACKGROUND

On January 13, 2000, the City Council approved a procedure and policy for residents to request the removal of parkway trees in front of their homes. The City will remove parkway trees that meet one or more of the following criteria under the current policy:

The tree must be dead, dying, diseased, damaged beyond restoration, damaging certain structures, or non-conforming with the current City approved Parkway Tree Planting Master Plan.

Trees that are determined not meeting the aforementioned criteria may be removed at the resident's expense, only if the resident is granted a Parkway Tree Removal Permit.

Parkway Tree Removal Appeal Decision - Resident Request for Removal of Parkway Tree at 10318 Harvest Avenue

PAGE 2 OF 3

Per the adopted Parkway Tree Removal Policy, the Director of Public Works (Director) has been designated with the authority to determine whether or not particular parkway trees meet the City's tree removal criteria. If the Director determines that a tree does not meet the removal criteria, the property owner has fifteen (15) days to file an appeal of the Director's decision to the Planning Commission.

In this case, Ray Ishii residing at 10318 Harvest Avenue is appealing the Director's decision to deny the removal of the parkway tree in front of the home.

ANALYSIS

The existing parkway tree in front of 10318 Harvest Avenue is a Chinese flame tree designated for planting on Harvest Avenue, per the approved Parkway Tree Planting Master Plan. The tree was inspected and found to be healthy as well as in good condition. Therefore, the tree does not meet any of the criteria specified in the Parkway Tree Removal Policy.

In the resident's tree removal appeal, the resident states that the tree caused damage to the sidewalk and that it drops leaves and flowers during the fall and winter months. Unfortunately, these concerns do not meet the approved criteria for tree removal.

ENVIRONMENTAL

None.

DISCUSSION

None.

SUMMARY/NEXT STEPS

In the event that the Planning Commission affirms the Director's decision to not remove the tree, the Planning Commission may choose to issue the resident a Parkway Tree Resident Removal Permit to remove the tree at his or her own expense. The decision by the Planning Commission shall be final.

ATTACHMENT(S):

- A. Attachment A – Parkway Tree Removal Request Form
- B. Attachment B – Denial Letter
- C. Attachment C – Tree Removal Appeal Form
- D. Attachment D – Parkway Tree Removal Policy Adopted January 13, 2000

**Parkway Tree Removal Appeal Decision - Resident Request for Removal of
Parkway Tree at 10318 Harvest Avenue**

PAGE 3 OF 3

ITEM STATUS:

APPROVED: ☐

DENIED: ☐

TABLED: ☐

DIRECTION GIVEN: ☐

RECEIVED
 CITY OF SANTA FE SPRINGS
 PUBLIC WORKS

PARKWAY TREE REMOVAL REQUEST FORM 2023 JUN 30 AM 4:01
SOLICITUDE PAR REMOVER ARBOLES LOCALIZADOS EN LA AVENIDA RESEDENCIAL

1	INSTRUCTIONS: Complete the information. Sign, date, and return to the Department of Public Works. INSTRUCCIONES: Complete la información. Firme, fecha y devuelva al Departamento de Obras Públicas.	
2	NAME / NOMBRE RAY ISHII	DAYTIME PHONE NÚMERO DE CONTACTO DURANTE EL DÍA (562) 650-4056
	ADDRESS DOMICILLO 10318 HARVEST AVE SANTA FE SPRINGS, CA 90670	
3	NUMBER AND TYPE OF TREE(S) NÚMERO Y TIPO DE ÁRBOL(ES) 1 TREE IN PARKWAY	
	REASON FOR THE REQUEST TO REMOVE THE TREE(S)/MOTIVO DE LA SOLICITUD DE ELIMINACIÓN DE/LOS ÁRBOL(ES): 1) Hazard lifting up sidewalk 2) tree root getting to house foundation, possibly sewer line 3) nuisance, drops little yellow flowers which gets everywhere, wheel blows in car, house 4) nuisance, sheds all its leaves which gets everywhere, car, house clogs rain gutters 5) nuisance, when leaves fall so do seeds which grows mini trees (aka weeds) 6) nuisance, attracts box elder bugs causing infestation of bugs everywhere including bugs in the house, somehow they find a way in. All I'm asking for permission to remove the tree, I will pay for it out of my pocket at no cost to the city. I want to landscape (xeriscape) the front but the tree is holding up my plan. I see no advantage for having the tree. For the city, one less tree to trim, one less sidewalk to repair. It's a win-win.	
	RESIDENT SIGNATURE/ FIRMA DEL RESIDENTE 	DATE/FÉCHA 6/29/2023

FOR OFFICE USE ONLY.
 SÓLO PARA USO DE OFICINA.

Age range: Y=young SM=Semi mature EM=Early Mature PM=Post mature
 Height: Tree Height Approximate
 Trunk Diameter: Tree trunk diameter at 1M high
 Vitality: A measure of psychological condition. D=Dead MD=moribund P=Poor M=Moderate

TREE ASSESSMENT DATE: **July 11, 2023**

TREE SPECIES	AGE RANGE	HEIGHT (M)	TRUNK	VITALITY
Koeleuteria Biplinnata "Chinese Flame tree"	15-20	15-30	7-12	Good
Comments: I inspected the tree at 10318 Harvest Ave. on Tuesday July 11, 2023. I found the tree (Chinese Flame tree) to be healthy and in good condition. The sidewalk has been grinded due to minimal lifting so there is no hazard. The tree is deciduous so it drops all its leaves in winter. I cannot justify the removal of this tree and also does not fit the criteria for removal. This tree removal application is denied for those reasons.				

Reviewed by the Director of Public Works.

DATE: **7-12-2023**

Eric Borunda

Revisado por el Director de Obras Públicas.

☐ Approved ☒ Denied



11710 E. TELEGRAPH ROAD ♦ CA ♦ 90670-3679 ♦ (562) 868-0511 ♦ (562) 868-7112 ♦ WWW.SANTAFESPRINGS.ORG

DEPARTMENT OF PUBLIC WORKS

July 18, 2023

Ray Ishii
10318 Harvest Avenue
Santa Fe Springs, CA 90670

Subject: Tree Removal Request - Denial

Dear Mr. Ishii:

We have received your request to remove a parkway tree in front of 10318 Harvest Avenue. The City's Tree Specialist has inspected the tree and surrounding area. After careful consideration, it has been determined that the tree in question does not meet the criteria for removal, and as such your request to remove the parkway tree cannot be approved at this time.

In accordance with the City of Santa Fe Springs' Parkway Tree Removal Policy, you may appeal this decision to the City Planning Commission, whose decision will be final. The Planning Commission has the authority to have the City remove the tree if funds are available, or to issue you a permit for a contractor to remove the tree at your expense.

If you choose to appeal, the enclosed appeal form must be completed and returned no later than fifteen (15) days from the date of this letter. The tree removal appeal form is enclosed for your convenience.

Sincerely,

Yvette Kirin
Interim Director of Public Works

Enclosure: Appeal Form

Juanita Martin, Mayor • Jay Sarno, Mayor Pro Tem
City Council
Annette Rodriguez • William K. Rounds • Joe Angel Zamora
City Manager
Tom Hatch, Interim City Manager



RECEIVED
CITY OF SANTA FE SPRINGS
PUBLIC WORKS

2023 JUL 26 AM 3:02

TREE REMOVAL APPEAL FORM

FORMULARIO DE APELACIÓN DE ELIMINACIÓN DE ÁRBOLES

DATE OF APPEAL: 7/25/2023

1	INSTRUCTIONS: Complete the form and submit no later than 15 days following the decision of the Public Works Director. INSTRUCCIONES: Complete el formulario y envíelo a más tardar 15 días después de la decisión del Director de Obras Públicas.	
2	NAME NOMBRE RAY ISHII	DAYTIME PHONE NÚMERO DE CONTACTO DURANTE EL DÍA (562) 650-4056
	ADDRESS DOMICILIO 10318 HARVEST AVE. SANTA FE SPRINGS, CA 90670	
3	I appeal the decision of the Director of Public Works to deny the removal of the parkway tree at the aforementioned location for the following reason: Apelo la decisión del Director de Obras Públicas de negar la remoción del árbol de la avenida en el lugar antes mencionado por la siguiente razón: As I have stated in my original request, the tree is lifting up the sidewalk creating a tripping hazard. Also the tree is a big nuisance by dropping all its yellow flowers and all its leaves during the fall and winter months causing a big mess to clean up. I am too old and too tired to clean up this mess. It also attracts box elder bugs that infest the area. So please grant me the permission to remove the tree at my own expense. This will not cost the city anything. Thank you, I understand that the decision of the Planning Commission is final. Entiendo que la decisión de la Comisión de Planificación es final. <u>Ray Ishii</u> RESIDENT SIGNATURE/ FIRMA DEL RESIDENTE <u>7/25/2023</u> DATE/FECHA	

FOR OFFICE USE ONLY.
SÓLO PARA USO DE OFICINA.

Reviewed by Director of Public Works

Date: _____

☐ Original Decision Reversed

☐ Referred to Planning Commission

Comment:

Comments:

January 6, 2000

MEMORANDUM TO THE HONORABLE CITY COUNCIL

COUNCIL MEETING: January 13, 2000

approved.

NEW BUSINESS - Revision to the City's Tree Removal Policy

A few months ago, the City Council appointed Councilmember Louie Gonzalez and Mayor Pro Tempore Betty Putnam to an ad-hoc committee to address concerns relating to parkway trees that residents wanted removed for various reasons, but which did not meet the existing criteria for removal. There has been an increase in such incidents in recent years, due to the aging of the City's tree stock. Most of the residential trees in Santa Fe Springs were planted in the 1950s, when the city incorporated, and are only now reaching full maturity, which is creating problems as these trees interact with the infrastructure and hardscape. It is clear that the tree removal criteria need to be updated to reflect this evolving condition.

Having said that, it is important that the Council not lose sight of the objective and purpose of the existing policy. The City has recognized the benefits of maintaining a large and robust tree population. Some of those benefits include, the fact that trees improve our air by reducing carbon dioxide; trees provide shade and can help cool homes by up to 20 degrees in the summer; trees provide privacy and help reduce noise and glare; trees provide a pleasant ambiance to neighborhoods, thus increasing property valuation; and, crime levels in communities are reduced when there are extensive street tree systems and well-landscaped parks. The City's existing policy reflects the desire to realize these benefits to the fullest. Over the years, the City has gone to great lengths to preserve and maintain its tree stock and has been rewarded for its effort through its designation as a "Tree City USA." Any revision to the tree removal policy should balance the preservation of the City's tree stock with the practical concerns of its residents.

At the request of the Committee, staff analyzed the tree removal policies of several surrounding cities; including, Brea, Cerritos, Downey, Irvine, La Mirada, Long Beach, Norwalk, Pasadena and Whittier. Most provided for some variation of "Dead, Dying and Diseased" as its criteria, and all seemed to struggle with the balance between preservation and practicality mentioned above. After careful consideration, two main deficiencies in our policy emerged. Firstly, the removal criteria are too narrowly defined.(i.e.,staff feels hamstrung by the criteria); secondly, the lack of an appeals process does not allow for mutually satisfactory resolution of disputes.

The proposed revisions that follow strive to mitigate the problems that stem from the two

deficiencies described above. They don't, however, remedy all of the concerns raised by residents in the recent past, a matter that shall be addressed in more detail below. This is primarily due to the fact that the revisions are, in essence, a compromise between preservation and practicality. However, it is a compromise that gives staff more leeway and discretion in making administrative decisions by broadening the removal criteria to include dangerous, damaged beyond restoration, damaging certain structures and non-conforming to the existing Master Street Tree Plan, and by allowing staff to make decisions in the field. Likewise, the revisions allow for a more mutually satisfactory appeals process by giving the Planning Commission the ability to adjudicate appeals of administrative decisions to deny removal of trees. This will provide a mechanism whereby residents can voice their concerns outside of the bureaucratic realm, in front of a panel of their peers. While this will not satisfy each and every resident who has a complaint about a tree, it will confer upon those residents the respect and satisfaction of an official hearing in front of an official body of the City, and hopefully convey to those persons the complexity and broader aspects of the City's Tree Removal Policy in a way that is mutually satisfactory.

The following is a list of proposed revisions to the City's Tree Removal Policy:

1. BROADENING OF REMOVAL CRITERIA

Criteria for Removal of Parkway Trees:

Dead, dying, diseased, dangerous, damaged beyond restoration, damaging certain structures or non-conforming to the existing Master Street Tree Plan.

NOTE:

- 1) "Dangerous" shall mean conditions such as but not restricted to:
 - A tree whose limbs are growing into power lines which cannot reasonably be trimmed and are an immediate hazard.
 - A tree that is leaning to the point of being unstable in heavy winds.
 - A tree that has experienced extensive root pruning, making it a hazard.
 - A tree that is blocking any traffic control device and simple trimming cannot remedy the visibility problem.
 - A tree that presents a hazard to the general public or causes a liability to the City.
- 2) "Damaging certain structures" refers to trees that cause damage to structures as follows:
 - Sidewalks, curbs, drives, buildings and other structures, such that the cost to repair the damage exceeds the appraised value of the tree (using the appraisal method established by the International Society of Arboriculture).
 - Damage to sewer and underground utilities is not a grounds for removal but may be considered under "Resident Removal" criteria. Proof of damage to sewer lines shall be evidenced by the submission of three plumber's invoices denoting root blockage for at least twelve months. In cases of damage to sewer lines, the City

may provide a one (1) time root destroyer. Future root destroyer will be the resident's responsibility.

