Thursday, February 21, 2019 at 7:00 p.m.

Call To Order

Pledge Of Allegiance

Roll Call

Report On Posting

City Officials:

<table>
<thead>
<tr>
<th>CHAIRPERSON</th>
<th>COMMISSIONERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jose Delgado</td>
<td>Sylvia Masushige</td>
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<td></td>
<td>Jenny Perez</td>
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<tr>
<td>VICE CHAIRPERSON</td>
<td>Carlos Velasquez</td>
</tr>
<tr>
<td>Gil Hurtado</td>
<td></td>
</tr>
</tbody>
</table>

Meeting Compensation Disclosure

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by the Planning Commission Commissioners is $125.00 per meeting.

Item No. 1

The Planning Commission will consider approving the minutes for the regular Planning Commission Meeting of February 5, 2019.

Documents:

ITEM NO 1.PDF

Item No. 2

The Planning Commission will conduct a Public Hearing for Conditional Use Permit No. 833 for a Telecommunications Facility with a 60 foot tall antenna located at 8912 Madison Ave.
Item No. 3

The Planning Commission will conduct a Public Hearing for Zone Text Amendment No. 157, to amend the South Gate Municipal Chapter 11.43 Second Dwelling Units and Accessory Structures with an Ordinance to replace Interim Urgency Ordinance Nos. 2336 and 2338 to establish standards and ministerial process for approving Accessory Dwelling Units (ADU).

Comments

At this time, members of the public and staff may address the City Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission. No action may be taken on items not listed on the agenda unless authorized by law.

General Business

Audience Comments

City Staff Comments

Planning Commission Comments

Adjournment

Adjournment to the Regular Planning Commission meeting on Tuesday, March 5, 2019 at 7:00 p.m.

I, Erika Soriano, Administrative Services Coordinator, certify that a true and correct copy of the foregoing Meeting Agenda was properly posted on February 14, 2019, at 5:30 p.m., as required by law.

Erika Soriano, Administrative Services Coordinator

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Planning Commission Meetings, please contact the Comm. Development Department.

Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility.

Any final action of the Planning Commission, on this agenda, is appealable to the City Council upon filing the request with the City Clerk prior to 5:00 pm on Wednesday 27, 2019.
Call To Order

Pledge Of Allegiance

Roll Call

Report On Posting

City Officials:

Meeting Compensation Disclosure

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Erika Soriano, Administrative Services Coordinator

Materials related to an item on the Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk’s office, 8650 California Avenue, South Gate, CA 90280 (323) 563-9510 * fax (323) 563-5411 *

www.cityofsouthgate.org

CHAIRPERSON

Jose Delgado

Sylvia Masushige

Jenny Perez

VICE CHAIRPERSON

Carlos Velasquez

Gil Hurtado

Documents:

Documents:

Documents:
MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, FEBRUARY 5, 2019

INTRODUCTORY PROCEDURES

Chairperson Jose Delgado called the meeting to order at 7:05 P.M.

The Pledge of Allegiance was led by Commissioner Jenny Perez.

ROLL CALL: By Erika Soriano, Recording Secretary.

Present: Chairperson Jose Delgado, Vice-Chairperson Gil Hurtado, and Commissioners Sylvia Masushige, Jenny Perez, and Carlos Velasquez.

Absent/Excused:

Staff: Community Development Director Joe Perez and Recording Secretary Erika Soriano.

REPORT ON POSTING: By Erika Soriano, Recording Secretary.

1. MINUTES

The Planning Commission considered approving the minutes for the regular Planning Commission meeting of January 15, 2019. Commissioner Velasquez moved and Vice Chairperson Hurtado seconded the motion to approve the Planning Commission minutes of January 15, 2019. The motion carried (5-0) with all Commissioners in favor.

2. PRESENTATION ON THE CITYWIDE PARKING STUDY

Community Development Director Perez introduced Art Cervantes, Assistant City Manager/Director of Public Works, who gave a presentation regarding the Citywide Parking Study. Mr. Cervantes said the study was conducted to evaluate the parking issues being experienced on most residential neighborhood streets and commercial corridors, citywide. The study evaluated parking issues such as the current roadway parking conditions, local and regional transportation facilities, land use policies, enforcement, population and housing density, converted garages, household members per property, illegal businesses operating in residential neighborhoods, etc. The study also looked at how the current roadway design and transportation system is impacting parking. The presentation demonstrated all the data collected and identified the hot spots where parking continues to be a major issue. A list of practical short-, mid- and long-term solutions were presented as possible solutions.

Chairperson Delgado opened the item to the public.

Chairperson Delgado asked for an explanation of the overall purpose of the parking study. Mr. Perez and Mr. Cervantes informed the Commission that the City is looking to provide better quality of life for its residents by considering way to improve parking conditions. Possible ways to achieve this is to increase the capacity of parking and addressing certain behavior that creates parking challenges.
Commissioner Masushige asked if the Tweedy Mile merchants will be charged for parking. Mr. Cervantes informed the Commission that the Study will identify all the issues and consider solutions to improve parking.

Vice Chairperson Hurtado shared the following parking concerns he would like the City’s consultants to address in the study: commercial vehicles parking on the residential streets; no parking on lawns; and widening driveways.

Vice Chairperson Hurtado asked how the parking solutions will be implemented. Mr. Cervantes informed the Commission that the study will provide potential parking solutions per zone depending on the needs of the area.

Vice Chairperson Hurtado moved and Commissioner Masushige seconded to receive and file the presentation on the Citywide Parking Study. The motion carried (5-0) with all Commissioners in favor.

**General Business**

Bash Chaudhry, Freddy’s Market, 3433 Tweedy Blvd., South Gate, addressed his concerns that the Parking Study is addressing residential and not commercial areas. Mr. Cervantes informed the Commission that the study is a citywide study includes commercial areas.

**City Staff Comments**

None

**Planning Commission Comments**

Commissioner Masushige asked for the update on the street closure on Hildreth Ave. Mr. Cervantes informed the Commission that a permanent closure barricade will be placed within the next few months.

**ADJOURNMENT**

There being no further business before the Planning Commission, Chairperson Delgado moved and Commissioner Velasquez seconded the motion to adjourn the meeting. The motion carried (5-0) with all Commissioners in favor, to adjourn the meeting to February 19, 2019. The meeting was adjourned at 8:38 P.M.

Respectfully,

________________________________________

Joe Perez, Secretary

APPROVED:

________________________________________

Jose Delgado, Chairperson
City of South Gate  
PLANNING COMMISSION  
AGENDA BILL  

For the Special Meeting of: February 21, 2019  
Assistant Planner:  
Director Community Development: 

SUBJECT: CONDITIONAL USE PERMIT NO. 833 AT 8912 MADISON AVE (TELECOMMUNICATIONS FACILITY WITH A 60 FOOT TALL ANTENNA)  

PURPOSE: To consider a request for a Conditional Use Permit No. 833 to allow a new 60’ high telecommunications antenna and facility equipment at 8912 Madison Avenue.  

RECOMMENDED ACTIONS:  

1. CONDUCT a public hearing;  

2. ACCEPT the determination that this project is Categorically Exempt under Class 3 (New Construction or Conversion of Small Structures) Section 15303 of the California Environmental Quality Act;  

3. ADOPT the findings as outlined in Resolution No. 2019-01, and  

4. DENY Conditional Use Permit No. 833  

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for the application was conducted in compliance with Chapter 11.50, Title 11 of the South Gate Municipal Code. Notice of the hearing was originally published in the “Los Angeles Wave” and mailed to surrounding properties and property owners on February 7, 2019.  

ENVIRONMENTAL EVALUATION: The project has been deemed Categorically Exempt under Class 3 (New Construction or Conversion of Small Structures) Section 15303 of the California Environmental Quality Act. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.  

REPORT SUMMARY: Conditional Use Permit No. 833 is a request by J5 Infrastructure Partners, on behalf of Verizon Wireless, to construct an unmanned telecommunications facility consisting of a new 60’ foot high monopole at 8912 Madison Avenue. The project would include (12) panel antennas, (12) RRU’s, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Ave. The applicant proposes to install a 60 foot tall monopole antenna structurally designed to resemble a palm tree and a 246 square foot equipment storage shelter. The equipment shelter is proposed on the southeast corner of the lot.
Property Description
The zoning designation for the property is CDRI (Corridor 1) and the General Plan designation is the Firestone Corridor. The surrounding uses to the north include El Super Grocery Store, to the West is St. Helen’s Church, to the south are single family homes, and to the east is L.A. Auto used car dealership. The 14,906 square foot site has served as a parking lot with twenty-seven surface parking spaces and a parish hall for Saint Helen’s Church since 1975. The property has an existing 4,368 square foot structure that serves as a hall.

ANALYSIS: Firestone Boulevard is the primary arterial roadway through the City and helps connect the City with the wider region. The corridor contains predominantly auto-oriented retail and commercial uses, including used car dealerships, auto repair shops and automobile parts stores. Many of the buildings are older and in need of significant renovation. The South Gate General Plan Vision for the Firestone Corridor includes a diverse mix of uses, including retail, office, high-density housing, and new development designed to bring buildings to the property line frontage to enhance pedestrian activity.