2. INCORPORATION OF THE PLANNING COMMISSION INTO THE APPEALS PROCESS

City Removal of Trees:

The City may remove a City tree and bear all the costs entailed if the Director of Public Works determines that the suspect tree meets the removal criteria.

Appeals:

Appeals of the Director's decision will be heard by the Planning Commission. In adjudicating appeals of the Director of Public Works tree removal decision, the Planning Commission is authorized to either reverse the Director's decision, whereby the City would pay for the removal of the tree if funds are available, or, if it is determined that non-removal places a burden on the property owner substantially greater than the benefit to the public, the Planning Commission is authorized to grant a "Resident Removal Permit", which allows a resident to remove the tree in question at the resident's expense.

Resident Removal:

A "Resident Removal Permit" allows a resident to remove a "parkway tree" at his/her own expense. Removal shall include extraction of the tree's stump. A City inspector shall inspect the tree and surrounding infrastructure before and after the removal of the tree. The resident will be liable for any damage to the infrastructure incurred during removal. The planting of a City approved replacement tree is required unless the resident petitions the City to not replace the removed tree. The Planning Commission may grant such a permit in the manner described above, or the City's Director of Public Works may issue such a permit upon reasonable proof of damage to the resident's property. Twenty such permits will be allowed each year.

3. WHAT THE REVISED POLICY DOES NOT ADDRESS

There are two scenarios that the proposed revisions to the City's Tree Removal Policy will not assuage: (1) The adamant resident who cannot comprehend the broader benefit of tree preservation and whose tree does not meet either City removal or resident removal criteria; and, (2) the resident whose tree meets the resident removal criteria, but is unwilling to bear the cost of removing the tree.

The resident in the first scenario will never be completely satisfied, unless we change the tree

policy such that preservation is no longer a concern at all. This resident's parkway tree may indeed be a nuisance. But, the question is, is that nuisance greater than the benefit that the community as a whole reaps from the city-wide tree stock. If the policy is revised to appease this type of situation, the bar will be lowered such that it obligates the City to remove all of the resident's neighbors' trees who have similar nuisance level problems. If the City wants to maintain and promote the abundance of the Citywide tree stock, then it must indiscriminately enforce the removal criteria. That said, the proposed revisions to the tree policy do allow for a greater level of citizen participation in the process and provides a forum where the disgruntled resident can air her concerns to her peers in a non-bureaucratic setting; the Planning Commission.

The second scenario is similarly unaffected by the proposed revisions. The City's current policy allows for resident removal at resident cost. The problem has been, and will continue to be, that removing the tree is either cost prohibitive for the resident or the resident is adverse to paying for removal as a matter of principle.

The latter is somewhat related to the first scenario where the resident is unappreciative of the broader benefits that trees yield. The cost-prohibitive problem, although not addressed in these revisions, might be ameliorated through a program either analogous to or subsumed by the City's Home Repair Program. The use of housing-set-aside money to remove trees that are doing damage to property is consistent with the current use of those funds.

FISCAL IMPACT STATEMENT

The Director of Public Works and the Director of Finance and Administrative Services do not anticipate that the recommended policy will exceed this year's tree removal budget authorization, due to the timing of implementation. However, a budget adjustment may be necessary for FY 2000/2001 if, as we expect, more trees are removed as a result of the new policy. Any such revision will be brought to the City Council along with other revisions in June.

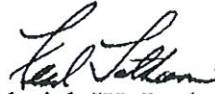
*assign tree removal
project number.*

INFRASTRUCTURE STATEMENT

Staff expects that the implementation of the proposed revisions will have the long term effect of reducing infrastructure damage and repair costs, due to the ongoing and periodic removal of overgrown trees.

RECOMMENDATION

- 1) Adopt the proposed revisions to the tree removal criteria
- 2) Place the responsibility for tree removal appeals and related issues under the purview of the Planning Commission.
- 3) Authorize staff to investigate the feasibility of broadening the scope of the Home Repair Program to include tree removal.



Frederick W. Latham
City Manager



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Honorable Chairperson and Planning Commission Members

FROM: Dino Torres, Director of Police Services

BY: Luis Collazo, Code Enforcement Inspector

SUBJECT: Compliance Review Report for Alcohol Sales Conditional Use Permit Case No. 31 – Fantis Foods California, Inc.

DATE: November 13, 2023

RECOMMENDATION(S):

1. That the Planning Commission, based on staff's findings provided within this report, find that the subject use is in compliance with all of the conditions of approval set forth in the initial approval of Alcohol Sales Conditional Use Permit Case No. 31; and
2. Request that this matter be brought back before November 13, 2028, for another compliance review report. The Planning Commission shall note that this matter may be brought back to the Commission at any time should the applicant violate any conditions of approval or any City Codes, or should there be a need to modify, add, or remove a condition of approval.

BACKGROUND

Since 1911, Fantis Foods has provided its Northern American customers with premium quality Greek and Mediterranean products including dairy, olives, olive oils, and gourmet food. In February 2001, Fantis Foods opened one of its food importing and distribution warehouses at 13505 Marquardt Avenue. Initially Fantis Foods imported and distributed food only, but in March 2004, Fantis' management decided to venture into the sale of imported beer and wine.

In accordance with Section 155.628, Fantis Foods Inc. applied for and was granted Alcohol Sales Conditional Use Permit (ASCUP) Case No. 31 by the Planning Commission and the City Council at their respective meetings of March 8 and March 11, 2004, to allow the operation and maintenance of a warehouse distribution use for alcoholic beverage wholesale activity.

In addition to onsite wholesale purchase transactions, Fantis has ventured into the internet for retail sales of food, wine and beer. Fantis has found that the internet has

become a popular way of selling merchandise, including alcoholic beverages. Fantis maintains a Type 21 License (Off-Sale General) with the California Department of Alcoholic Beverage Control (ABC). This matter is before the Planning Commission because a compliance report is due.

DISCUSSION

As part of the permit review process, Staff conducted a walk-through inspection of the subject site and found the premises in compliance with regulatory ordinances, City codes and the conditions of approval enacted for the approval of this Permit. Staff has not received any complaints stemming from the storage or distribution of alcoholic beverages.

Staff further checked with ABC and found that the establishment is in full compliance with all of their regulations and that there has not been any incident or undesirable activities to require further investigation.

Based on Staff's findings, and the fact that the applicant has complied with all of the initial conditions of approval, Staff believes that changes to the conditions are not warranted at this time. Staff is recommending another compliance review of ASCUP Case No. 31 in five years, before November 13, 2028.

SUMMARY/NEXT STEPS

Receive and file this compliance review report and request Staff to perform and provide another compliance review on or before November 13, 2028.

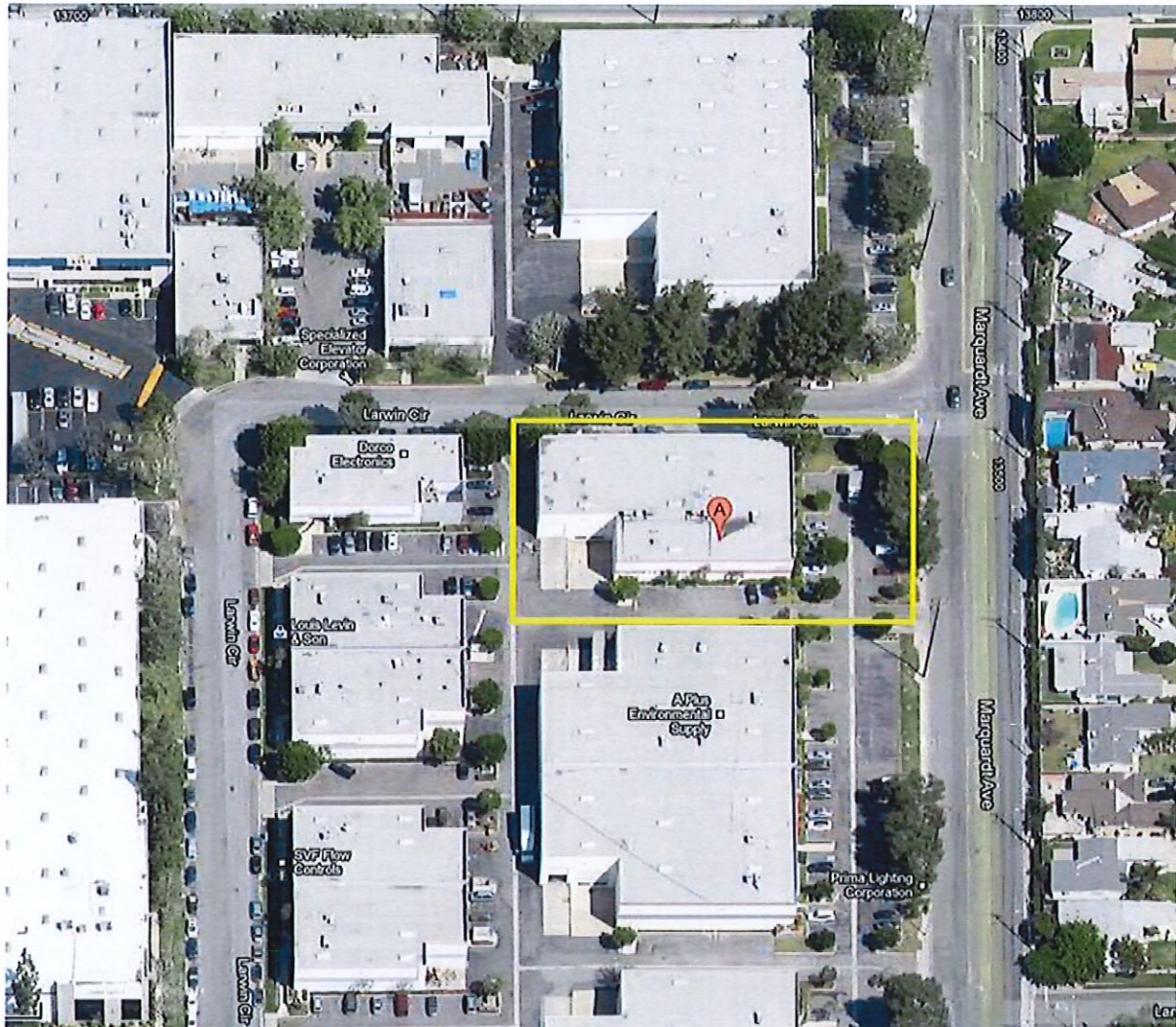
ATTACHMENT(S):

- A. Attachment A – Location Aerial
- B. Attachment B – Conditions of Approval

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

ATTACHMENT A

LOCATION AERIAL



City of Santa Fe Springs
Alcohol Sales Conditional Use Permit Case No. 31

Fantis Foods California
13505 Marquardt Avenue

ATTACHMENT B

CONDITIONS OF APPROVAL

Based on the satisfactory compliance review, staff does not feel that any condition should be added or modified from the initial conditions of approval of this Permit. The only proposed modification occurs to Condition No. 11 pertaining to the next compliance review report (shown in bold font).

1. That the applicant shall be responsible for maintaining control of litter, debris, boxes, pallets and trash on the subject property.
2. That the required off-street parking areas shall not be encroached on, reduced or used for outdoor storage of trucks, equipment or any other related material.
3. That the applicant and/or his employees shall prohibit the consumption of alcoholic beverages on the subject property at all times.
4. That the alcoholic beverages shall not be sold to the general public from the subject site at any time.
5. It shall be unlawful for any person who is intoxicated or under the influence of any drug to enter, be at, or remain upon the licensed premises as set forth in Section 25602(a) of the State Business and Professions Code.
6. It shall be unlawful to have upon the subject premises any alcoholic beverage other than the alcoholic beverages which the licensee is authorized to sell under the licensee's license, as set forth in Section 25607(a) of the State Business and Professions Code.
7. That the applicant shall at all times maintain in working order an alarm system that notifies the Whittier Police Department immediately if a breach occurs.
8. That the owner, corporate officers and managers shall cooperate fully with all City officials, and law enforcement personnel, and shall not obstruct or impede their entrance into the licensed premises while in the course of their official duties
9. That a copy of these conditions shall be posted and maintained with a copy of the City Business License and Fire Department Permits in a place conspicuous to all employees of the location.
10. That in the event the owner(s) intend to sell, lease or sublease the subject business operation or transfer the subject Permit to another party or licensee, the Director of Police Services shall be notified in writing of said intention not less than (60) days prior to signing of the agreement, sale or sublease.

11. That ASCUP Case No. 31 shall be subject to a compliance review in five (5) years, no later than November 13, 2028, to ensure the premises is still operating in strict compliance with the original conditions of approval. At which time the applicant may request an extension of the privileges granted herein, provided that the use has been continuously maintained in strict compliance with these conditions of approval.
12. That the applicant shall maintain digital cameras in good working order which will cover the exterior four sides of the building. The cameras shall be capable of recording the perimeter of the property and be able to record during the night and day.
13. That all other applicable requirements of the City Zoning Ordinance, Uniform Building Code, Uniform Fire Code, the determinations of the City and State Fire Marshall, and all other applicable regulations shall be strictly complied with.
14. 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 shall be subject to the revocation process whereas, the permit shall become void and the privileges granted hereunder shall lapse.