The project site is situated south of Firestone Boulevard and east of Madison Avenue. Per Chapter 11.21 Table 11.23-3, of the South Gate Municipal Code, antennas/communications equipment are permitted with approval of a Conditional Use Permit (CUP). The monopole is approximately 115 linear feet away from Firestone Boulevard and at 60’ feet high will provide coverage for approximately a quarter mile radius. The monopole is proposed to be centrally located within the lot on the outer eastern portion of the hall and will not require the removal of any existing parking spaces. Once built, the monopole will be visible to pedestrians and vehicular traffic on Firestone Boulevard and Madison Avenue, as well as neighboring properties to the east and west. The enclosed storage shelter will be placed within the south east portion of the lot and would be adjacent to the garage of a single-family home at 8918 Madison Ave.

The City has a strong interest in achieving and maintaining a high level of wireless telecommunication service availability for businesses and residents and encourages substantial competition among service providers to meet increasing demands for newer and improved services. However, the City also understands that potential land use impacts can result from the development of wireless communication facilities, particularly visual clutter.

General Plan Conformance
The South Gate 2035 General Plan supports telecommunication services. However, the project does not further Community Design Policy CD- Firestone Corridor- Policy 5 of the General Plan. Policy 5 encourages new development step down in height to the existing family neighborhoods, or use of techniques to buffer Corridor uses from adjacent residential uses. Wireless communication antenna structures should be located and/or designed to minimize public visibility. The applicant has not demonstrated to staff that the proposed location is the least visually intrusive location possible. The proposal does not include adequate visual measures to mitigate impacts along Firestone Boulevard and Madison Avenue or blend the use with the subject site.

Community Design Policy CD-Objective CD5.1- Policy 5 of the General Plan encourages utility area and mechanical equipment to be designed in such a way that it does not detract from the aesthetic appeal of the district. The wireless communication antenna structure is not designed in a way that aligns with the aesthetic appeal of the district. The proposal does not include adequate visual measures to mitigate impacts along Firestone Boulevard and Madison Avenue. The proposed design and configuration of the monopole is not compatible and harmonious to the surrounding facilities that exist
on site. The microwave antenna does not visually contribute to the pole’s narrow vertical alignment. The goal for the Firestone Corridor are mixed use developments and high traffic volume to enhance businesses. Instead, the proposal is designed in a manner that would contribute to visual clutter and visual impacts within the City. Allowing a permanent monopalm significantly restricts future development encouraged by the City of South Gate General Plan or aesthetic appeal of the district.

Community Design Policy CD-Objective CD7.3- Policy 2 of the South Gate General Plan encourages the development of retail and entertainment along Firestone Boulevard. Policy 2 states that the City should pursue major retail and entertainment uses for the Firestone Boulevard area to include theatres, major shopping centers, and other uses that have a regional draw. The proposal will not be the least intrusive design and in the least intrusive location for improving coverage along the Firestone Corridor. The proposal would not contribute to the Firestone corridor beautification by enhancing the visual environment of South Gate’s vehicular corridors. The proposal will not allow for future development of the corridor as Verizon Wireless is planning a thirty year lease with the property owner.

Community Policy CD- Objective 6.1 Policy 7 of the South Gate General Plan encourages the revitalization, redevelopment and intensification of the City’s districts. Policy 7 requires iconic, high quality urban design and architecture to be pursued with new projects in all the Districts in order to improve the aesthetics of the City. The proposed 60 foot high monopalm imitation tree with antenna structures attached does not meet a high quality urban design and aesthetic standard.

**Conditional Use Permit**

Staff has prepared two resolutions, one to adopt the denial of Conditional Use Permit No. 833 and an alternative to approve Conditional Use Permit No. 833. The Planning Commission has the authority to approve or deny the proposed Conditional Use Permit. The decision to continue, approve, or deny is solely a Planning Commission decision.

Before a Conditional Use Permit may be approved or denied, the Planning Commission (or the City Council on appeal) shall make all of the following findings, as applicable to the property:

a) Approval of CUP is consistent with and will not adversely affect the intent and purpose of this Code or the City’s General Plan.

b) The design and development of the land use and conditions of the CUP are compatible with the existing and future land uses of the applicable zone.

c) Approval of the CUP would not result in detrimental impacts to adjacent properties or to the character or function of the neighborhood.

**Federal Telecommunications Act Limitations**

The Federal Telecommunications Act limitations prohibits cities from discriminating among providers. Additionally, the FCC requires that a state/local government act on any request within a reasonable period. Any decision by a state or local government to deny a request to place, construct, or modify must be supported by substantial evidence and cannot be denied based on radio-frequency emissions as long as they comply with FCC regulations.

Furthermore, in 2009 the Federal Communications Commission (FCC) adopted a Declaratory Ruling regarding state and local review of wireless facility “siting” applications. The Declaratory Ruling provided direction on application processing requirements and deadlines. The ruling requires state and local authorities to process telecommunications facilities within a reasonable period of time. The FCC
determined that a “reasonable period of time” is as follow:

- 90 days to process applications for the collocation of additional antennas to existing infrastructure; and
- 150 days to process applications for the construction of new infrastructure.

**CONCLUSION:** The 150-day deadline will expire by March 7, 2019. This means that if the Planning Commission does not take action March 7, the application will be automatically approved under federal law. As stated above, South Gate supports the availability of Wireless Communication Service for businesses and residents and encourages substantial competition among service providers to meet increasing demands for newer and better services. However, it is evident that potential land use impacts can result from the development of wireless telecommunication facilities, particularly visual clutter. The proposed design and configuration of the monopalm is not compatible and harmonious to the surrounding facilities that exist on site. The microwave antenna does not visually contribute to the pole’s narrow vertical alignment. The proposal will not be the least intrusive design and in the least intrusive location for improving coverage along the Firestone Corridor. The proposal will not contribute to the Firestone corridor beautification by enhancing the visual environment of South Gate’s vehicular corridors. For these reasons it is recommended that the Planning Commission deny this request for a Conditional Use Permit.

**BACKGROUND:**

**Applicant:**
Verizon Wireless
15505 Sand Canyon Avenue
Building D, First Floor
Irvine, CA 92618

**Property Address:**
8912 Madison Ave
South Gate, CA 90280

**Assessor’s Parcel Number:**
6204-003-041 & 42

**Property Owner:**
Roman Catholic Archdiocese of Los Angeles
680 E Colorado Blvd, Suite 180
Pasadena Ca 91101

**Existing Zoning:** Corridor 1 (CDR1)

**Representative:**
J5 Infrastructure Partners
c/o Bryce Novak
7711 Normal Ave
La Mesa, CA 91941

**General Plan Designation:**
Firestone Corridor

**Surrounding Land Uses:**
North: Commercial
East: Commercial
South: Commercial
West: Residential

**ATTACHMENTS:**
A: Proposed Resolution No. 2019-01 (Denial)
B: Proposed Resolution No. 2019-01 (Approval)
C: Aerial and Location Map
D: Site Plan, Antenna Plan, and Elevations
E: Photograph Simulation
F: Propagation Map
G: Notice of Exemption
H: Public Hearing Notice
RESOLUTION NO. 2019-01

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SOUTH GATE, CALIFORNIA,
DENYING CONDITIONAL USE PERMIT NO. 833

WHEREAS, on October 8, 2018, the Department of Community Development received an application from J5 Infrastructure Partners, on behalf Verizon Wireless, to construct a new 60 foot high monopole consisting of (12) panel antennas, (12) RRU’s, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Ave; and

WHEREAS, the Planning Commission, upon giving the required notice, did on February 21, 2019, conduct a duly advertised public hearing as required by law to consider the approval of Conditional Use Permit No. 833. Notice of the hearing was originally published in the “Wave” on February 8, 2019 and mailed to surrounding properties and property owners within 1,000 feet of the subject site on February 7, 2019; and

WHEREAS, the 14,906 square foot site is in the CDR1 (Corridor 1) zone and the General Plan designation is the Firestone Corridor; and

WHEREAS, the site has served as a parish hall and parking lot with twenty-seven surface parking spaces for Saint Helen’s Church since 1975; and

WHEREAS, Firestone Boulevard is the primary arterial roadway through the City that helps connect the City with the wider region; and

WHEREAS, the South Gate General Plan vision for the Firestone Corridor includes a diverse mix of uses, including retail, office, high-density housing, and new development designed to bring buildings to the property line frontage; and

WHEREAS, Policy 5 of the Firestone Corridor in the South Gate General Plan encourages new development step down in height to existing single family neighborhoods or techniques to buffer corridor uses from adjacent residential uses; and

WHEREAS, the objective of Community Design Policy 5.1 (5) of the General Plan encourages utility areas and mechanical equipment to be designed in such a way that it does not detract from the aesthetic appeal of the district; and

WHEREAS, the objective of Community Design Policy 7.3 (2) of the General Plan encourages the development of retail and entertainment along Firestone Boulevard; and

WHEREAS, the objective of Community Design Policy 6.1 (7) of the General Plan encourages iconic, high quality urban design and architecture to be pursued with new projects in all the Districts in order to improve the aesthetics of the City; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and

ATTACHMENT A
WHEREAS, the Planning Commission determined that the facts of this matter are as follows:

1. On October 8, 2019, the Department of Community Development received an application from J5 Infrastructure Partners., on behalf Verizon Wireless, to construct a new 60 foot high monopalm consisting of (12) panel antennas, (12) RRU’s, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Avenue.

2. The project is proposed at 8912 Madison Ave (on the southeast corner of Firestone Boulevard and Madison Avenue) at the parish hall across from Saint Helen’s Church. The property is zoned Corridor 1 (CDRI) and the General Plan designation is Firestone Corridor. The surrounding uses to the east, north and west are commercial and auto, and residential to the south.

3. The proposed wireless telecommunications facility consists of a 60 foot tall antenna structurally designed to resemble a palm tree and a 246 square foot equipment storage shelter. The equipment shelter is proposed at the southeast corner of the property and is proposed to occupy approximately a 246 square foot storage shelter in perimeter.

4. It is evident that potential land use impacts can result from the development of wireless telecommunications facilities, particularly visual clutter.

5. The proposal is not the least intrusive design and in the least intrusive location for improving coverage along the Firestone Corridor.

6. The microwave dish antenna does not visually contribute to the pole’s narrow vertical alignment.

7. The proposal will not contribute to the Firestone Corridor beautification by enhancing the visual environment of South Gate's vehicular corridors.

8. Notice for the Planning Commission hearing was published in the “Wave” on February 8, 2019 and mailed to surrounding properties and property owners on February 7, 2019.

WHEREAS, the City Planning Commission made the following findings:

1. The subject application is detrimental to the public health, safety, and welfare or adversely affect property values or the present and future development of the surrounding area with the incorporation of the conditions of approval.

2. Policy 5 of Community Design- Firestone Corridor of the General Plan states the following: “New development should step down in height to the existing single family neighborhoods, or employ other techniques to buffer Corridor uses from adjacent residential areas.” The applicant has not demonstrated to staff that the proposed location is the least visually intrusive location possible.

3. Policy 5 of Community Design- Objective 5.1 of the General Plan states the following: “Utility areas and mechanical equipment to be designed in such a way that it does not detract from the aesthetic appeal of the district.” The proposal does not include adequate visual measures to mitigate impacts along Firestone Boulevard and Madison Avenue.
The proposed design and configuration of the monopalm is not compatible and harmonious to the surrounding facilities that exist on site. The microwave antenna does not visually contribute to the pole’s narrow vertical alignment.

4. Policy 2 of Community Design- Objective 7.3 of the General Plan states the following: "Development of retail and entertainment along Firestone Boulevard. Policy 2 states that the City should pursue major retail and entertainment uses for the Firestone Boulevard area to include theatres, major shopping centers, and other uses that have a regional draw." The proposal will not allow for future development of the corridor as Verizon Wireless is planning a thirty year lease with the property owner.

5. Policy 7 of Community Design- Objective 6.1 of the General Plan states the following: "Iconic, high quality urban design and architecture should be pursued with new projects in all the Districts in order to improve the aesthetics of the City." The proposed 60 foot high monopalm imitation tree with antenna structures attached does not meet a high quality urban design and aesthetic standard.

6. The proposed telecommunications facility is Categorically Exempt under Class 3 (New Construction or Conversion of Small Structures) Section 15303(c) of the California Environmental Quality Act. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

(blank)
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of South Gate, pursuant to the facts, noted above, does hereby deny Conditional Use Permit No. 833, to allow Verizon Wireless to construct an unmanned telecommunications facility consisting of a 60 foot monopalm with (12) panel antennas at top, (12) RRUS, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antennas, (2) MCE cabinets, and (1) MW at 8912 Madison Ave.

This denial was adopted by the following vote at the Planning Commission meeting of February 21st, 2019

AYES:

NOES:

ABSENT:

NOT VOTING:

DENIED and ADOPTED this 21st of February, 2019.

______________________________
Joe Perez
Secretary
City Planning Commission

APPROVED:

______________________________
Jose Delgado
Chairperson
City Planning Commission
RESOLUTION NO. 2019-01

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF SOUTH GATE, CALIFORNIA,
APPROVING CONDITIONAL USE PERMIT NO. 833

WHEREAS, on October 8, 2018, the Department of Community Development received an application from J5 Infrastructure Partners., on behalf Verizon Wireless, to construct a new 60 foot high monopalm consisting of (12) panel antennas, (12) RRU’s, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Ave; and

WHEREAS, the Planning Commission, upon giving the required notice, did on February 21, 2019, conduct a duly advertised public hearing as required by law to consider the approval of Conditional Use Permit No. 833. Notice of the hearing was originally published in the “Wave” on February 8, 2019 and mailed to surrounding properties and property owners within 1,000 feet of the subject site on February 7, 2019; and

WHEREAS, the 14,906 square foot site is in the CDR1 (Corridor 1) zone and the General Plan designation is the Firestone Corridor; and

WHEREAS, the site has served as a parish hall and parking lot with twenty-seven surface parking spaces for Saint Helen’s Church since 1975; and

WHEREAS, Firestone Boulevard is the primary arterial roadway through the City that helps connect the City with the wider region; and

WHEREAS, the South Gate General Plan vision for the Firestone Corridor includes a diverse mix of uses, including retail, office, high-density housing, and new development designed to bring buildings to the property line frontage; and

WHEREAS, Policy 5 of the Firestone Corridor in the South Gate General Plan encourages new development step down in height to existing single family neighborhoods or techniques to buffer corridor uses from adjacent residential uses; and

WHEREAS, the objective of Community Design Policy 5 of Objective 5.1 (5) of the General Plan encourages utility areas and mechanical equipment to be designed in such a way that it does not detract from the aesthetic appeal of the district; and

WHEREAS, the objective of Community Design Policy 7.3 (2) of the General Plan encourages the development of retail and entertainment along Firestone Boulevard; and

WHEREAS, the objective of Community Design Policy 6.1 (7) of the General Plan encourages iconic, high quality urban design and architecture to be pursued with new projects in all the Districts in order to improve the aesthetics of the City; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and
WHEREAS, the Planning Commission determined that the facts of this matter are as follows:

1. On October 8, 2019, the Department of Community Development received an application from J5 Infrastructure Partners., on behalf Verizon Wireless, to construct a new 60 foot high monopole consisting of (12) panel antennas, (12) RRU’s, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Avenue.

2. The project is proposed at 8912 Madison Ave (on the southeast corner of Firestone Boulevard and Madison Avenue) at the parish hall across from Saint Helen’s Church. The property is zoned Corridor 1 (CDR1) and the General Plan designation is Firestone Corridor. The surrounding uses to the east, north and west are commercial and auto, and residential to the south.

3. The proposed wireless telecommunications facility consists of a 60 foot tall antenna structurally designed to resemble a palm tree and a 246 square foot equipment storage shelter. The equipment shelter is proposed at the southeast corner of the property and is proposed to occupy approximately 246 square feet in perimeter.

4. Notice for the Planning Commission hearing was published in the “Wave” on February 8, 2019 and mailed to surrounding properties and property owners on February 7, 2019.

WHEREAS, the City Planning Commission made the following findings:

1. The proposed Conditional Use Permit is consistent with and will not adversely affect the intent and purpose Title 11 of the City’s Municipal Code or the City’s General Plan.

2. The design and development of the land use and conditions of the proposed Conditional Use Permit are compatible with the existing and future land uses of the applicable zone.

3. The proposed Conditional Use Permit would not result in detrimental impacts to adjacent properties or to the character or function of the neighborhood.

4. The proposed telecommunications facility is Categorically Exempt under Class 3 (New Construction or Conversion of Small Structures) Section 15303(c) of the California Environmental Quality Act. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

(blank)
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of South Gate, pursuant to the facts, noted above, does hereby approve Conditional Use Permit No. 833, to allow Verizon Wireless to construct an unmanned telecommunications facility consisting of a 60 foot monopalm with (12) panel antennas at top, (12) RRUS, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antennas, (2) MCE cabinets, and (1) MW at 8912 Madison Avenue subject to the attached Conditions of Approval.

This approval was adopted by the following vote at the Planning Commission meeting of February 21, 2019

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED and ADOPTED this 21st of February, 2019.

______________________________
Joe Perez
Secretary
City Planning Commission

APPROVED:

______________________________
Jose Delgado
Chairperson
City Planning Commission
RESOLUTION NO. 2019-01
CUP NO. 833 – CONDITIONS OF APPROVAL
8912 Madison Ave

General Requirements:
1. Code Compliance
   Unless otherwise waived, the permittee shall comply with all applicable codes, laws, rules and regulations including the Building and Safety, Public Works, and Zoning Codes of the City of South Gate and the Health and Fire Codes of the County of Los Angeles.

2. Approved Plans
   The property shall be developed substantially in accordance with the approved plans and Site Plan included as Attachment C. Unless otherwise approved in writing by the Director of Community Development.

3. Future Construction
   All future construction or additions to the installation shall be subject to review and approval of the Planning Commission, as determined appropriate by the Director of Community Development.

4. Compliance with Conditions
   Unless otherwise noted, all conditions are to be complied with as of the effective date of the conditional use permit.

5. Citation
   Any violation of the code requirements and/or conditions of approval may be subject to the issuance of a citation that could result in a fine as set by the Planning Commission, after notice, at which time the applicant may address the Commission.