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Honorable Chairperson and Planning Commission Members

FROM: Dino Torres, Director of Police Services

BY: Luis Collazo, Code Enforcement Inspector

SUBJECT: Compliance Review Report for Alcohol Sales Conditional Use Permit Case No. 57 – Chipotle Grill

DATE: November 13, 2023

RECOMMENDATION(S):

1. That the Planning Commission, based on staff's findings provided within this report, find that the subject use is in compliance with all of the conditions of approval set forth in the initial approval of Alcohol Sales Conditional Use Permit Case No. 57; and
2. Request that this matter be brought back before November 13, 2028, for another compliance review report. The Planning Commission shall note that this matter may be brought back to the Commission at any time should the applicant violate any conditions of approval or any City Codes, or should there be a need to modify, add, or remove a condition of approval.

BACKGROUND

Chipotle Grill is has been part of the food court within the Santa Fe Springs Shopping Plaza (Plaza) since June 2012. The Plaza is located on the northeast corner of Telegraph Road and Carmenita Road. Chipotle Grill occupies approximately 1,200 sq ft of space on the westerly side of the Plaza.

Chipotle Grill is well known for its large burritos, assembly-line production, and use of natural ingredients. Chipotle Grill also provides a choice of fountain drink refreshments to its general customers and bottled beer to its adult customers for on-site consumption. Chipotle Grill maintains a Type 41 License (On-Site Beer and Wine) with the California Department of Alcoholic Beverage Control (ABC).

In accordance with Section 155.628, Chipotle Grill applied for and was granted Alcohol Sales Conditional Use Permit (ASCUP) Case No. 57 by the Planning Commission and the City Council at their respective meetings of March 11 and March 14, 2013, to allow

PLANNING COMMISSION AGENDA REPORT – MEETING OF NOVEMBER 13, 2023
Alcohol Sales Conditional Use Permit Case No. 57- Compliance Report
Page 2 of 6

the operation and maintenance of an alcohol sales use for on-site consumption. This matter is before the Planning Commission because a compliance report is due.

DISCUSSION

As part of the permit review process, Staff conducted a walk-through inspection of the subject site and found the premises in compliance with regulatory ordinances, City codes and the conditions of approval enacted for the approval of this Permit. Staff has not received any complaints stemming from the restaurant use or from the on-site sale of alcoholic beverages. Staff checked with (ABC) and found that the establishment is in full compliance with all of the ABC regulations and that there has not been any incident or undesirable activities to require further investigation.

Based on Staff's findings, and the fact that the applicant has complied with all of the initial conditions of approval, Staff believes that changes to the conditions are not warranted at this time. Staff is recommending another compliance review of ASCUP Case No. 57 in five years, before November 13, 2028.

SUMMARY/NEXT STEPS

Receive and file this compliance review report and request Staff to perform and provide another compliance review on or before November 13, 2028.

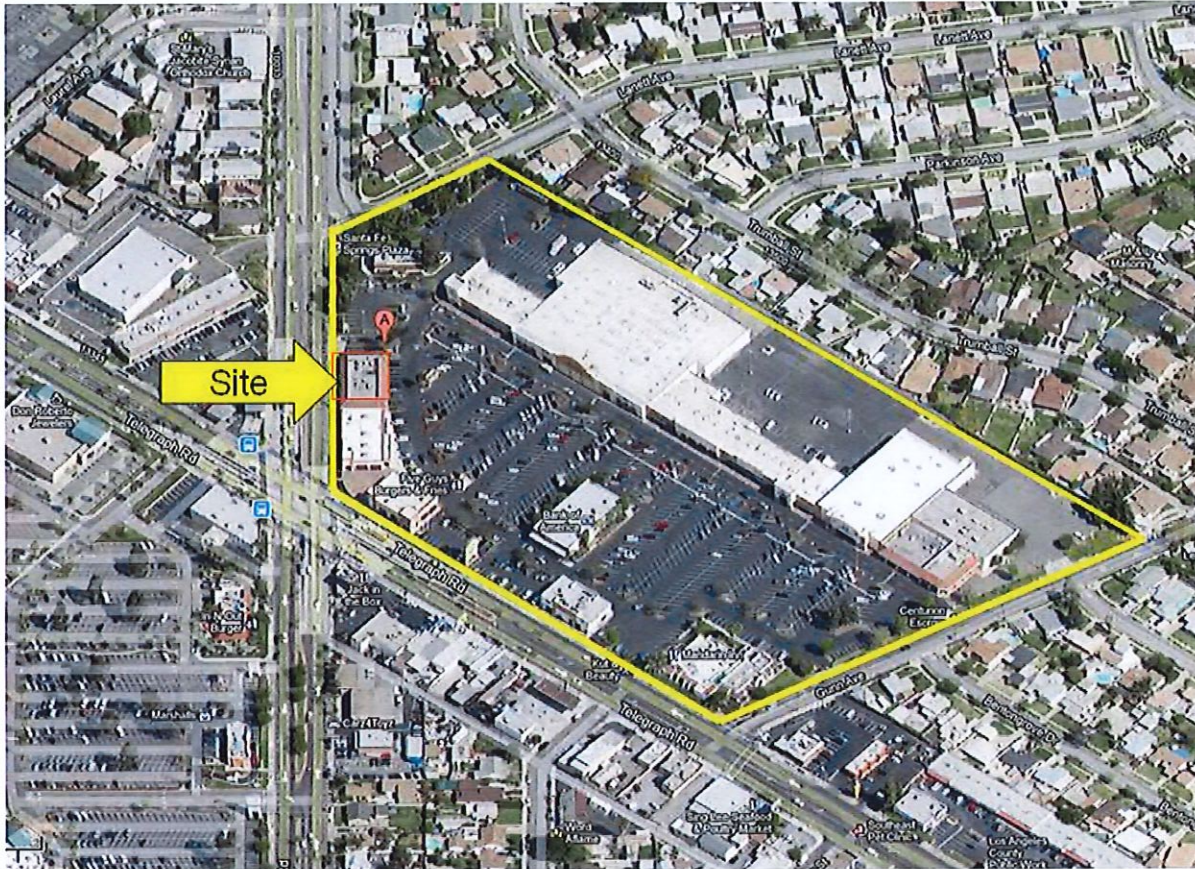
ATTACHMENT(S):

- A. Attachment A – Location Aerial
- B. Attachment B – Conditions of Approval

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

ATTACHMENT A

LOCATION AERIAL



Alcohol Sales Conditional Use Permit Case No. 57

Chipotle Grill
10120 Carmenita Road

ATTACHMENT B

CONDITIONS OF APPROVAL

Based on the satisfactory compliance review, staff does not feel that any condition should be added or modified from the initial conditions of approval of this Permit. The only proposed modification occurs to Condition No. 22 pertaining to the next compliance review report (shown in bold font).

1. That the Applicant understands and accepts that this Permit is solely for the sale of alcoholic beverages in relationship with a bona-fide restaurant use and that this Permit shall become void and terminated if the restaurant use is terminated, closed, or modified to another type of land use.
2. That it shall be the responsibility of the Applicant and/or his employees to monitor that outdoor consumption of alcoholic beverages is not conducted. Signs shall be placed in a conspicuous area to notify customers that consumption of alcoholic beverages within the outdoor seating area is prohibited.
3. That the sale of alcoholic beverages shall only be permitted during the normal business hours of the week, or as required by the California Department of Alcoholic Beverage Control.
4. That the Type 47 Alcoholic Beverage License, allowing the on-site sale of alcoholic beverages in connection with a public eating place, shall be restricted to the sale for consumption of alcohol beverages on the subject site only; the use shall not sell alcoholic beverages for transport and/or for consumption off the subject premise.
5. That it shall be the responsibility of the ownership to ensure that all alcoholic beverages purchased on the subject site shall be consumed within the business establishment; all stored alcoholic beverages shall be kept in a locked and secured area that is not accessible to patrons.
6. That the applicant shall be responsible for maintaining control of their litter/trash on the subject property and any that may migrate onto adjacent properties as a result of the business. This may be controlled by installing trash receptacles within strategic areas.
7. That the applicant and/or his employees shall not allow any person who is intoxicated, or under the influence of any drug, to enter, be at, or remain upon the licensed premises.
8. That the applicant and/or his employees shall not sell, furnish, or give any alcohol to any habitual drunkard or to any obviously intoxicated person.

PLANNING COMMISSION AGENDA REPORT – MEETING OF NOVEMBER 13, 2023
Alcohol Sales Conditional Use Permit Case No. 57- Compliance Report
Page 5 of 6

9. That the applicant shall not have upon the subject premises any alcoholic beverage(s) other than the alcoholic beverage(s) which the licensee is authorized to sell under the licensee's license.
10. That the applicant and/or any of his employees shall not sell, furnish, or give any alcoholic beverage to any person under 21 years of age, as set forth in Section 25658 (a) of the State Business and Professions Code.
11. That the applicant and/or his employees shall not permit any person less than 18 years of age to sell alcoholic beverages.
12. That streamers, pennants, whirling devices or other similar objects that wave, float, fly, rotate or move in the breeze shall be prohibited. Banners may be displayed with prior approval and permits with approval by the Department of Planning.
13. That the façade windows shall be free of advertisements, marketing devices, beer logos, menus, signs, and/or any other displays. Upon approval by the Department of Planning.
14. That a copy of these conditions shall be posted and maintained with a copy of the City Business License, in a place conspicuous to all employees of the location.
15. That the applicant shall maintain digital video cameras and shall allow City law enforcement staff and any of their representatives to view the security surveillance video footage immediately upon their request.
16. That the applicant and/or his employees shall not allow any person to loiter on the subject premises, shall report all such instances to the Whittier Police Department and, shall post signs, as approved by the Department of Police Services, prohibiting loitering.
17. That security personnel, as well as the owner, corporate officers and managers, shall cooperate fully with all city officials, and law enforcement personnel, and, shall not obstruct or impede their entrance into the licensed premises while in the course of their official duties.
18. That in the event the applicant intends to sell, lease or sublease the subject business operation or transfer the subject Permit to another owner/applicant or licensee, the Director of Police Services shall be notified in writing of said intention within a reasonable time of the intent of signing an agreement to sell lease or sublease.
19. That, when requested by the Department of Police Services, an updated security plan shall be prepared and submitted to shall address methods to minimize risks to the public health, welfare, and safety. The Security Plan shall be submitted to

the Department of Police Services within 60 days from the approval of this permit with the following information:

- (A) A description of the storage and accessibility of alcoholic beverages on display, as well as surplus alcoholic beverages in storage;
 - (B) A description of crime prevention barriers in place at the subject premises, including, but not limited to: placement of signage, landscaping, ingress and egress controls, security systems, and site plan layouts;
 - (C) A description of how the applicant plans to educate employees on their responsibilities; actions required of them with respect to enforcement of laws dealing with the sale of alcohol to minors; and, the conditions of approval set forth herein;
 - (D) A business policy requiring employees to notify the Police Services Center of any potential violations of law or this Conditional Use Permit, occurring on the subject premises, and the procedures for such notifications.
 - (E) The City's Director of Police Services may, at his discretion, require amendments to the Security Plan to assure the protection of the public's health, welfare, and safety.
20. That all other applicable requirements of the City Zoning Ordinance, Uniform Building Code, Uniform Fire Code, the determinations of the City and State Fire Marshall, the security plan and all other applicable regulations shall be strictly complied with.
21. 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, this Permit shall be subject to the revocation process at which time, the Permit may become terminated and the privileges granted hereunder shall lapse.
22. **That this Permit shall be subject to a compliance review in five years, no later than November 13, 2028, to determine if the alcoholic beverage activity is still operating in strict compliance with the original conditions of approval. At which time the applicant may request an extension of the privileges granted herein, provided that the use has been continuously maintained in strict compliance with these conditions of approval.**



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Wayne M. Morrell, Director of Planning

BY: Rudy Lopez, Planning Intern

SUBJECT: **CONDITIONAL USE PERMIT (“CUP”) CASE NO. 542-5 - A COMPLIANCE REVIEW OF A CHURCH USE AT 12227 FLORENCE AVENUE, WITHIN THE M-2-PD, HEAVY MANUFACTURING – PLANNED DEVELOPMENT, ZONE. (CALVARY CHAPEL SANTA FE SPRINGS)**

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject church use, 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 City’s Zoning Ordinance and consistent with the goals, policies, and programs of the City’s General Plan; and
- 2) Require that CUP Case No. 542-5 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

FISCAL IMPACT:

N/A

BACKGROUND/DISCUSSION:

On August 16, 2023, Calvary Chapel Santa Fe Springs (“Applicant”) filed a Compliance Review request for CUP Case No. 797 to continue the operation and maintenance of a church use at 12227 Florence Avenue (APN: 8009-020-023) (“Project Site”)

Project/Applicant Information

Project Location:	12227 Florence Avenue
Project Applicant:	Calvary Chapel Santa Fe Springs
Property Owner:	Pastor Ray Loo
General Plan Designation:	Industrial
Zoning Designation:	M-2-PD, Heavy Manufacturing – Planned Development
Existing Use on Property:	Church

In accordance with Section 155.329(A) of the City’s Zoning Ordinance, any use in a Planned Development Zone shall be allowed only after a valid conditional use permit has first been obtained.