6. Intensification of Use
   Permittee shall not expand the facility beyond the perimeter authorized by this permit and shall not materially increase the size or number of antennas and other equipment at the permit site.

7. Revocation
   Violations of the conditions of this conditional use permit can result in the revocation or modification of this application by the issuing body at a regularly scheduled meeting, notice of which will be given to the applicant by first class mail, postage prepaid, or by posting notice of said hearing at two prominent locations on the premises to which the permit refers.

8. Reimbursement
   The City Planning Commission may impose, as a condition of continuation, reinstatement or re-issuance of any permit, a requirement that the Permittee reimburse the City for all costs and expenses reasonably incurred in the investigating, identifying, and documenting the violation and in processing information concerning the violation for
presentation to the City Planning Commission, and upon appeal, to the City Council.

9. **Expiration of Conditional Use Permit/Unclassified Use Permit**
   Unless the conditional use permit is exercised within one year from the date of approval, the conditional use permit shall be directed to the Planning Commission for due process to determine reasonability for possible extension.

10. **Fish and Game Fee**
    If the Department of Fish and Game determines that this project is not exempt from the filing fees imposed pursuant to the Fish and Game Code Section 711.4, approval of this project shall be conditioned on the permittee paying to the Department of Fish and Game such fees and any fine which the Department of Fish and Game determines to be owed.

11. **Maintenance of Property Free of Graffiti**
    Applicant acknowledges and agrees that the permit is expressly conditioned on the permittee maintaining the subject equipment in a well-maintained condition, and free from graffiti. In the event of graffiti markings, Applicant agrees to eliminate all such graffiti within 24 hours, with or without notice from the City, as a condition of the permit.

**Suspension or Revocation:**
1. A public hearing consistent with Chapter 11.50 (Administration) shall be held for the consideration of a permit revocation. A permit or any associated conditions may be revoked or modified by the Planning Commission subject to any of the following grounds:
   a. The permit or approval was obtained by fraud.
   b. The property is not being use for the purpose which is the subject of the permit.
   c. The use for which the approval was granted has ceased or has been suspended for 1 year or more.
   d. The permit or conditions of the approval have been violated; exercised contrary to the terms of approval; or in violation of any statute, ordinance, law or regulation.
   e. The use for which the approval was granted was exercised in a manner detrimental to the public health or safety, or as to constitute a public nuisance.

2. Any approval or permit granted by the City becomes null and void if the property is not being used for the approved or permitted purpose within one (1) year from the date the approval or permits was issued, consistent with the provisions identified within Section 11.55 Nonconforming Uses and Buildings.

3. Any approval or permit granted within one year preceding the effective date of the Zoning Code that has not made progress to fulfill the entitlements and bring the project to completion shall be considered null and void.

4. If the application or any conditions of the CUP violate the Zoning Code or do not fulfill the intent of the Code, the Planning Commission shall, following a public hearing, be authorized to take the following actions:
   a. Revoke the CUP, revoke and reissue the CUP with new or modified conditions, or
modify the conditions of the existing CUP as may be appropriate under the circumstances.

b. Impose, as a condition of the continuation, reinstatement, or reissuance of the CUP, a requirement that the permittee reimburse the City for all costs and expenses reasonably incurred in investigating, identifying, and documenting the violation, and in processing information concerning the violation for presentation to the Planning Commission, and, upon any appeal, to the City Council.

c. A CUP shall be revocable if the exercises of rights granted by the CUP are discontinued for 6 consecutive months. The use subject to the CUP may not be resumed if the CUP is revoked; a new CUP, including processing and public notification, shall be required.

5. A prevailing party in any judicial action, administrative proceeding, or special proceeding to abate or to cause the abatement of a public nuisance, or in any appeal or other judicial action arising therefrom, may recover reasonable attorney’s fees in accordance with the following subsections:

a. Attorney’s fees are not recoverable by any person as a prevailing party unless the city manager, or a designee thereof, or an attorney for and on behalf of the city, elects in writing to seek recovery of the city attorney’s fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorney’s fees in favor of any person or the city.

b. The city is the prevailing party when an administrative or judicial determination is made or affirmed and a person is found to be responsible for one or more conditions or activities that constitute a public nuisance. A person is the prevailing party only when a final administrative or judicial determination completely absolves that person of responsibility for all conditions or activities that were alleged to constitute a public nuisance in that action or proceeding. An administrative or judicial determination that results in findings of responsibility or no responsibility on the part of a person for conditions or activities that were alleged in that action or proceeding to constitute a public nuisance shall, nevertheless, result in the city being the prevailing party.

c. Provided the city has made an election to seek attorney’s fees, an award of attorney’s fees to a person shall not exceed the amount of reasonable attorney’s fees incurred by the person in that action or proceeding.

**Planning Requirements:**

1. The stealth “mono-palm” must be approved by the Director of Community Development.

2. Within thirty (30) days of approval of the Project, the Applicant shall certify his/her acceptance of the conditions placed on the approval by signing a notarized Affidavit of Acceptance stating that he/she accepts and shall be bound by all of the conditions.

3. Landscape planter along the perimeter of Firestone Boulevard shall be landscaped with irrigation.

4. Fencing along Firestone Boulevard and Madison Avenue must be repainted as follows: a) cinder block repainted to match the existing parish hall structure and b) the wrought iron portion shall be repainted black.
5. The interior cinder block wall along the south property line and east property line must be repainted to match the existing parish hall structure.

6. The storage containers located on the southeast corner of the property shall be removed.

7. The new storage equipment shelter must have decorative block wall (split face/slump stone) and automatic self-closing solid metal doors and must be approved by the Community Development Director.

8. The new storage equipment shelter shall be landscaped with 3 feet minimum in front of the storage perimeter (facing Firestone Boulevard) for aesthetics.

9. A new trash enclosure must be provided and approved by the Community Development Director. Trash enclosures shall include a decorative cover, decorative block wall and automatic self-closing metal doors.

10. The Applicant shall defend, hold harmless and indemnify the City and 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 any approval by the City concerning the Project. The City shall promptly notify the Applicant of any filed claim, action or proceeding and shall cooperate fully in the defense of the action.

11. If lease is terminated antennas shall be removed within 45 days.

12. Additional landscaping adjoining the equipment compound will be added to diminish the impact of the monopole.

13. The applicant will repaint the monopole a neutral color and add camouflage antenna sleeves to the antenna arrays.

14. No exterior structural alteration shall be permitted without the prior approval of the Director of Community Development.

15. No exterior structure alteration shall be permitted without the prior approval of the Director of Community Development.

16. The property shall be developed in accordance with the approved plans, unless otherwise approved in writing by the Director of Community Development.

17. Unless otherwise waived, the permittee shall comply with all applicable codes, laws, rules and regulations including the Building and Safety, Public Works, and Zoning Codes of the City of South Gate and the Health and Fire Codes of the County of Los Angeles.

18. All improvements associated with the telecommunications facility, including equipment shelters, antennas, and fencing shall be properly maintained at all times.

19. The property owner shall scrape and re-pave and re-stripe the site per Building & Safety Division standards.
20. Building and Grading permits shall be obtained from the Building & Safety Division prior to the commencement of construction.

21. The property owner shall continually maintain the property clean so that is visually attractive and not dangerous to the health, safety and general welfare of the surrounding properties and residents.

22. The property owner and permittee shall ensure that all facets of the facility are regularly inspected, maintained and repaired in a timely fashion.

23. Annual maintenance and repair inspections shall be conducted for all structures, equipment and fencing/walls for structural and electrical safety.

24. Overgrown vegetation and weeds shall be removed and disposed of.

25. All Graffiti shall be removed.

26. The applicant/operator of the telecommunications facility shall operate the proposed equipment in strict conformance with the Federal Communications Commission (FCC) regulations at all times so as not to cause a Public Health and Safety Hazard or nuisance to the surrounding properties and residents.

27. All site signage required by the Federal Communications Commission, if any, shall be maintained in a clean condition at all times and graffiti and vandalism free.

28. The access gate to the telecommunications equipment shelter shall remain accessible for fire and emergency entrance.

29. All telecommunications power and electrical lines shall be placed underground.

**Code Enforcement Requirements:**

30. Maintain property free from graffiti at all times.

31. Maintain all vegetation cut and trimmed at all times.

32. Maintain property clean and free from debris at all times.

33. Maintain property free from any signs promoting services.

34. Keep property secured at all times.

**Building and Safety Requirements:**

35. Must slurry and re-stripe parking lot.

36. Replace all damaged/missing parking tire stops.

37. Repair inoperable/damaged storm drain (catch basin) at northwest area of parking lot.
Location Map for 8912 Madison Avenue
STATE STREET
NEW MONOPALM
8912 MADISON AVE    SOUTH GATE, CA 90280

Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design to the extent the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.
STATE STREET
NEW MONOPALM

8912 MADISON AVE  SOUTH GATE, CA 90280

PROPOSED  NORTH ELEVATION (LOOKING SOUTH)

(Y2) PROPOSED VERIZON WIRELESS PANEL ANTENNAS
((K) PER SECTOR) ON NEW 81'-0" MONOPALM

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STATE STREET
NEW MONOPALM
8912 MADISON AVE | SOUTH GATE, CA 90280

Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design as far as the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.
STATE STREET
NEW MONOPALM
8912 MADISON AVE  SOUTH GATE, CA 90280

PROPOSED  NORTHEAST ELEVATION (LOOKING SOUTHWEST)

(1) PROPOSED VERIZON WIRELESS PANEL ANTENNAS (1) PER S'ECTOR ON NEW (10'-3") MONOPALM

Disclaimer: These photographic simulations have been provided to aid in visualizing how the proposed wireless telecommunications facility shown herein would appear if constructed. While these renderings are not an exact science, they have been prepared diligently to accurately reflect dimensions, scale, depth, coloring, texture, and other important elements in the proposed design as far as the digital medium allows. Taken together with the engineering drawings and other materials submitted with the application, they are fair and reasonable visual depictions of how the proposed site would appear.
State Street - Without

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.
State Street - With

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.
NOTICE OF EXEMPTION

TO: County Clerk/Registrar-Recorder
County of Los Angeles
Environmental Filings
12400 E. Imperial Hwy., Rm 2001
Norwalk, CA 90650

FROM: Planning Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

Project Title and Location (including county):
Conditional Use Permit No. 832
8912 Madison Ave, South Gate, Los Angeles, CA

Project Description:
Conditional Use Permit No. 832 is a request by J5 Infrastructure Partners., on behalf of Verizon Wireless, to construct a new telecommunications facility consisting of a 60’ foot monopalm with (12) panels antennas, (12) RRU’s, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Ave.

Name of Public Agency Approving Project:
City of South Gate - Community Development Department

Name of Person/Agency Carrying Out Project:
Joe Perez, Community Development Director

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));
☐ Emergency Project (Sec. 21080 (b) (4); 15269(b) (c));
☒ Categorical Exemption: Section: 15303, Class: 3
☐ Statutory Exemption: Section: ______ Class: ______

Reasons why project is exempt:
The project has been deemed Categorically Exempt under Class 3 (New Construction or Conversion of Small Structures) Section 15303 of the California Environmental Quality Act. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Lead Agency Contact Person and Phone Number:
Jessica Jimenez, Assistant Planner
323-563-9514
jjimenez@sogate.org

Prepared and filed by the South Gate Community Development Department by:

Signature
Printed Name and Title
Date

Jessica Jimenez, Assistant Planner
PUBLIC NOTICE
CITY OF SOUTH GATE
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of South Gate will hold a public hearing on Conditional Use Permit No. 832

DATE OF HEARING: Thursday, February 21, 2019
TIME OF HEARING: 7:00 pm
LOCATION OF HEARING: City Hall Council Chamber, City of South Gate
8650 California Avenue
South Gate, California

PROJECT LOCATION: 8912 Madison Ave

PROJECT DESCRIPTION: Construct an unmanned telecommunications facility consisting of a 60 foot monopalm with (12) panel antennas, (12) RRU's, (3) raycaps, (3) hybrid cables, (1) diesel DC standby generator, (1) GPS antenna, (3) MCE cabinets, and (1) microwave dish antenna at 8912 Madison Ave.

ENVIRONMENTAL REVIEW: The project has been deemed Categorically Exempt under Class 3 (New Construction or Conversion of Small Structures) Section 15303 of the California Environmental Quality Act. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

INVITATION TO BE HEARD: All interested persons are invited to the public hearing to be heard in favor of or in opposition to the proposed project or to provide comments. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this Notice, or in written correspondence delivered to the City of South Gate prior to or at the public hearing.

Those desiring a copy of the staff report or further information related to this project should contact

Contact: Jessica Jimenez, Assistant Planner
Phone: 323-563-9514
E-mail: jjimenez@sogate.org
Mailing Address: Community Development Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

Joe Perez, Community Development Director

ESPÀÑOL
Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9514

Published: February 8, 2019
ITEM NO. 3

City of South Gate
PLANNING COMMISSION
AGENDA BILL
For the Special Meeting of February 21, 2019
Originating Department: Community Development
Senior Planner: Steve Masura
Director of Community Development: Joe Perez

SUBJECT: ZONE TEXT AMENDMENT NO. 157, TO AMEND THE SOUTH GATE MUNICIPAL CODE CHAPTER 11.43 SECOND DWELLING UNITS AND ACCESSORY STRUCTURES WITH AN ORDINANCE TO REPLACE INTERIM URGENCY ORDINANCES NOS. 2336 AND 2338 TO ESTABLISH STANDARDS AND MINISTERIAL PROCESS FOR APPROVING ACCESSORY DWELLING UNITS (ADU)

PURPOSE: To review and recommend adoption by the City Council of an ordinance replacing Interim Urgency Ordinance Nos. 2336 and 2338 (which is scheduled to expire on April 24, 2019), regarding applications for Accessory Dwelling Units.

RECOMMENDED ACTIONS:

a. Conduct a public hearing; and

b. Adopt proposed Resolution No. 2019-02, in a form acceptable to the City Attorney, recommending that the City Council adopt the proposed permanent ordinance establishing standards and ministerial process for approving Accessory Dwelling Units.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with Chapter 11.42, Title 11 of the South Gate Municipal Code. A legal notice was published in the “Press Telegram” newspaper on February 8, 2019.

ENVIRONMENTAL EVALUATION: Adoption of the proposed ordinance is exempt from the California Environmental Quality Act of 1970 (“CEQA”), as amended, pursuant to Public Resources Code Section 21060.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” The proposed ordinance is recommended for adoption to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

ANALYSIS: Effective January 1, 2017, the California state legislature adopted Government Code Section 65852.2, which made sweeping changes to state law regarding “accessory dwelling units” (formerly known as “second dwelling units”). Among other things, it required ministerial approval of applications for permits to construct alternative dwelling units, subject to certain specified
conditions. Government Code Section 65852.2 effectively rendered void the City’s then-existing ordinance regarding applications for permits to construct accessory dwelling units, which called for discretionary approval rather than ministerial approval.

In response the City Council, at its regular meeting of April 25, 2017, adopted Urgency Ordinance No. 2336 to establish interim approval standards with respect to applications for alternative dwelling unit permits, and to identify procedures for ministerial approval of accessory dwelling units within the City of South Gate, all as necessary to cause the City’s process for approving those applications to comply with Government Code Section 65852.2. Interim Urgency Ordinance No. 2336 was scheduled to expire on June 9, 2017, unless extended. Pursuant to Government Code Section 65858(b), the City Council was entitled to enact an extension to that Interim Urgency Ordinance in order to extend that Ordinance an additional 22 months and fifteen days. On May 23, 2017, the City Council adopted Interim Urgency Ordinance No. 2338, which extended Interim Urgency Ordinance No. 2336 through and including April 24, 2019. Furthermore, the City Council directed staff to study and develop permanent regulations that may be adopted prior to the April 24, 2019 expiration date.

In the intervening months, we have studied the degree to which those Interim Urgency Ordinances were effective in increasing the supply of housing in the City without adversely affecting the City’s other obligations and responsibilities to its residents. We have concluded that those Interim Urgency Ordinances have worked well, but could be modified slightly to improve their effectiveness. Accordingly, the proposed ordinance has been prepared. The copy of that ordinance attached hereto as Attachment B has been redlined to indicate the manner in which it differs from the earlier Interim Urgency Ordinances. Attachment C also shows a summary of changes comparing the new ADU regulations with the prior original zoning regulations for Second Dwelling Units/Granny Flats. The new ADU ordinance will completely replace the prior code.

The Proposed ordinance is substantially the same as the interim urgency ordinances. Provided below are key provisions in the proposed ordinance:

Minimum Lot Requirements

- An ADU must be located within the Neighborhood Low (i.e. single-family) Zone
- An ADU must be located on a lot that is equal to or larger than 6,000 square feet (unless the ADU is located entirely within the Main Dwelling)
- Only one ADU may exist on a lot

Size of ADU

- An ADU, whether attached, detached, or a part of the Main Dwelling will not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the main structure, whichever is less
- An ADU will contain no more than one bedroom

Unit Size

- An ADU shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit

2
Lot Coverage
- The Main Dwelling and the ADU, together with all other structures, shall not exceed a total lot coverage of forty-five (45%) percent

Location of New Construction
- An ADU constructed apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, must be located outside of all required setbacks and in the rear one-half of the lot.

Parking
- One parking space will be provided per ADU and may be provided as tandem parking, including on an existing driveway or in setback areas, but excluding the non-driveway front yard setback
- ADUs are exempt from parking standards if the ADU is:
  o Part of the existing Main Dwelling unit or an existing accessory structure that is not being removed to accommodate the ADU;
  o Located within one-half mile of a public transit stop;
  o Located within a historic district;
  o Located within an area where on-street parking permits are required but not offered to the occupant of the secondary unit; or
  o Located within one block of a dedicated car share space.