Code Section:	Conditional Uses:
155.239	Requirements (A) A Conditional Use Permit shall be required for the establishment of any use, structure, or improvement or the change of any use in a Planned Development Zone.

The subject site, located at 12227 Florence Ave, is comprised of one parcel (APN: 8009-020-023) measuring approximately 9.1-acres. The site is zoned M-2-PD (Heavy Manufacturing – Planned Development Overlay) and is currently occupied by various office and industrial uses. The site is currently developed with four industrial buildings that total approximately 184,900 sq. ft. The applicant, Calvary Chapel Santa Fe Springs, is located on the northeast corner of Norwalk Boulevard and Florence Avenue, occupying the southwest building.

On April 14 and April 24, 1997, the Planning Commission and Community Development Commission initially granted a CUP to Applicant to establish, operate, and maintain a church use on the Project Site. The original approval was for a period of three (3) years. Since then, the subject CUP has undergone four (4) separate compliance reviews, including an amendment on July 11, 2016, to allow the expansion into the neighboring unit and, thus, occupy the entire ±19,000 sq. ft. building. The last compliance review extended CUP 542 for a period of five (5) years.

ANALYSIS:

As a standard practice for all CUP compliance reviews, an inspection of the subject property was performed by City staff to ensure continued compliance with the conditions of approval before bringing the matter back to the Planning Commission. Staff conducted a walk-through inspection on September 12, 2023, and found the church use was operating in full compliance with the existing conditions of approval.

ENVIRONMENTAL:

N/A

DISCUSSION

N/A

SUMMARY/NEXT STEPS:

Staff finds that if the subject use continues to operate in strict compliance with the required conditions of approval, it will continue to be harmonious with adjoining properties and surrounding uses in the area and, therefore, will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. Staff is therefore recommending that CUP 542 be subject to a compliance review in five (5) years, on or before, November 13, 2028, to ensure the church use is still operating in strict compliance with the conditions of approval (see Attachment E).

ATTACHMENT(S):

1. Attachment A – Aerial Photograph
2. Attachment B – Photograph of Subject Property
3. Attachment C – Time Extension Request Letter
4. Attachment D – Receipt
5. Attachment E – Conditions of Approval

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

ATTACHMENT A – AERIAL PHOTOGRAPH



ATTACHMENT B – PHOTOGRAPH OF SUBJECT PROPERTY



ATTACHMENT C – TIME EXTENSION REQUEST LETTER



Calvary Chapel Santa Fe Springs

WORD • PRAYER • WORSHIP • MISSIONS

To City of Santa Fe Springs Planning Dept

RE: Renewal of conditional use permit 542

Date 8/16/23

I would like to request a renewal of CUP 542 for Calvary Chapel Santa Fe Springs. We have been serving in the community for over 25 years. We have consistently held our services for adults and the children the entire time. We currently hold services on Sundays at 9am, 11 am and 6pm. We also hold a mid week service at 7pm. These services involve gathering people together for worship and study of the Bible. These are the main things we do which remain unchanged. We have smaller meetings that take place through the week for youth and other specialized groups. These groups normally involve less then 50 people.

We occasionally host weddings and funerals but we limit those events to weekends to avoid filling the parking lot and creating a disturbance for the businesses who occupy the business park.

We have added no other uses to our current activities.

If there is any other needed information please feel free to contact me.

Thank you for your consideration,

Pastor Ray Loo



ATTACHMENT D – RECEIPT

City of Santa Fe Springs	DISTRIBUTION					
	FUND	G/L	ACTIVITY	OBJECT	PROJECT	AMOUNT
	1010	3199	423015	C.R.	PLO201	\$ 563.00

Calvary Chapel Santa Fe Springs
(NAME)
12227 Florence Ave
(ADDRESS)
Compliance Review - CUP 542
(CITY AND STATE)
(DESCRIPTION)

RECEIPT

City of Santa Fe Springs
FINANCE DEPARTMENT
11710 E Telegraph Rd
Santa Fe Springs, CA 90670
(562) 868-0511

106526-0006 08/24/2023 12:23PM

1 MISCELLANEOUS
Description: CONDITIONAL
USE PERMIT (PLO201)
Reference 1: 12227
Reference 2: FLORENCE
CONDITIONAL USE PERMIT
(PLO201)
2024 Item: PLO201
CONDITIONAL USE PERMIT
(PLO201) 563.00

563.00

Subtotal 563.00
Total 563.00

CHECK 563.00
Check Number 011834

Change due 0.00

Paid by: CALVARY CHAPEL 12227 FLORENCE
IVE

Comments: HA
EV - CUP 542

Thank you for your payment

CUSTOMER COPY

ATTACHMENT E – CONDITIONS OF APPROVAL

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

FIRE DEPARTMENT – FIRE PREVENTION DIVISION:

(Contact: Kevin Yang 562.868.0511 x3811)

1. That the proposed changes increase the building area above 12,000 square feet and provide an occupancy load greater than 300 people. Per section 902.2.1.3 of the 2013 edition of the California Fire Code, the applicant shall provide fire sprinkler protection throughout the occupancy. **(Satisfied)**
2. That all plan submittals shall be provided prior to the installations for fire alarm monitoring, sprinkler protection, tenant improvement, and emergency exit lighting for A-3 occupancy. **(Satisfied)**

POLICE SERVICES DEPARTMENT:

(Contact: Luis Collazo 562.868-0511 x3335)

3. That the applicant shall submit and obtain approval of a proposed lighting (photometric) and security plan for the property from the City's Department of Police Services. The photometric plan shall be designed to provide adequate lighting (minimum of 1-foot candle power) throughout the subject property. Further, all exterior lighting shall be designed/installed in such a manner that light and glare are not transmitted onto adjoining properties in such concentration/quantity as to create a hardship to adjoining property owners or a public nuisance. The photometric and security plans shall be submitted to the Director of Police Services no later than sixty (60) days from the date of approval by the Planning Commission. **(Satisfied)**
4. That, prior to the construction phase, the applicant shall provide an emergency phone number and a contact person (i.e. superintendent, project manager) to the Department of Police Services. Emergency information shall allow the emergency services to reach the applicant or their representative at any time, 24 hours a day. **(Satisfied)**
5. That during the construction phase of the proposed project, the contractor shall provide an identification number (i.e. address number) at each building and/or entry gate to direct emergency vehicles in case of an emergency. The identification numbers may be painted on boards and fastened to the temporary construction fence. The boards may be removed after each building has been identified with its individual permanent number address. **(Satisfied)**
6. That in order to facilitate the removal of unauthorized vehicles parked on the property, the applicant shall post, in plain view and at each entry to the property, a sign not less than 17" wide by 22" long. The sign shall prohibit the public parking of unauthorized vehicles and indicate that unauthorized vehicles will be removed at the owner's

expense and also contains the California Vehicle Code that permits this action. The sign shall also contain the telephone number of the local law enforcement agency (Police Services Center (562) 409-1850). The lettering within the sign shall not be less than one inch in height. The applicant shall contact the Police Services Center for an inspection no later than 30 days after the project has been completed and prior to the occupancy permit being issued. **(Satisfied)**

7. That the proposed buildings, including any lighting, fences, walls, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, 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 as possible, the color of the existing and/or adjacent surfaces. **(Ongoing)**
8. That the applicant and/or members of the assembly shall not conduct any outdoor activities. This includes the use of canopies, tables, or other items which will reduce, and/or encroach into the required off-street parking at any time. The applicant and/or entity may apply for a Special Event Permit to conduct temporary outdoor activities. The Permit request shall be submitted to the Department of Police Services thirty (30) days prior to the event. At that time, the proposed event will be evaluated and provided with separate conditions of approval. **(Ongoing)**
9. That the applicant and/or members of the assembly shall notify the Department of Police Services of any special or open public event(s) (concerts, special guest speakers, etc.) that could increase the parking demands on the premises, or require security. Notification of the event shall be provided to the Police Services thirty (30) days prior to the event and prior to any advertisement of the proposed event. **(Ongoing)**

WASTE MANAGEMENT:

(Contact: Maribel Garcia 562.868.0511 x7569)

10. 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. **(Ongoing)**
11. 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) 868-0511 x7309. **(Satisfied)**

PLANNING AND DEVELOPMENT DEPARTMENT:

(Contact: Rudy Lopez 562.868.0511 x7519)

12. That this approval shall allow the applicant, Calvary Chapel Santa Fe Springs, to allow an existing church facility to expand into the neighboring unit and occupy the entire ±19,000 sq. ft. building located at 12227 Florence Avenue. **(Ongoing)**

13. Approval of Amendment of Conditional Use Permit No. 542 is contingent upon approval of Modification Permit Case No. 1272. **(Satisfied)**
14. That Modification Permit Case No. 1272 allows for a forty (40) parking stall reduction to the minimum parking development requirements associated with the subject property. Said parking reduction is specific to the subject church use. **(Ongoing)**
15. That the remaining 384 parking stalls and driveway areas shall not be further reduced or encroached upon for any type of outdoor storage or similar uses at any time. **(Ongoing)**
16. That the applicant understands and agrees that any future changes to the floor plan whereby the seating area or the square footage of the activity area is increased, the subject **Conditional Use Permit &** Modification Permit would need to be approved and otherwise amended by the Planning Commission. **(Revised – Ongoing)**
17. That, in the event the need arises for the additional required off-street parking spaces as determined by the Director of Planning, the applicant shall work with the planning staff to provide the 32 reserved stalls in order to immediately mitigate the parking issues. **(Ongoing)**
18. That the applicant shall be responsible for ensuring that parking occurs only in designated on-site parking stalls. If parking issues or complaints arise due to the proposed expansion and it is found that the parking issues are disruptive to surrounding properties, the applicant shall work with planning staff to come up with a solution to immediately mitigate the parking issues. Mitigation measures include, but are not limited to, modifying the hours of operation, reducing the maximum occupancy, reducing the floor area of the public portion of the building, exploring alternative parking options, or a combination thereof. Any disagreement between the applicant and staff on mitigation measures shall be presented to the Planning Commission for direction. **(Ongoing)**
19. That the hours of operation for the church activities shall be limited to the following:
 - Church Services:
 - Sunday: 8:30 am – 1:30 pm; 6:00 pm – 8:00 pm
 - Bible Study:
 - Monday, Tuesday, Wednesday & Friday: 7:00 pm – 9:00 pm
 - Prayer Meeting:
 - Thursday: 7:00 pm – 8:00 pm & Saturday: 7:00 am – 8:00 am

Any change(s) to said hours must be approved by the Director of Planning prior to the commencement of such change. **(Ongoing)**

20. That all church activities shall be conducted within the subject building at all times. Further, Calvary Chapel Santa Fe Springs shall actively and continually remind their congregation that loitering within the parking areas after congregational hours is not permitted and may result in the restriction or revocation of privileges granted under this Permit. **(Ongoing)**

21. That all noise, music, and other related audible sounds shall be controlled and maintained within the church facility. **(Ongoing)**

22. That food shall not be prepared or served at the site at any time without City and/or health department approval. **(Ongoing)**

23. That the parking areas shall not be used for special-event activities, e.g., car washing or other fundraising events, unless prior written approval is obtained from the Director of Planning, Director of Police Services, and the Fire Marshall. **(Duplicate of Condition #27)**

24. That church services shall only be conducted in the sanctuary as shown on the floor plan submitted by the applicant and on file with this case, i.e., the sanctuary area shall not exceed 3,828 sq. ft. as shown. Additionally, the sanctuary area and Fellowship Hall shall not be used for assembly purposes simultaneously. **(Ongoing)**

25. That the applicant shall comply with the City's "Heritage Artwork in Public Places Program" in conformance with City Ordinance No. 909. **(Satisfied)**

26. That prior to submitting plans to the Building Division for plan check, the applicant shall submit Mechanical plans that include a roof plan that shows the location of all roof-mounted equipment. All roof-mounted mechanical equipment and/or ductwork that projects above the roof or roof parapet of the proposed development and is visible from the adjacent property or a public street shall be screened by an enclosure that is consistent with the architecture of the building and approved by the Director of Planning or designee. **(Satisfied)**

- a. To illustrate the visibility of equipment and/or ductwork, the following shall be submitted along with the Mechanical Plans:
 - i. A roof plan showing the location of all roof-mounted equipment;
 - ii. Elevations of all existing and proposed mechanical equipment; and
 - iii. A building cross-section drawing that shows the roof-mounted equipment and its relation to the roof and parapet lines.