Replacement Parking
- When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking will be required and may be located in any configuration on the same lot as the ADU (except that replacement spaces are not allowed within the non-driveway front yard setback)
- Replacement spaces will be provided on the same lot as the ADU. The number of replacement spaces will be no fewer than the spaces that were removed.
- The minimum dimensions for any replacement spaces will be 10 feet by 20 feet
- Parking spaces are required to be maintained in good order and repair and clear of all vegetation, equipment, trash, debris

Utilities
- Separate utility connections are not required for ADUs contained within an existing Main Dwelling or existing accessory units
- All other ADUs, including new ADU structures, are required to have new and separate utility connections

Ownership
- An ADU must be under the same ownership as the remainder of the lot
- An ADU may not be partitioned from the Main Dwelling or sold/ transferred separately from the Main Dwelling

Continuous Owner Occupancy
- Property owner must occupy either the ADU or Main Dwelling
• One of the two dwelling units may be rented for a period of not less than thirty (30) days

Revocation of Permit
• The circumstances and process for the revocation of an ADU permit are included in the proposed Ordinance.

ADU State Enabling Law
The California Government Code for ADUs allows for cities to create their own ordinances for ADUs to address their own local needs by designating certain areas or zones and related zoning regulations to protect the health, safety, and welfare of the community. These code sections in particular are: Section 65852.150(b) states “It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”; Section 65852.2(a)(1) states “A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use.”; and Section 65852.2(a)(1)(A) states that the ordinance shall “Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.” Therefore, the proposed ordinance designates areas with reasonable zoning standards in the City of South Gate that would best accommodate new ADU units.

Survey
Many cities nearby and statewide have adopted permanent ADU ordinances or are also in the process of adopting permanent ordinances with urgency ordinances in place (See a survey of nearby cities in Attachment F). Most of these ordinances have similar regulations for designated areas and zoning standards to help address issues of potential impacts of new housing development to adjacent lots and neighborhoods, street parking, traffic, etc. Similar to South Gate’s proposed ordinance, the surveyed cities for example: show zone restrictions to R-1 only; minimum lot sizes ranging from 5,000 to 10,000 square feet; and maximum ADU sizes ranging from 500 square feet to 1,500 square feet.

South Gate Eligible ADU Properties
There are a total of 3,101 properties in the City that are eligible for ADUs based on the criteria in the ordinance for properties 6,000 square feet or larger in the Neighborhood Low zone (See Map in Attachment G). There are a total of 12,306 properties in the City that are zoned Neighborhood Low, therefore the 3,101 represents 25% of all Neighborhood Low zoned properties. There are a total of 16,583 residential properties in the City, therefore the 3,101 represents 19% of all residential properties in the City.

ADUs Approved and Built
Since the approval of the Urgency Ordinance in 2017, the City has received 109 ADU applications, with 60 applications approved for zoning, 45 building permits issued, 30 under construction, and
15 ADUs completed construction. This shows a strong interest in ADUs in the city and that the current regulations as proposed are providing adequate ability for residents to add significant numbers of ADUs in the city now and in the future.

There continues to be new proposed State legislation affecting ADUs that could affect cities' ability to regulate local approvals. Many bills introduced last year did not get approved, however there are at least three recently introduced bills being considered that could potentially affect the cities' ordinances. Any new legislation approved would then be addressed at a future time with any zoning amendments as necessary.

Therefore, it is recommended the Planning Commission adopt the proposed resolution (Attachment A) recommending that the City Council adopt the proposed ordinance (Attachment B).

ATTACHMENTS:  
A: Proposed Resolution No. 2019-02  
B: Proposed Ordinance  
C: ADU Ordinance – Summary of Changes  
D: Public Hearing Notice  
E: Full text of Government Code Section 65852.2  
F: Survey of nearby cities  
G: Map of eligible ADU properties
RESOLUTION NO. 2019-02

A RESOLUTION OF THE PLANNING COMMISSION
RECOMMENDING THAT THE SOUTH GATE CITY COUNCIL
ADOPT AN ORDINANCE AMENDING TITLE 11 (ZONING), BY
ESTABLISHING STANDARDS AND MINISTERIAL PROCESS FOR
APPROVING ACCESSORY DWELLING UNITS (ADUS)

WHEREAS, effective January 1, 2017, California Government Code Section 65852.2 deemed null and void any existing ordinance that fails to provide an approval process that includes only ministerial provisions for the approval of Accessory Dwelling Units; and

WHEREAS, Government Code Section 65852.2 permits local governments to establish development standards for ministerial review of Accessory Dwelling Units and directs that Accessory Dwelling Units be approved subject to state standards when no local standards or process for accessory dwellings has been established; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures and criteria while studying potential permanent processes and zoning standards; and

WHEREAS, on April 25, 2017, the City Council adopted Interim Urgency Ordinance No. 2336 for the purpose of regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate; and

WHEREAS, on May 23, 2017 the City Council adopted Interim Urgency Ordinance No. 2338, extended the term of Interim Urgency Ordinance No. 2336 through April 24, 2019; and

WHEREAS, Urgency Ordinance No. 2338 is scheduled to expire on April 24, 2019; and

WHEREAS, the proposed permanent Ordinance (attached hereto) complies with California Code Section 65852.2 that requires cities to establish standards to allow for ministerial approval of Accessory Dwelling Units so as to provide additional rental housing stock as Accessory Dwelling Units as a component of the housing supply in California; and

WHEREAS, the proposed permanent Ordinance is largely identical to Interim Urgency Ordinance No. 2338, except for minor modifications; and

WHEREAS, the Planning Commission, upon giving the required notice, did on the 21st day of February, 2019, conducted a duly advertised public hearing as required by law; notice of the hearing was published in the “Press Telegram” Newspaper on February 8, 2019; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and

WHEREAS, the Planning Commission determined that the facts of this matter are as follows:

ATTACHMENT A
1. Urgency Ordinance No. 2338 is scheduled to expire on April 24, 2109 and, unless the City adopts a permanent ADU ordinance, the City will have no effective ordinance addressing ADUs. Without a permanent ordinance in place, ADU applications will be processed by default under State regulations, resulting in a loss of City authority to process and apply standards for new ADUs.

2. Notice for the Planning Commission hearing was published in the “Press Telegram” Newspaper on February 8, 2019.

WHEREAS, the City Planning Commission made the following findings:

1. The public health, safety and welfare would not be adversely affected by approval of the proposed Ordinance since the Ordinance would be consistent with the General Plan and the requirements specified in state law.

2. The proposed Ordinance would not be detrimental to surrounding properties, since the proposed Ordinance furthers General Plan policies that promote increased housing opportunities.

3. This Ordinance is exempt from the California Environment Quality Act of 1970 (“CEQA”), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This Ordinance was adopted and is extended to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

NOW, THEREFORE, BE IT RESOLVED: That after careful consideration of maps, facts, exhibits, testimony, staff reports, public comments, other evidence submitted in this matter, and the substantial evidence in the record, the Planning Commission recommends that the City Council:

1. Find that the adoption of the Ordinance is exempt from the California Environmental Quality Act of 1970 (“CEQA”) pursuant to Public resources Code Section 21080.17; and

2. Adopt Ordinance amending the South Gate Municipal Code Chapter 11.43 Second Dwelling Ordinance to replace Interim Urgency Ordinances Nos. 2336 and 2338 to establish standards and ministerial process for approving Accessory Dwelling Units.

BE IT FURTHER RESOLVED, that the Secretary of this Commission be directed to transmit to the City Council a copy of this resolution as the report of the findings and recommendations of the Planning Commission with reference to this matter.

This Resolution was adopted by the following vote at the Planning Commission meeting of February 21, 2019.
AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED and ADOPTED this 21st day of February, 2019.

______________________
Joe Perez
Secretary
City Planning Commission

APPROVED:

______________________
Jose Delgado
Chairperson, City Planning Commission
ORDINANCE NO._____

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SOUTH GATE, CALIFORNIA, ESTABLISHING STANDARDS
AND MINISTERIAL PROCESS FOR APPROVING
ACCESSORY DWELLING UNITS (ADUs)

WHEREAS, effective January 1, 2017, California Government Code Section 65852.2
deemed null and void any existing ordinance that fails to provide an approval process that includes
only ministerial provisions for the approval of Accessory Dwelling Units; and

WHEREAS, Government Code Section 65852.2 permits local governments to establish
development standards for ministerial review of Accessory Dwelling Units and directs that
Accessory Dwelling Units be approved subject to state standards when no local standards or
process for accessory dwellings has been established; and

WHEREAS, Government Code Section 65858 permits cities to adopt interim procedures
and criteria while studying potential permanent processes and zoning standards; and

WHEREAS, on April 25, 2017, the City Council adopted Interim Urgency Ordinance No.
2336 for the purpose of regulating Accessory Dwelling Units in the Neighborhood Low residential
zone of the City of South Gate; and

WHEREAS, on May 23, 2017 the City Council adopted Interim Urgency Ordinance No.
2338, extended the term of Interim Urgency Ordinance No. 2336 through April 24, 2019.