27. That all activities shall occur inside the building(s). No portion of the required off-street parking and driveway areas shall be used for outdoor storage of any type or for special-event activities (**car wash & fundraising**), unless prior written approval is obtained from the Director of Planning, Director of Police Services, and the Fire Marshall. (**Revised – Ongoing**)
28. That all vehicles associated with the businesses on the subject property shall be parked on the subject site at all times. Off-site parking is not permitted and would result in the restriction or revocation of privileges granted under this Permit. In addition, any vehicles associated with the property shall not obstruct or impede any traffic. (**Ongoing**)
29. That the applicant shall be responsible for maintaining control of litter on the subject property and the adjacent properties as a result of the business. (**Ongoing**)
30. That the Department of Planning and Development shall first review and approve all new sign proposals for the subject church. 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 11" x 17" maximum-size paper. All signs shall be installed in accordance with the sign standards of the Zoning Ordinance and the Sign Guidelines of the City. (**Ongoing**)
31. That the applicant shall be responsible for reviewing and/or providing copies of the required conditions of approval to his/her architect, engineer, contractor, tenants, etc. Additionally, the conditions of approval contained herein, shall be made part of the construction drawings for the proposed development. *Construction drawings shall not be accepted for Plan Check without the conditions of approval incorporated into the construction drawings.* (**Satisfied**)
32. That the applicant shall require and verify that all contractors and sub-contractors have successfully obtained a Business License with the City of Santa Fe Springs prior to beginning any work associated with the subject project. A late fee and penalty will be charged to any contractor or sub-contractor that fails to obtain a Business License and a Building Permit final or Certificate of Occupancy will not be issued until all fees and penalties are paid in full. Please contact Cecilia Martinez, Business License Clerk, at (562) 868-0511, extension 7527 for additional information. A business license application can also be downloaded at www.santafesprings.org. (**Satisfied**)
33. That church services shall only be conducted in the sanctuary as shown on the plot plan submitted by the applicant and on file with this case. (**Duplicate of Condition #24**)

34. That all other requirements of the City's Zoning Ordinance, 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)**
35. That Conditional Use Permit Case No. ~~542-4~~ **542-5** shall be subject to a compliance review in five (5) years, on or before ~~November 13, 2022~~ **November 13, 2028**. Approximately three (3) months before ~~November 13, 2022~~ **November 13, 2028**, the applicant shall request, in writing, an extension of the privileges granted herein, provided that the use has been continuously maintained in strict compliance with these conditions of approval. **(Revised – Ongoing)**
36. That the applicant, Calvary Chapel Santa Fe Springs, 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 Conditional Use Permit, 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 applicant of such claim, action, or proceeding, and shall cooperate fully in the defense thereof. **(Ongoing)**
37. That if there is evidence that these conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director of Planning may refer the Conditional Use Permit back to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the Conditional Use Permit. **(Ongoing)**
38. 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, statute or ordinance is violated, this Approval shall be void and the privileges granted hereunder shall lapse. **(Ongoing)**



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Wayne M. Morrell, Director of Planning

BY: Alejandro De Loera, Contract Planner

SUBJECT: **CONDITIONAL USE PERMIT (“CUP”) CASE NO. 730-3 - A COMPLIANCE REVIEW TO ALLOW THE CONTINUED OPERATION AND MAINTENANCE OF A RESIDENTIAL-TREATMENT FACILITY LOCATED AT 11121 BLOOMFIELD AVENUE, WITHIN THE M-2-BP, HEAVY MANUFACTURING – BUFFER PARKING, ZONE. (LA CADA)**

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject residential-treatment 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 City’s Zoning Ordinance and consistent with the goals, policies, and programs of the City’s General Plan; and
- 2) Require that CUP Case No. 730-3 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

FISCAL IMPACT:

N/A

BACKGROUND/DISCUSSION:

On March 15, 2023, the Los Angeles Center for Alcohol and Drug Abuse (LA CADA) (“Applicant”) filed a Compliance Review request for CUP Case No. 730 to continue the operation and maintenance of a residential-treatment facility at 11121 Bloomfield Avenue (APNs: 8025-002-900) (“Project Site”).

Project/Applicant Information

Project Location:	11121 Bloomfield Avenue
Project Applicant:	LA CADA
Property Owner:	State of California
General Plan Designation:	Industrial
Zoning Designation:	M-2-BP, Heavy Manufacturing – Buffer Parking
Existing Use on Property:	Residential-treatment Facility

In accordance with Section 155.243(L) of the City’s Zoning Ordinance, indoor recreational facilities shall be permitted only after a valid CUP has first been obtained.

Code Section:	Conditional Uses:
§155.243	The following uses shall be permitted in the M-2 Zone only after a valid conditional use permit has first been issued: (L) Public, private, or quasi-public uses of an educational or recreational nature.

On April 19, 2012, the Planning Commission initially granted a CUP to the Applicant to establish, operate, and maintain a residential-treatment facility on the subject property. Since the original approval in 2012, the Conditional Use Permit has been granted two (2) extensions by the Planning Commission. Therefore, this is the third compliance review.

LA CADA has been leasing this site from the State of California Department of Corrections and Rehabilitation and providing residential drug treatment and rehabilitative services to women. The facility offers residential treatment beds for women and children along with comprehensive recovery services. There are no proposed changes to the existing operations of the facility or to any of the services provided.

ANALYSIS:

As a standard practice for all CUP compliance reviews, an inspection of the subject property was performed by city staff to ensure continued compliance with the conditions of approval before bringing the matter back to the Planning Commission. Staff conducted a walk-through inspection on July 27, 2023, and found the residential-treatment facility was operating in full compliance with the existing conditions of approval.

ENVIRONMENTAL:

N/A

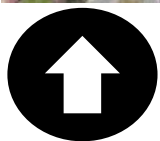
SUMMARY:

Staff finds that if the subject use continues to operate in strict compliance with the required conditions of approval, it will continue to be harmonious with adjoining properties and surrounding uses in the area and, therefore, will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. Staff is therefore recommending that CUP 730 be subject to a compliance review in five (5) years, on or before, November 13, 2028, to ensure the subject residential-treatment facility use is still operating in strict compliance with the conditions of approval (see Attachment D).

ATTACHMENT(S):

1. Attachment A – Aerial Photograph
2. Attachment B – Photograph of Subject Property
3. Attachment C – Time Extension Request Letter
4. Attachment D – Conditions of Approval

ATTACHMENT A – AERIAL PHOTOGRAPH



NORTH

CONDITIONAL USE PERMIT CASE NO. 730

**11121 Bloomfield Avenue
(Applicant: LA CADA)**

ATTACHMENT B – PHOTOGRAPH OF SUBJECT PROPERTY



ATTACHMENT C – TIME EXTENSION REQUEST LETTER



**HEADQUARTERS and
ADMINISTRATIVE
OFFICES**

12070 Telegraph Road
Suite 207
Santa Fe Springs, CA 90670
Admin: 562.777.7500
HR: 562.777.7503
Finance: 562.777.7512
Fax: 562.777.7510
www.lacada.com

March 15, 2023

Claudia Jimenez, Assistant Planner
City of Santa Fe Springs
Department of Planning and Development
11710 Telegraph Rd.
Santa Fe Springs, CA 90670

RE: Conditional Use Permit Case No. 730 Review for Compliance Request Los Angeles Centers for Alcohol and Drug Abuse

Dear Ms. Jimenez,

On behalf of Los Angeles Centers for Alcohol and Drug Abuse (L.A. CADA) I would like to request a review of the compliance of our permit 730 for the facility located at 11121 Bloomfield Ave., Santa Fe Springs.

Since leasing the facility from the State of California Department of Corrections and Rehabilitation in 2012, we have been operating a substance abuse treatment facility. Our facility provides residential treatment beds for women, and we are proud to continue offering comprehensive recovery services to our community.

We can confirm that there have been no significant changes or alterations to our use of the facility since the last review of our permit.

Thank you for your attention to this matter. If you have any questions or require further information, please do not hesitate to contact me at (562) 777-7500.

Best Regards,

A handwritten signature in black ink that reads "Juan Navarro". The signature is written in a cursive, flowing style.

Juan Navarro
Chief Executive Officer

ATTACHMENT D – CONDITIONS OF APPROVAL

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

FIRE DEPARTMENT – FIRE PREVENTION DIVISION:

(Contact: Kevin Yang 562.868-0511 x3811)

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. **(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 this 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. **(ongoing)**
4. That prior to submitting **any new** 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 hydrant locations. The site plan shall be drawn at a scale between 20 to 40 feet per inch. Include on scale between 20 to 40 feet per inch. Include on plan all entrance gates that will be installed. **(revised - ongoing)**
5. 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. **(ongoing)**
6. That signs and markings required by the Fire Department shall be installed along the required Fire Department access roadways. **(ongoing)**

POLICE SERVICES DEPARTMENT:

(Contact: Luis Collazo 562.868-0511 x3335)

7. 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)**

8. That the proposed buildings, including any 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: Maribel Garcia 562.868-0511 x7569)

9. 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. **(ongoing)**

PLANNING AND DEVELOPMENT DEPARTMENT:

(Contact: Alejandro De Loera 562.868-0511 x7354)

10. That the applicant acknowledges that the City is granting this Permit for the sole benefit of LA CADA. If the property changes ownership or is subleased, sublet or otherwise assigned for use by an entity other than LA CADA, the new or additional operator shall obtain an amendment to CUP 730. **(ongoing)**
11. That the applicant shall maintain a valid license or permit issued by the State authorizing Los Angeles Centers for Drug and Alcohol Abuse (LA CADA) to operate the subject residential treatment facility. **(ongoing)**
12. That the proposed use shall be established and operated in substantial conformance with the project plans and written narrative dated “January 31, 2012” unless otherwise amended by the conditions of approval contained herein. Minor changes to the plans and operation may be allowed subject to the approval of the Director of Planning and Development or designee if found to be in substantial conformance with the approved plans. **(ongoing)**
13. That in the event that the Applicant proposes to modify the hours of operation, other aspects of the business, or to modify the exterior of the building or site, the modification shall be subject to the review of Director of Planning and Development or designee. The Director or designee may approve the modifications or refer it back to the Planning Commission. **(ongoing)**
14. That the Department of Planning and Development shall first review and approve all new sign proposals for the development. 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”

x 36" maximum-size paper. All signs shall be installed in accordance with the sign standards of the Zoning Ordinance and the Sign Guidelines of the City. **(ongoing)**

15. That prior to occupancy of the property/building, the Applicant, and/or his tenant(s), shall obtain a valid business license (AKA Business Operation Tax Certificate), and submit a Statement of Intended Use. Both forms, and other required accompanying forms, may be obtained at City Hall by contacting Cecilia Pasos at (562) 868-0511, extension 7527, or through the City's web site (www.santafesprings.org). **(satisfied)**
16. That any modification to the occupancy shall be subject to review and approval of the Planning Commission. **(ongoing)**
17. 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)**
18. That if there is evidence that any of the conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director of Planning and Development may refer the use permit to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit. **(ongoing)**
19. That if the operations of this facility results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director of Planning and Development or designee, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit bound upon applicable findings. **(ongoing)**
20. That Conditional Use Permit Case No. 730 shall be subject to a compliance review in five (5) years, on or before **November 13, 2028** to ensure the residential-treatment facility use is still operating in strict compliance with the attached conditions of approval. **(revised - ongoing)**
21. That unless otherwise specified in the action granting a conditional use permit, said conditional use permit which has not been utilized within 12 months from the effective date shall become null and void. Also the abandonment or non-use of a conditional use permit for a period of 12 consecutive months shall terminate said conditional use permit and any privileges granted there under shall become null and void. However, an extension of time may be granted by Planning Commission or Council action. **(ongoing)**
22. That the applicant, LA CADA, 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 CUP Case Permit No. 730, 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. **(ongoing)**

23. 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. **(ongoing)**



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Wayne M. Morrell, Director of Planning

BY: Pablo Castilla, Planning Intern

SUBJECT: **CONDITIONAL USE PERMIT (“CUP”) CASE NO. 775-3 – A COMPLIANCE REVIEW OF A DIRECT TRANSFER FACILITY AT 12739 LAKELAND ROAD, WITHIN THE M-2, HEAVY MANUFACTURING, ZONE. (CR & R, INC.)**

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject direct transfer 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 City’s Zoning Ordinance and consistent with the goals, policies, and programs of the City’s General Plan; and
- 2) Require that CUP Case No. 775 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

FISCAL IMPACT:

N/A

BACKGROUND/DISCUSSION:

On August 09, 2023, CR & R, LLC (“Applicant”) filed a Compliance Review request for CUP Case No. 775 to continue the operation and maintenance of a direct transfer facility at 12739 Lakeland Road (“Project Site”).

Project/Applicant Information

Project Location: 12739 Lakeland Road
(APN: 8011-016-022)
Project Applicant: CR & R, Inc.
Property Owner: CR & R Inc.
General Plan Designation: Industrial
Zoning Designation: M-2 (Heavy Manufacturing)
Existing Use on Property: Direct Transfer Facility

In accordance with Section 155.243 (C)(5) of City’s Zoning Ordinance, salvage, reclamation, recycling, wrecking, storage and disposal activities are required to obtain a CUP prior to commencement of such activities.

Code Section:	Conditional Uses:
§155.243 (C)(5)	Industrial, waste material salvage, recycling, storage and processing including metal, rags, clothing, wood, wood residues, sawdust, wood chips, rubber, oil, glass and paper.

On October 17, 2016, the Planning Commission initially approved CUP Case No. 775, a request to allow the establishment, operation and maintenance of a direct transfer facility at the Project Site. The first compliance review for the subject property was approved in July of 2017. The latest compliance review, approved in 2019, extended CUP 775 for a period of three (3) years.

ANALYSIS:

As a standard practice for all CUP compliance reviews, an inspection of the subject property was performed by City staff to ensure continued compliance with the conditions of approval before bringing the matter back to the Planning Commission. Staff conducted a walk-through inspection on August 11, 2023 and found the direct transfer facility was operating in full compliance with the existing conditions of approval.

ENVIRONMENTAL:

N/A

SUMMARY:

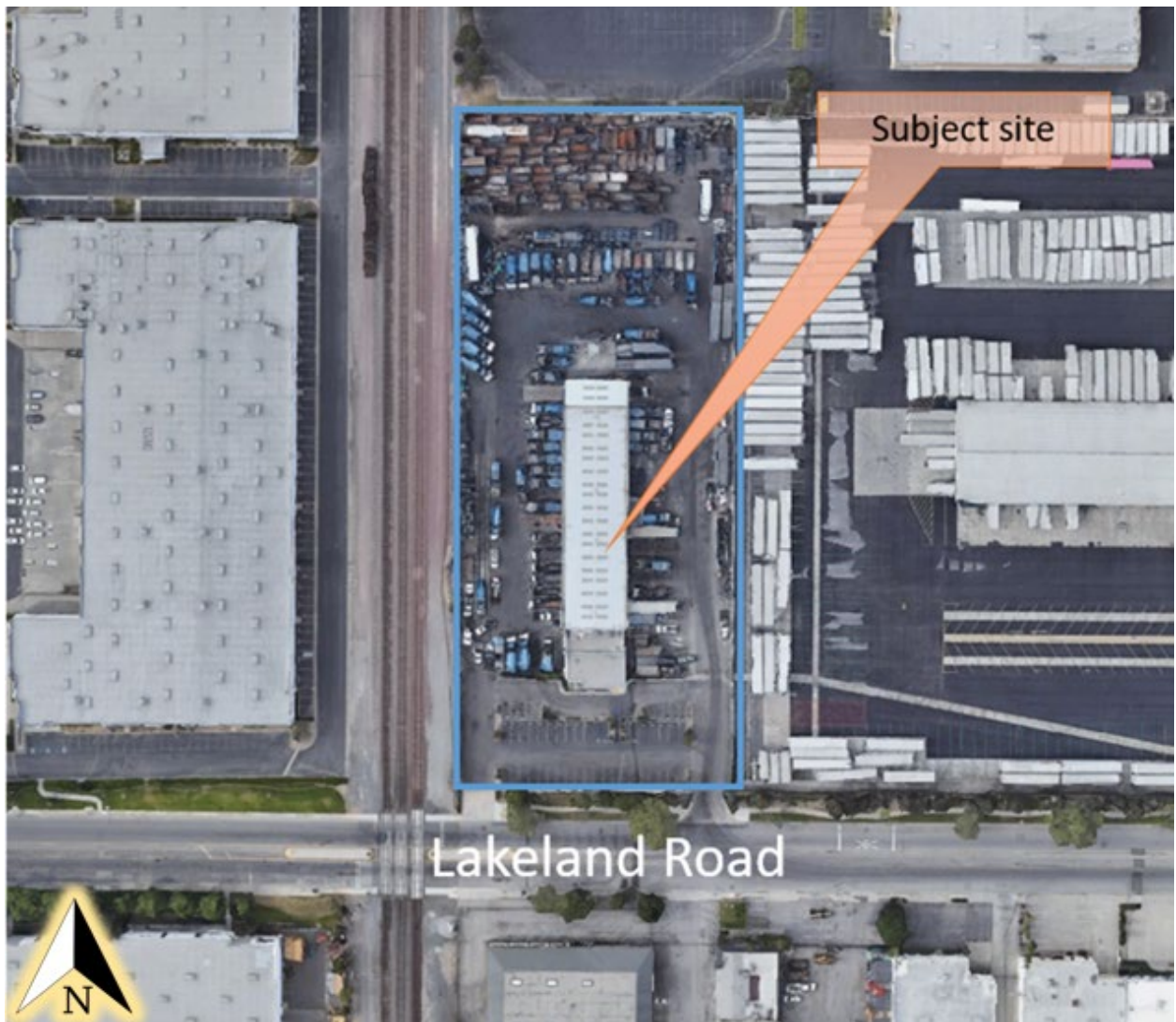
Staff finds that if the subject use continues to operate in strict compliance with the required conditions of approval, it will continue to be harmonious with adjoining properties and surrounding uses in the area and, therefore, will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. Staff is therefore recommending that CUP 775 be subject to a compliance review in five (5) years, on or before, November 13, 2028, to ensure the direct transfer facility is still operating in strict compliance with the conditions of approval (see Attachment E).

Wayne M. Morrell
Director of Planning

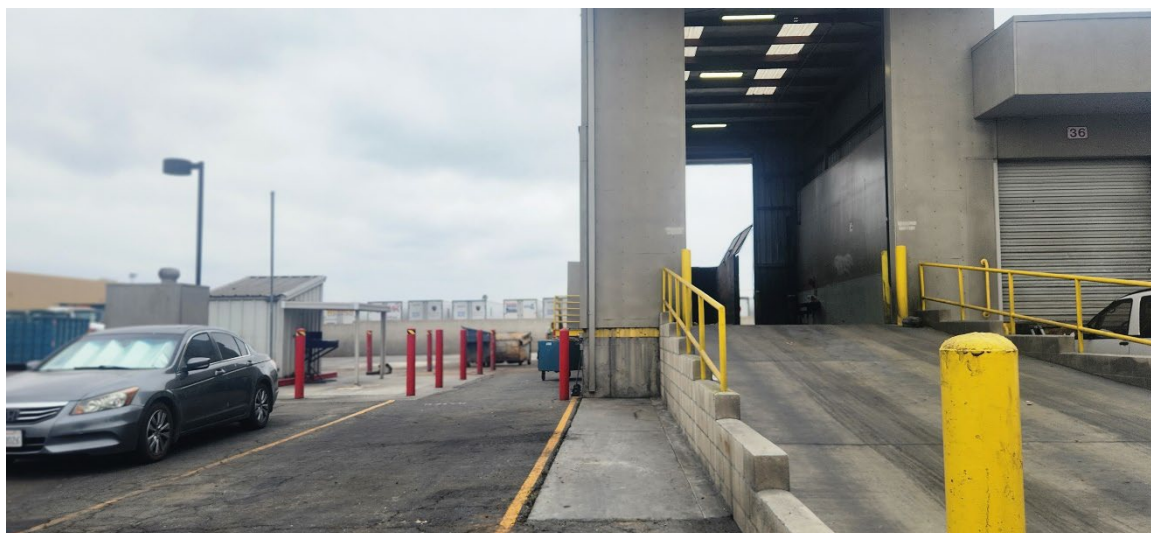
ATTACHMENT(S):

1. Attachment A – Aerial Photograph
2. Attachment B – Photograph of Subject Property
3. Attachment C – Time Extension Request Letter
4. Attachment D – Receipt
5. Attachment E – Conditions of Approval

ATTACHMENT A – AERIAL PHOTOGRAPH



ATTACHMENT B – PHOTOGRAPH OF SUBJECT PROPERTY



ATTACHMENT C – TIME EXTENSION REQUEST LETTER



City of Santa Fe Springs
Planning of Department and Development
Attention: Ms. Claudia Jimenez
11710 Telegraph Road
Santa Fe Springs, California 90670-3679

August 9, 2023

RE: CUP 775-2 for 12739 Lakeland Road, Santa Fe Springs

Dear Ms. Jimenez:

The purpose of this letter is to respond to your recent email dated August 9th, 2023 regarding the review of compliance for the Conditional Use Permit (CUP Number 775-2) at CR&R Inc.'s Lakeland Road facility located at 12739 Lakeland Road in the City of Santa Fe Springs (Site). Condition Number 40 in the Conditions of Approval of the CUP requires a compliance review of the Site each year. This letter is our official request to the City for a review of the compliance with the permit at the Site. The CUP is for solid waste truck maintenance and parking, a Direct Transfer facility that handles up to 150 tons per day of municipal (non-hazardous) solid waste, and administrative offices. The Site is operating in compliance with the conditions of the CUP and there have been no changes or alterations to the use.

Please do not hesitate to contact the undersigned at johnm2@crrmail.com or at (714) 372-8281 if you have any questions or require additional information.

Sincerely,

CR&R Inc.

A handwritten signature in blue ink, appearing to read "John McNamara".

John McNamara, PG/CEG Vice President of Environmental Compliance

Attachments: None

Cc: Mr. Dan Stepanian/ CR&R, Inc.

11292 Western Ave.
P.O. Box 125
San Ramon, CA 94580-2912

T: 800.526.9677
T: 714.526.9049
T: 714.540.6347

crrwasteservices.com

p. 1

the local the green of generation A small green leaf icon.

ATTACHMENT D – RECEIPT

DISTRIBUTION					
FUND	G/L	ACTIVITY	OBJECT	PROJECT	AMOUNT

City of Santa Fe Springs

(NAME)
11000 Western Ave

(ADDRESS)
Santa Fe Springs, CA 90670

(CITY AND STATE)
Complains to Lakeland

(DESCRIPTION)
re. 10739 Lakeland

RECEIPT

City of Santa Fe Springs
FINANCE DEPARTMENT
11710 E Telegraph Rd
Santa Fe Springs, CA 90670
(562) 868-0511

006478-0009 08/11/2023 09:46AM

MISCELLANEOUS

Description: CONDITIONAL
USE PERMIT (PL0201)

Reference 1: 12739

Reference 2: LAKELAND

CONDITIONAL USE PERMIT
(PL0201)

2024 Item: PL0201

CONDITIONAL USE PERMIT
(PL0201)

563.00

563.00

Subtotal

563.00

Total

563.00

CHECK

563.00

Check Number: 125885

Change due

0.00

Paid by: CR&R INCORPORATED 12739
LAKELAND



Comments: HA

Thank you for your payment

CUSTOMER COPY
DUPLICATE RECEIPT

DUPLICATE RECEIPT

ATTACHMENT E – CONDITIONS OF APPROVAL

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

FIRE DEPARTMENT – ENVIRONMENTAL DIVISION

(Contact: Eric Scott 562.868-0511 x3812)

1. That the owner/operator shall reimburse the City for all costs associated with investing and responding to odor complaints from inadequate or faulty odor control equipment. **(Ongoing)**
2. That the owner/operator shall, if applicable, comply with all South Coast Air Quality Management Districts' Rule 410 odor management practices and requirements to prevent odor problems in the area surrounding the facility. **(Ongoing)**
3. That the owner/operator shall record in the Hazardous Waste Load Check log all hazardous waste brought on-site. All hazardous waste collected on-site shall be managed and disposed in accordance with Federal, State, and local hazardous waste generator laws and regulations. **(Ongoing)**

ENGINEERING/PUBLIC WORKS DEPARTMENT

(Contact: Alex Flores 562.868.0511 x 7507)

4. That a grading plan shall be submitted for drainage approval to the City Engineer. The applicant shall pay drainage review fees in conjunction with this submittal. A professional civil engineer registered in the State of California shall prepare the grading plan. **(Ongoing)**
5. That the hydrology study shall be submitted to the City if requested by the City Engineer. The study be prepared by a Professional Civil Engineer. **(Ongoing)**
6. That the applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) program and shall require the general contractor to implement storm water/urban runoff pollution prevention controls and Best Management Practices (BMPs) on all construction sites in accordance with the current MS4 Permit. The applicant will also be required to submit a certification for the project and will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). **(Ongoing)**

WASTE MANAGEMENT

(Contact: Maribel Garcia 562.868-0511 x7569)

7. 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 the preceding conditions. **(Ongoing)**

PLANNING AND DEVELOPMENT DEPARTMENT
(Contact: Pablo Castilla 562.868-0511 x7358)

8. That this approval shall allow CR&R (henceforth referred to as the “the applicant” to establish, operate, and maintain a direct transfer use (up to 150 tons of non-hazardous municipal solid waste per day) within the existing approximately 13,650 sq. ft. industrial building located at 12739 Lakeland Road. **(Ongoing)**
9. That the applicant agrees and understands that the proposed direct transfer use, as described by the applicant in their application materials, involves the immediate transfer of non-hazardous municipal waste from collection trucks directly to transfer trucks. Waste material should therefore be confined to only the collection and/or transfer trucks. **(Ongoing)**
10. That the applicant understands and agrees that the existing conditions identified in Conditional Use Permit Case No. 623 which relate to the city-franchised rubbish hauling use and e-waste recycling use that currently operate on the subject site shall remain in full effect. **(Ongoing)**
11. That the Mitigation Monitoring and Reporting Program, which was prepared for the proposed project and adopted by the Planning Commission upon completion of the Initial Study/Mitigated Negative Declaration, shall be made part of the conditions of approval for Conditions Use Permit Case No. 775. The Mitigation Monitoring and Reporting Program is listed as an attachment to this staff report. **(Ongoing)**
12. That a Host Fee agreement between the applicant and the City shall be required prior to the operation of the proposed project. Said agreement shall contain language specifying that the applicant shall pay City a tipping fee of \$ 1.00 per ton. In no instances shall the applicant accept materials from the general public. **(Ongoing)**
13. That the applicant agrees and understands that the proposed transfer use solely involves CR&R collection vehicles and is thus not open to the general public. In no instances shall the applicant accept materials from the general public. **(Ongoing)**
14. That the applicant shall designate in-house staff or otherwise hire a consultant (familiar with updating a Non-Disposal Facility Element-(NDFE)) to assist the Planning staff with updating the City’s existing NDFE, pursuant to AB 341. Pursuant to Section 41730 et. Seq. of the California Public Resource Code (PRC), every California City and county is required to prepare and adopt a NDFE for all new non- disposal facilities, and any expansion of existing non-disposal facilities.