WHEREAS, the City Council finds that a permanent ordinance regulating Accessory
Dwelling Units in the Neighborhood Low residential zone of the City of South Gate is necessary for
the public health, welfare and safety and residents, citizens, businesses and visitors of the City of
South Gate; and

WHEREAS, the City Council finds that the proposed permanent Ordinance No. _____ is
consistent with the City’s General Plan and not in conflict with any applicable specific plan; and

WHEREAS, proposed permanent Ordinance No. _____ complies with California Code
Section 65852.2 that requires cities to establish standards to allow for ministerial approval of
Accessory Dwelling Units so as to provide additional rental housing stock as Accessory Dwelling
Units as a component of the housing supply in California; and

WHEREAS, proposed permanent Ordinance No. _____ is largely identical to Interim
Urgency Ordinance No. 2338, except for minor modifications;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES
HEREBY ORDAIN AS FOLLOWS:
SECTION 1. The City Council hereby adopts Ordinance No. _____ regulating Accessory Dwelling Units in the Neighborhood Low residential zone of the City of South Gate. Ordinance 2338 amended Chapter 11.43 (Second Dwelling Units and Accessory Structures), of Title 11 (Zoning), of the South Gate Municipal Code in its entirety to read as follows:

Title 11 (Zoning)
Chapter 11.43 (Accessory Dwelling Units and Accessory Structures)

Sections:
11.43.010 Purpose and Intent.
11.43.020 Definitions.
11.43.030 Accessory Dwelling Unit Requirements.
11.43.040 Application Process and Permit Requirements.
11.43.050 Recordation of Covenant.
11.43.060 Revocation.
11.43.070 Hearings and Appeals.
11.43.080 Responsible Persons.
11.43.090 Declaration of Nuisance; Enforcement.
11.43.100 No Authorization to Violate Law.
11.43.110 Accessory Structures.

11.43.010 Purpose and Intent.
This chapter of the South Gate Municipal Code (the “Chapter”) establishes the standards for permitting accessory dwelling units (“Accessory Dwelling Units”) within the City of South Gate, formerly known as “second dwelling units” on residential properties in accordance with Section 65852.2 as of the California Government Code, as amended and effective January 1, 2017.

11.43.020 Definitions.
For purposes of this Chapter the following terms shall have the meanings indicated:

A. “Accessory Dwelling Unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An Accessory Dwelling Unit also includes (i) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code and (ii) a manufactured home, as defined in Section 18007 of the Health and Safety Code.

B. “Accessory Dwelling Unit Permit” means the formal, written approval, of the Community Development Director approving the application for an Accessory Dwelling Unit.

C. “Application” means an application for an Accessory Dwelling Unit Permit.

D. “Building Codes” means all of the requirements for authorization for the construction, alteration, improvement, modification, demolition or removal of any structure within the City of South Gate, including all codes adopted by reference in the Municipal Code, including but not limited to the California Building Code, the California Electrical Code, the California Plumbing Code, the California Mechanical Code, the California Residential Code and all local amendments thereto as adopted by the City in the Municipal Code.
E. “Building Permits” means all authorizations and permissions required in accordance with all applicable Building Codes.

F. “City” means the City of South Gate.

G. “Director” means the Community Development Director of the City of South Gate and all of his/her designees.

H. “Existing Structure” for the purposes of defining an allowable space that can be converted to an Accessory Dwelling Unit means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

I. “Initiate the Use” means to commence occupying the Accessory Dwelling Unit by persons for human habitation.

J. “Living Area” means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

K. “Lot” shall mean the single legal parcel of real property upon which the Accessory Dwelling Unit shall be located.

L. “Main Dwelling” means a lawfully constructed single-family residence existing on the Lot where the Accessory Dwelling Unit may be permitted.


N. “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the Accessory Dwelling Unit.

O. Other words and phrases used in this Chapter shall have the same meaning as provided in the South Gate Municipal Code.

11.43.030 Accessory Dwelling Unit Requirements.

A. Location of Accessory Dwelling Units. An Accessory Dwelling Unit for which a valid Accessory Dwelling Unit Permit has been issued and that is, at all times, maintained, utilized and improved in accordance with this Chapter shall be permitted within the NL Zone within the City. The foregoing notwithstanding, Accessory Dwelling Units shall not be established or permitted within a planned community, including but not limited to planned unit developments and condominium projects, unless Accessory Dwelling Units were specifically incorporated into the approved project plans and the recorded covenants, conditions and restrictions or other document reflecting the land use restrictions applicable to the development.

B. Compliance with Chapter. No Accessory Dwelling Unit may be constructed, maintained, improved, altered, enlarged, modified, permitted or allowed within the City except as provided in this Chapter and only in the NL Zone.
C. **Residential Use.** An Accessory Dwelling Unit shall be used only for residential purposes and no business, enterprise or occupation shall be conducted, permitted or allowed within the Accessory Dwelling Unit.

D. **Applications for Accessory Dwelling Unit Permit.** All applications for an Accessory Dwelling Unit Permit shall be submitted to the Director on the form approved by the Director, together with all information and documents requested, which shall include scaled and fully dimensioned plans, and elevations for the lot including the proposed Accessory Dwelling Unit, Main Dwelling, any other structures on site, parking, set-backs and entrances and driveways.

E. **Building Permits.** Building Permit(s) shall be required for all Accessory Dwelling Units. All existing Building Permits for a proposed Accessory Dwelling Unit shall be submitted with the Application. In addition, all applications for all Building Permits or other authorizations and approvals required for the legal use of the structure where the Accessory Dwelling Unit will be located shall be submitted with the Application, together with all permit, planning, development or other fees required under the Municipal Code, except as otherwise expressly provided in this Chapter.

F. **Design Compatibility.** All Accessory Dwelling Units shall be architecturally compatible with the Main Dwelling with respect to styling, roofline, window and door treatment, materials, colors, textures, height, scale, and bulk, and shall be compatible with the surrounding neighborhood.

G. **Community Impact.** The design and establishment of the Accessory Dwelling Unit shall not adversely affect the neighborhood with respect to on-street parking demand and use, traffic noise, or other impacts that could result in adverse impacts on public services and resources.

H. **Continuous Owner Occupancy.** At the time that an application for Accessory Dwelling Unit Permit is submitted and at all times thereafter at least one of the dwelling units (Main Dwelling or Accessory Dwelling Unit) on the Lot must be occupied by a natural person who is lawful owner or beneficial interest holder of a lawful trust holding title to the Lot. The other dwelling unit may be rented for a period of not less than thirty (30) days. It is the intent of this Chapter that once established, at least one of the units on the Lot shall be owner occupied. In the event that no such person occupies one of the units on the Lot, the Accessory Dwelling Unit may not be occupied or rented and shall be deemed to be non-habitable as provided in Section 11.43.060, in which case all owners and all persons in control, management or possession of the Lot shall comply with Section 11.43.060(C).

I. **Minimum Lot Requirements.** Accessory Dwelling Units shall only be permitted on legal parcels that meet all the following Lot qualifications:

1. The Lot is located within an NL zone as designated by the South Gate zoning map.

2. The Lot size is equal to or larger than six thousand (6,000) square feet, unless the Accessory Dwelling Unit is located entirely within the Living Area of the existing Main Dwelling, in which case the Lot size may be smaller.
3. The Lot has an existing single-family Main Dwelling.

4. The Lot does not have an existing Accessory Dwelling Unit on site. Only one Accessory Dwelling Unit, regardless of size or configuration, may exist on a Lot at any one time. No more than two (2) dwelling units may exist at any time on a Lot containing an Accessory Dwelling Unit.

5. When an Accessory Dwelling Unit is to be contained within the existing space of a Main Dwelling or accessory structure, it shall have independent exterior access from the existing residence and the side and rear setbacks shall be sufficient for fire safety, including compliance with all applicable Fire Codes.

J. Applicability of Other Municipal Code Requirements. The Accessory Dwelling Unit, and any other improvements located on the Lot where it is located, shall comply with all applicable Building Codes and Zoning Code requirements, except as modified expressly by this Chapter. The foregoing notwithstanding, Accessory Dwelling Units shall not be required to be equipped with fire sprinklers, unless they are required for the Main Dwelling.

K. Density and Use. The existence of an Accessory Dwelling Unit shall not be deemed to cause a Lot to exceed the allowable density for the Lot upon which the Accessory Dwelling Unit is located. An Accessory Dwelling Unit shall be considered a residential use consistent with the existing general plan and zoning designation for the Lot.

L. Ownership. An Accessory Dwelling Unit shall, at all times, be held under the same ownership as the remainder of the Lot on which it is located. An Accessory Dwelling Unit may not be partitioned from the Main Dwelling and may not be sold, transferred or assigned separately from the Main Dwelling.

M. Development Standards. An Accessory Dwelling Unit shall at all times comply with the following requirements.

1. Development Standards. Except as expressly provided herein, all development standards set forth in the Municipal Code applicable to the Main Dwelling shall be applicable to all Accessory Dwelling Units.

2. Maximum Occupancy. Occupancy loads of the Accessory Dwelling Unit shall be the same as applicable to the Main Dwelling pursuant to applicable regulatory requirements of the Municipal Code or the State of California, including without limitation all applicable Building and Fire Codes.

3. Compliance with Building Codes. All construction, alteration, modification, demolition, improvement or other work required to comply with this Chapter, the Accessory Dwelling Unit Permit or any other condition related thereto, shall be in compliance with all applicable Building Codes and shall be completed and final inspection requested within one-hundred-eighty (180) calendar days after the issuance of such permit, approval or authorization. Upon a request made by the Applicant prior to the expiration of a permit, approval or authorization and upon good cause having been
shown that the work could not reasonably completed within the said time period, the building official or department issuing such authorization may grant one (1) extension of no more than one-hundred-eighty (180) days.