The City's existing NDFE, therefore, must be amended to include the proposed project. **(Ongoing)**

15. That the applicant understands and agrees that an application for a Development Plan Approval, to allow the re-cladding of the exiting metal exterior with a non-metallic exterior (to match the existing front office area), shall be filled with the Planning Department within 12 months from the date of approval by the Planning Commission. **(Satisfied)**
16. That the applicant shall provide staff with a check in the amount of \$2,285.25 (within 3 days from the date of approval by the Planning Commission) made payable to Los Angeles County Clerk to cover fees associated with the mandatory filing of a Notice of Determination and related Fish and Game fees. **(Satisfied)**
17. That signage with language stating, "Please Contact Us with Questions or Complaints Regarding This Facility", shall be installed at the exterior of the site at all times. Said signage shall include the wording "Security", "LEA", "City of Santa Fe Springs", "SCAQMD", and the respective phone number for each. Signage shall be installed prior to operation. **(Ongoing)**
18. That the applicant shall maintain a log of special/unusual occurrences. This log shall include but is not limited to: fires, the discharge and disposition of hazardous or non-permitted waste, significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log on-site so as to be available at all times to site personnel and Enforcement Agencies. **(Ongoing)**
19. That the applicant shall obtain all the necessary permits and approvals from the building, planning, engineering, and fire departments for necessary site/building improvements related to the proposed direct transfer use. **(Ongoing)**
20. That the proposed direct transfer use shall otherwise be substantially in accordance with the site plan, floor plan, elevations, and project description submitted by the applicant and on file with the case. **(Ongoing)**
21. That the applicant understands and agrees that if changes to the original plans (submitted and on file with the subject case) are required during construction, revised plans must be provided to the planning department for review and approval prior to the implementation of such change, certain changes may also require prior approval from other departments. **(Ongoing)**
22. That the proposed direct transfer use shall be limited to the following hours of operation: Monday through Sunday from 5:00 am – 7:00 pm. Changes to said hours shall require approval from the Director of Planning. **(Ongoing)**

23. That all vehicles associated with the proposed direct transfer use shall be parked on the subject site at all times. Off-site parking is not permitted and would result in the restriction or revocation of privileges granted under this permit. In addition, any vehicle associated with the property shall not obstruct or impede any traffic. **(Ongoing)**
24. That the applicant shall not allow commercial vehicles, trucks, and/or truck tractors to queue on Lakeland Road, use said street as a staging area, or to back-up onto the street from the subject property. **(Ongoing)**
25. That the applicant shall require that all collection trucks and transfer trucks enter and exit the site in accordance with the proposed circulation plan (as indicated in the site plan submitted by the applicant and on file with the case) to ensure truck traffic will not impact the employee parking area. If necessary, the applicant shall install signage, employ on-site spotters(s) to direct traffic, educating drivers, etc. to ensure that truck maneuvering occurs as depicted in the site plan. **(Ongoing)**
26. That during the hours of operation, an attendant or attendants shall be present to supervise the loading and unloading of materials that will occur from the collection trucks to the transfer trucks. **(Ongoing)**
27. That the proposed direct transfer use, including loading and unloading of materials, shall be conducted entirely within an enclosed building. **(Ongoing)**
28. That operational controls shall be established to reduce the potential for the receipt and disposal of prohibited materials and/or wastes.**(Ongoing)**
29. That all waste collection vehicles entering or leaving the subject site in connection with the direct transfer use shall be fully covered to prevent materials from escaping and littering the roadways. **(Ongoing)**
30. That all trucks hauling materials shall comply with State Vehicle Code Section 23114, with special attention to Sections 23114(b) (F), (e) (2) and (e) (4) as amended, regarding the prevention of such material spilling onto public streets and roads. **(Ongoing)**
31. That the proposed direct transfer use shall operate within the noise limitations established within Section 155.424 of the City's Zoning Regulations. The applicant also understands and agrees that if the City receives complaints that allege the proposed use has exceeded the City's maximum noise limits, the City may hire a certified acoustical engineer to measure site related noise levels. The applicant shall assume the responsibility of suspending and/or mitigating non-compliant noise if a violation is document, and shall reimburse the City for acoustical engineering costs. The applicant shall otherwise cooperate with the Director of Planning to address substantial noise complaints which can be mitigated through reasonable efforts. **(Ongoing)**

32. That the proposed direct transfer use shall comply with Section 155.420 of the City's Zoning Ordinance regarding the generation of objectionable odors. Nevertheless, if there is a violation of this aforementioned Section, the applicant shall take whatever measures necessary to eliminate the objectionable odors from the operation in a timely manner. **(Ongoing)**
33. That the applicant shall comply with all SCAQMD Rules and Regulations for operating a direct transfer use. These rules shall include Rule 402 which prohibit the creation of an odor nuisance and Rule 410 which is designed to minimize odors from trash and recycling centers. **(Ongoing)**
34. That the applicant shall be required to obtain and maintain any permits required by the SCAQMD. **(Ongoing)**
35. That the proposed direct transfer use shall continuously operate and be maintained in a neat and orderly manner. The applicant shall conduct daily (at a minimum) litter pick-up on-site, and along adjacent properties and streets, such that any litter resulting from the proposed direct transfer use will be removed. The obligation to clean-up debris in public right-of-ways and/or routes shall apply regardless of whether such debris was inadvertently spilled or intentionally dumped. **(Ongoing)**
36. That the applicant shall develop and implement a rodent and insect management program, including contracting with a professional pest control company to inspect the Site on a periodic basis, no less than once per month. In the event of apparent pest/vector activity, within twenty-four (24) hours of City notification, the applicant shall implement vector control measures sufficient to remedy the vector nuisance. **(Ongoing)**
37. That in the event of confirmed pest or litter issue, within twenty-four (24) hours of City notification, the applicant shall implement control measures sufficient to remedy said pest or litter issue. **(Ongoing)**
38. That the applicant shall be responsible for reviewing and/or providing copies of the required conditions of approval to his/her architect, engineer, contractor, tenants, etc. Additionally, the conditions of approval contained herein, shall be made part of the construction drawings for the proposed development. Construction drawings shall not be accepted for Plan Check without the conditions of approval incorporated into the construction drawings. **(Ongoing)**
39. That the applicant shall require and verify that all contractors and sub-contractors have successfully obtained a Business License with the City of Santa Fe Springs prior to beginning any work associated with the subject project. A late fee and penalty will be assessed to any contractor or sub-contractor that fails to obtain a Business License and a Building Permit final or Certificate of Occupancy will not be issued until all fees and penalties are paid in full. Please contact the Finance

Department at (562) 868-0511, extension 7520 for additional information. A business license application can also be downloaded at www.santafesprings.org.
(Ongoing)

40. Conditional Use Permit Case No. 775 shall be subject to a compliance review in ~~three (3)~~ **five (5)** years, on or before ~~August 12, 2019~~ **November 13, 2028** to ensure the use has been continuously maintained in strict compliance with these conditions of approval. **(Revised)**
41. That the applicant shall comply with the City's "Heritage Artwork in Public Places Program" in conformance with City Ordinance No. 909. **(Ongoing)**
42. 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 arising from or in any way related to all entitlements and approvals issued by the City in connection with the Project and from any CEQA challenges relating to the environmental review and determination for the Project, 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 applicant of such claim, action or proceeding, and shall cooperate fully in the defense thereof. **(Ongoing)**
43. That the applicant agrees and understands that all other requirements of the City's Zoning Ordinance, 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)**
44. That if there is evidence that conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director of Planning may refer the conditional use permit to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the subject conditional use permit. **(Ongoing)**
45. 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. **(Ongoing).**

The Zoning Ordinance sets forth an appeal period of fourteen (14) days, beginning with the date you receive the letter, during which any party aggrieved by the Commission's action can appeal the matter to the City Council. You are hereby notified that the

timewithin which judicial review must be sought is governed by the provisions of California Code of Civil Procedures, Section 1094.6.



CITY OF SANTA FE SPRINGS

PLANNING COMMISSION AGENDA STAFF REPORT

TO: Members of the Planning Commission

FROM: Wayne M. Morrell, Director of Planning

BY: Rudy Lopez, Planning Intern

SUBJECT: **CONDITIONAL USE PERMIT (“CUP”) CASE NO. 797-2 - A COMPLIANCE REVIEW OF AN INDOOR BADMINTON FACILITY AT 11323 SHOEMAKER AVENUE, WITHIN THE M-1-PD, LIGHT MANUFACTURING – PLANNED DEVELOPMENT, ZONE. (SFS BADMINTON CLUB)**

DATE: November 13, 2023

RECOMMENDATION(S):

It is recommended that the Planning Commission:

- 1) Find that the continued operation and maintenance of the subject indoor badminton 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 City's Zoning Ordinance and consistent with the goals, policies, and programs of the City's General Plan; and
- 2) Require that CUP Case No. 797-2 be subject to a compliance review in five (5) years on, or before, November 13, 2028, to ensure that the use is still operating in strict compliance with the conditions of approval as contained within this staff report.
- 3) Take such additional, relation action that may be desirable.

FISCAL IMPACT:

N/A

BACKGROUND/DISCUSSION:

On August 22, 2023, SFS Badminton Club (“Applicant”) filed a Compliance Review request for CUP Case No. 797 to continue the operation and maintenance of an indoor badminton facility at 11323 Shoemaker Avenue (APNs: 8026-001-057 & 8026-001-058) (“Project Site”)

Project/Applicant Information

Project Location:	11323 Shoemaker Avenue
Project Applicant:	SFS Badminton Club
Property Owner:	Bosco Kwon
General Plan Designation:	Industrial
Zoning Designation:	M-1-PD, Light Manufacturing – Planned Development
Existing Use on Property:	Badminton Facility

In accordance with Section 155.213(A) of the City’s Zoning Ordinance, indoor recreational facilities shall be permitted only after a valid CUP has first been obtained.

Code Section:	Conditional Uses:
§155.213	The following uses shall be permitted in the M-1 Zone only after a valid conditional use permit has first been issued: (A) Public, private, or quasi-public uses of an educational or recreational nature.

The indoor badminton facility dedicated the primary floor area of the approximately 24,002 sq. ft. building to fourteen (14) 20’ x 44’ badminton courts. The combined floor area of the badminton courts is 12,320 sq. ft., not including walkway areas. In addition to badminton courts, the badminton facility has a 486 sq. ft. retail area (to sell badminton-related gear and equipment), a 396 sq. ft. service counter with packaged snacks and beverages, a 418 sq. ft. office (for staff use only), and a 234 sq. ft. storage area.

On November 19, 2018, the Planning Commission initially granted a CUP to the Applicant to establish, operate, and maintain an indoor badminton facility at the Project Site. Since then, the subject CUP has undergone one (1) compliance review on December 14, 2020. The last compliance review extended CUP 797 for a period of one (1) year.

ANALYSIS:

As a standard practice for all CUP compliance reviews, an inspection of the subject property was performed by City staff to ensure continued compliance with the conditions of approval before bringing the matter back to the Planning Commission. Staff conducted a walk-through inspection on September 6, 2023, and found the indoor badminton facility was operating in full compliance with the existing conditions of approval.

ENVIRONMENTAL:

N/A

SUMMARY:

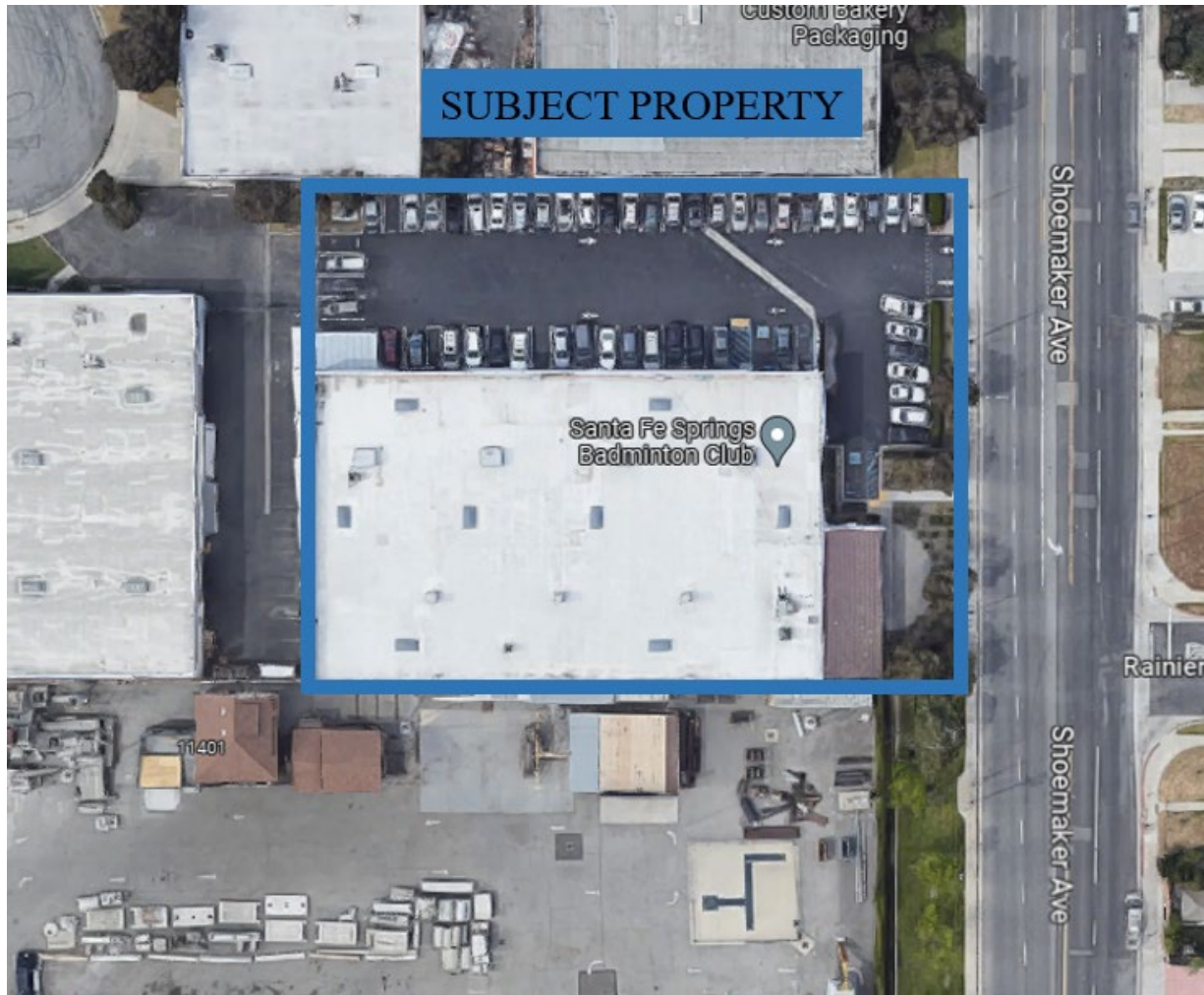
Staff finds that if the subject use continues to operate in strict compliance with the required conditions of approval, it will continue to be harmonious with adjoining properties and surrounding uses in the area and, therefore, will not be detrimental to persons or property in the immediate vicinity and will not adversely affect the city in general. Staff is therefore recommending that CUP 797 be subject to a compliance review in five (5) years, on or before, November 13, 2028, to ensure the subject indoor badminton facility use is still operating in strict compliance with the conditions of approval (see Attachment E).

ATTACHMENT(S):

1. Attachment A – Aerial Photograph
2. Attachment B – Photograph of Subject Property
3. Attachment C – Time Extension Request Letter
4. Attachment D – Receipt
5. Attachment E – Conditions of Approval

<u>ITEM STATUS:</u>	
APPROVED:	☐
DENIED:	☐
TABLED:	☐
DIRECTION GIVEN:	☐

ATTACHMENT A – AERIAL PHOTOGRAPH



ATTACHMENT B – PHOTOGRAPH OF SUBJECT PROPERTY



ATTACHMENT C – TIME EXTENSION REQUEST LETTER

SFS Badminton Club

11323 Shoemaker Ave
Santa Fe Spring, CA 90670
Tel: 562-273-0945
Fax: 323-262-9979
Email: globaliongl@gmail.com

Received
Finance

AUG 28 2023

CITY OF
SANTA FE SPRINGS

To: Department of Planning and Development

Attn: Rudy Lopez

From: Bosco Kwon

Date: 08/22/23

Re: Condition Use Permit (CUP) Case No. 797



This is a formal request for a compliance associated Conditional Use permit/ Case No. 797 for the SFS Badminton Club, located at 11323 Shoemaker Avenue, Santa Fe Springs, CA 90670

The SFS Badminton Club is an indoor friendly environment Gym where all ages from children, young adults, families can join and play which lead to creating a healthy lifestyle.

Our facility is in same condition as it was from the last approval and our operation is same as last year.



SFS Badminton Club/ President

ATTACHMENT D – RECEIPT

City of Santa Fe Springs	DISTRIBUTION					
	FUND	G/L	ACTIVITY	OBJECT	PROJECT	AMOUNT
	1010	3199	423015	Compliance Review	PL0201	\$563.00

(NAME)
11323 Shoemaker Ave
(ADDRESS)
Santa Fe Springs, CA
(CITY AND STATE)
Compliance Review CUP 797
(DESCRIPTION)

RECEIPT

City of Santa Fe Springs
FINANCE DEPARTMENT
11710 E Telegraph Rd
Santa Fe Springs, CA 90670
(562) 868-0511

106538-0004 08/28/2023 12:51PM

MISCELLANEOUS
Description: CONDITIONAL
USE PERMIT (PL0201)
Reference 1: 11323
Reference 2: SHOEMAKER
CONDITIONAL USE PERMIT
(PL0201)
2024 Item: PL0201
CONDITIONAL USE PERMIT
(PL0201) 563.00

Subtotal 563.00
Total 563.00

HECK 563.00
Check Number 0229

Change due 0.00

Paid by: SFSBC INC 11323 SHOEMAKER AVE



Comments: HA
COMPLIANCE REV CUP 797

Thank you for your payment

CUSTOMER COPY
DUPLICATE RECEIPT

ATTACHMENT E – CONDITIONS OF APPROVAL

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

ENGINEERING/PUBLIC WORKS DEPARTMENT:

(Contact: Alex Flores 562.868.1511 x7507)

1. That a grading plan shall be submitted showing elevations and drainage patterns of the site. The improvements shall not impede, obstruct, or pond water onsite. The grading shall be submitted for drainage approval to the City Engineer. The owner shall pay drainage review fees in conjunction with this submittal. **(Satisfied)**

POLICE SERVICES DEPARTMENT:

(Contact: Luis Collazo 562.868-0511 x3335)

2. That the applicant shall install a video recording surveillance system with the following minimum configuration: Cameras capable of recording in HD at 5Mbps to capture 1080P video at 30 FPS, and a Network Video Recorder (NVR) that can record at 1080P video per channel. **(Satisfied)**
3. That the applicant shall submit and obtain approval of a proposed lighting (photometric) and security plan for the property from the City's Department of Police Services. The photometric plan shall be designed to provide adequate lighting (minimum of 1-foot candle power) throughout the subject property. Further, all exterior lighting shall be designed/installed in such a manner that light and glare are not transmitted onto adjoining properties in such concentration/quantity as to create a hardship to adjoining property owners or a public nuisance. The photometric and security plans shall be submitted to the Director of Police Services no later than sixty (60) days from the date of approval by the Planning Commission. **(Ongoing)**
4. That the applicant shall provide an emergency phone number and a contact person to the Department of Police Services. The name, telephone number, fax number, and e-mail address of that person shall be provided 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 at any time, 24 hours a day. The form to provide the information is part of the Business Operation Tax Certificate package. **(Satisfied)**
5. That in order to facilitate the removal of unauthorized vehicles parked on the property, the applicant shall post, in plain view and at each entry to the property, a sign not less than 17" wide by 22" long. The sign shall prohibit the public parking of unauthorized vehicles and indicate that unauthorized vehicles will be removed at the owner's expense and also contains the California Vehicle Code that permits this action. The sign shall also contain the telephone number of the local law enforcement agency (Police Services Center (562) 409-1850). The lettering within the sign shall not be less than one inch in height. The applicant shall contact the Police Services Center for an

inspection no later than 30 days after the project has been completed and prior to the occupancy permit being issued. **(Ongoing)**

6. That the proposed buildings, including any lighting, fences, walls, cabinets, and poles shall be maintained in good repair, free from trash, debris, litter, 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 as possible, the color of the existing and/or adjacent surfaces. **(Ongoing)**
7. That on-site alcoholic beverage consumption, sales, or storage shall be prohibited at all times. **(Ongoing)**
8. That the Applicant shall notify the Code Enforcement Division of the Police Services Department thirty days prior to any open public tournament activities to determine if a Special Events Permit is required. **(Ongoing)**
9. That the Applicant and/or his employees shall not allow chairs, gym bags, or other items to block any emergency exits at all times. **(Ongoing)**
10. That the Applicant shall obtain a copy of the Sign Guidelines and Sign Ordinance and comply with all permanent and temporary sign requirements. **(Satisfied)**
11. That the Applicant shall obtain a copy of the Property Maintenance Ordinance and fully comply with the applicable requirements at all times. **(Ongoing)**

FIRE DEPARTMENT - FIRE PREVENTION DIVISION:

(Contact: Kevin Yang 562.868.0511 x3811)

12. The Applicant shall provide a Knox box for all manual gates or Knox key switches for power-activated gates. **(Ongoing)**

WASTE MANAGEMENT:

(Contact: Maribel Garcia 562.868.0511 x7569)

13. 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. **(Ongoing)**
14. 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) 868-0511 x7309. **(Satisfied)**

PLANNING AND DEVELOPMENT DEPARTMENT:
(Contact: Rudy Lopez 562.868.0511 x 7519)

15. Conditional Use Permit Case No. 797-4 **797-2** allows for an indoor badminton facility within a 24,002 sq. ft. building located at 11323 Shoemaker Avenue. The indoor activity area will consist of 14 badminton courts, a retail shop for badminton gear and accessories, a service counter to sell pre-packaged snacks, an office for employees, and a small storage area. **(Ongoing)**
16. Modification Permit Case No. 1299 allows for a temporary reduction of the required standard parking stall size from 9' x 20' to 8'-6" x 18' associated with the subject indoor badminton facility. A minimum of 56 parking stalls shall be continually provided and maintained at all times. All parking areas shall be legibly marked off on the pavement, showing the required parking stalls. **(Ongoing)**
17. Approval of Conditional Use Permit No. 797 is contingent upon approval of Modification Permit Case No. 1299. **(Ongoing)**
18. The proposed indoor badminton facility use cannot be used for public assembly purposes until it has met the current requirements of the Los Angeles County Building Code and the Uniform Fire Code and an occupancy load has been determined by the Fire Department. The process requires permits to be obtained, plans to be submitted, reviewed, approved, and field inspected with a final approval granted by the City Fire Department and Building Division. The building shall not be occupied for such use until such time that this process has been completed. **(Satisfied)**
19. The exterior exit doors shall remain closed when not being used for ingress/egress purposes. Additionally, the applicant shall inform all staff members and players not to loiter or make loud noises outside of the building. **(Ongoing)**
20. Vending machines shall be prohibited on the exterior of the property. **(Ongoing)**
21. In the event noise levels outside of the applicant's premises are found to exceed permissible levels per City Code, the applicant shall work with planning staff to come up with a solution to immediately mitigate noise issues. **(Ongoing)**
22. The days and hours of operation of the indoor badminton facility shall be Sunday through Saturday from 6:00 a.m. to 12:00 a.m. Any modification to the days and hours of operation shall be subject to prior review and approval by the Director of Planning or his/her designee. **(Ongoing)**
23. No tournaments shall occur on the subject property without prior approval by the Director of Planning or his/her designee. **(Ongoing)**
24. There shall be no on-site kitchen facilities or preparation of food and drinks without prior approval from the Director of Planning or his/her designee. **(Ongoing)**

25. The applicant shall ensure that water is easily accessible for all patrons. **(Ongoing)**
26. The indoor badminton facility shall otherwise be substantially in accordance with the plot plan, floor plan, and operational narrative submitted by the applicant and on file with the case. Any modification shall be subject to prior review and approval by the Director of Planning or his/her designee. **(Ongoing)**
27. The applicant shall notify, in writing, of any change in ownership within 30 days. The conditions of approval shall be binding to any successors. **(Ongoing)**
28. In the event the need arises for the additional required off-street parking spaces as determined by the Director of Planning, the applicant shall work with the planning staff to come up with a solution to immediately mitigate the parking issues, including but not limited to modifying hours of operations, concurrent use of buildings, etc. **(Ongoing)**
29. The Department of Planning and Development shall first review and approve all sign proposals for the indoor badminton facility. 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 11" x 17" size paper. All signs shall be installed in accordance with the sign standards of the Zoning Ordinance and the Sign Guidelines of the City. **(Satisfied)**
30. Prior to occupancy, the applicant shall obtain a valid business license (AKA Business Operation Tax Certificate), and submit a Statement of Intended Use. Both forms, and other required accompanying forms, may be obtained at City Hall by contacting the Finance Department at (562) 868-0511, extension 7520, or through the City's website (www.santafesprings.org). **(Satisfied)**
31. All other requirements of the City's Zoning Ordinance, 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)**
32. Conditional Use Permit Case No. ~~797-1797-2~~ shall be subject to a compliance review in ~~one (1) year~~ **five (5) years**, on or before ~~December 14, 2024~~ **November 13, 2028**, to ensure that the subject indoor badminton use is still operating in strict compliance with these conditions of approval. **(Revised)**
33. The applicant, SFS Badminton Club, 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 all entitlements and approvals issued by the City in connection with the indoor badminton use and from any CEQA challenges relating to the environmental review and determination for the project, 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 applicant of such claim, action or proceeding, and shall cooperate fully in the defense thereof. **(Ongoing)**

34. If there is evidence that conditions of approval have not been fulfilled or the use has or have resulted in a substantial adverse effect on the health, and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Director of Planning may refer the use permit to the Planning Commission for review. If upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit. The applicant shall be notified prior to any such action. **(Ongoing)**
35. 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, statute or ordinance is violated, this Approval shall be void and privileges granted hereunder shall lapse. **(Ongoing)**