4. **Utilities.** If the Accessory Dwelling Unit is contained within an existing Main Dwelling or an existing accessory structure, has independent exterior access from the existing Main Dwelling, and has side and rear setbacks sufficient for fire safety, then a new or separate utility connection directly between the Accessory Dwelling Unit and the utility shall not be required. In all other cases, an Accessory Dwelling Unit shall be equipped with a new and separate utility connection directly between the Accessory Dwelling Unit and the utility. The City shall charge a connection fee or capacity charge, as applicable to the specific property, that shall be proportionate to the burden of the proposed Accessory Dwelling Unit, based upon either its size or the number of plumbing fixtures, and upon the water or sewer system, as determined by the Director; provided, however, that the charge shall not exceed the reasonable cost of providing the service. All newly constructed or installed utilities for the Accessory Dwelling Unit shall be underground and subject to and comply with Municipal Code Section 11.30.060.

5. **Smoke Detectors.** If the Main Dwelling is required to be equipped with functioning hardwired smoke detectors with battery backup, the Accessory Dwelling Unit shall also be so equipped.

6. **Gross Floor Area.** The Accessory Dwelling Unit, whether attached, detached or a part of the Main Dwelling shall not have a gross floor area greater than six-hundred-forty (640) square feet or 30% of the area of the Main Dwelling, whichever is less, and shall contain no more than one bedroom.

7. **Unit Size.** The Accessory Dwelling Unit shall not be less than two-hundred-forty (240) square feet in size or the minimum size for an efficiency unit, as defined in California Health and Safety Code Section 17958.1, whichever is greater.

8. **Lot Coverage.** The Main Dwelling and the Accessory Dwelling Unit, together with all other structures, shall not exceed a total structural lot coverage of forty-five percent (45%).

9. **Location of New Construction Setbacks.** In the event that the Accessory Dwelling Unit is to be constructed separate and apart from the Main Dwelling and not within an existing garage that is to be converted to residential use, the Accessory Dwelling Unit shall be located outside of all setback requirements set forth in the Municipal Code that are applicable to the Main Dwelling and shall be located in the rear one-half of the Lot. An existing garage that is converted to an Accessory Dwelling Unit shall not be required to have any setback, other than the setback that may be required by Building or Fire Codes for fire or safety purposes. A newly constructed Accessory Dwelling Unit that is located above a garage shall be located not closer than five (5) feet from the side and rear lot lines. A minimum building separation (eave to eave) of ten (10) feet shall be maintained between the Main Dwelling and a detached Accessory Dwelling Unit.
10. **Height.** The Accessory Dwelling Unit shall be no taller than thirty-four (34) feet or the height of the existing Main Dwelling, whichever is lower, and may not exceed one (1) story unless the existing Main Dwelling has at least two (2) stories.

11. **Passageways.** No passageway shall be required in conjunction with the construction of an Accessory Dwelling Unit.

12. **Entrance.** The Accessory Dwelling Unit shall have a separate entrance from the Main Dwelling that shall not be visible from the front of the Main Dwelling or the public right of way.

13. **Parking.**
   A. In addition to the parking requirement in the Municipal Code for the Main Dwelling, parking shall be provided for the Accessory Dwelling Unit as follows: For units containing one or fewer bedrooms: one (1) space. This parking space, in combination with the other parking spaces required for the Lot, may be provided as tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback.

   B. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an Accessory Dwelling Unit, replacement parking shall be required and may be located in any configuration on the same lot as the Accessory Dwelling Unit, except that replacement parking spaces shall not be located within the non-driveway front yard setback. Replacement spaces shall be provided in any configuration on the same Lot as the Accessory Dwelling Unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. The number of replacement parking spaces shall be no fewer than the spaces that were removed. The minimum dimensions for any replacement parking spaces shall be ten (10) feet by twenty (20) feet. Parking spaces shall be maintained in good order and repair and clear of all vegetation, equipment, trash, debris or any other condition that would prevent or impede the use of the spaces for parking.

   C. The parking requirement for an Accessory Dwelling Unit set forth in this section shall not be required in the following instances:
      i. The Accessory Dwelling Unit is located within one-half mile of a regularly used public transit stop, depot or station.
      ii. The Accessory Dwelling Unit is part of the existing Main Dwelling or an existing accessory structure that is not being removed to accommodate the Accessory Dwelling Unit.
      iii. The Accessory Dwelling Unit is located within an architecturally and historically significant historic district.
      iv. When on-street parking permits are required but not offered to the occupant of the Accessory Dwelling Unit.
      v. When there is a car share vehicle located within one block of the Accessory Dwelling Unit.
11.43.040 Application Process and Permit Requirements.

A. Processing Application. Within 120 days of receipt of a completed Application, submitted with all supporting documentation and, if applicable, all fees required for Building Permits, Development and Planning approvals, authorizations and permissions, in accordance with Government Code Sections 66000, et seq., the Director shall issue an Accessory Dwelling Unit Permit, ministerially, upon making a determination that the proposed Accessory Dwelling Unit would be in compliance with this Chapter and that all required approvals, permits, authorizations and permissions exist for the lawful use of the Accessory Uses or will be issued by the appropriate agency or department. If the Director has information or reasonable belief that all such approvals, permits authorization and permissions do not exist and will not be issued within a reasonable time, the Director shall deny the Application.

B. Health Official Approval. In the event that that the property is served by a functioning private sewage disposal system, any Application for an Accessory Dwelling Unit must be approved by health official for the City before an Accessory Dwelling Unit Permit may be issued by the Director.

C. Conditions of Approval. The Director may include conditions on the Accessory Dwelling Unit Permit that are consistent with this Chapter.

D. Denial of Application. The Director shall deny an Application for an Accessory Dwelling Unit Permit upon making a determination that the Requirements of this Chapter have not been satisfied and in the event that the Director finds that any of the following conditions exist or may occur if the application is granted:

1. The Accessory Dwelling Unit would be detrimental to the public health and safety or that it would unreasonably impact the privacy of the surrounding properties.

2. The Lot or any structure located there upon contains any active violations of the Municipal Code or other applicable regulation or law, except in the event that such violation shall be abated in the course of construction or other activities authorized by permits or other authorizations or permissions granted by the City.

11.43.050 Recordation of Covenant.

Within thirty (30) days of the approval of an Application for an Accessory Dwelling Unit Permit, the owner of the Lot shall record a covenant ("Covenant") reflecting the obligations, rights and restrictions provided in the Permit and in this Chapter. The Covenant shall "run with the land" and be binding on the Lot and all owners, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future. The Covenant shall be recorded in the Registrar-Recorder's Office of Los Angeles County. A copy of the Accessory Dwelling Unit Permit shall be incorporated in or attached to the Covenant and shall be recorded therewith. A copy of the Covenant shall be filed with the City's Community Development Department. The Covenant shall be in a form approved in writing by the City Attorney and shall provide the following:

A. That at all times that an Accessory Dwelling Unit is located on the subject Lot a natural person who is a lawful owner, or beneficial interest holder of a lawful trust holding title to the Lot must continuously occupy the Main Dwelling or the Accessory Dwelling Unit as that person's principal residence.
B. At all times there shall be no more than two (2) residential units on any Lot containing an Accessory Dwelling Unit.

C. That the Accessory Dwelling Unit may not be sold separately from the remainder of the Lot and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located.

D. That any rental of either the Main Dwelling or Accessory Dwelling Unit not occupied by a natural person who is an owner of the subject property or the beneficial interest holder must be for a term longer than thirty (30) days.

E. That the Accessory Dwelling Unit Permit for the Lot and each of the terms and conditions set forth therein bind the Lot and all owners and all beneficial interest holders, lenders, lien holders, occupants and all other persons having an interest or estate in the Lot, now or in the future.

F. That the use of the Accessory Dwelling Unit is subject to the provisions of this Chapter.

G. That the Accessory Dwelling Unit Permit may be subject to revocation in the event of breach of the terms of the Covenant or as otherwise provided in this Chapter.

11.43.060 Revocation.
A. The Director may revoke any Accessory Dwelling Unit Permit in the event of any of the following:

1. Misrepresentation or any false, untrue or inaccurate statement in the Application or any supporting documentation.

2. Failure to execute and record the Covenant required pursuant to Section 11.43.050.

3. The Accessory Dwelling Unit ceases to be used for human habitation.

4. Failure to initiate the use as authorized under the Accessory Dwelling Unit Permit within 180 days, together with any extension authorized by the Director, after final inspection of any applicable building permits or the issuance of the Accessory Dwelling Unit Permit, whichever is later.

5. The use of the Accessory Dwelling Unit causes detriment or becomes incompatible to the surrounding homes as a result of the manner in which it is maintained.

6. Parking as required under this Chapter is not provided or maintained.

7. Failure to comply with any condition of approval of the Accessory Dwelling Unit Permit.

8. The use of the Accessory Dwelling Unit causes or becomes a nuisance, as defined in the Municipal Code.
9. If any term or condition of the Covenant is violated.

10. The Accessory Dwelling Unit was not constructed in accordance with the plans and buildings permits approved by the City that were submitted with the Application for the Accessory Dwelling Unit Permit. This includes the failure to obtain a final inspection within 180 days after the issuance of building permits.

11. Maintenance of the Accessory Dwelling Unit in violation of applicable laws, regulatory codes or the Municipal Code.

B. Notification of Revocation. The Director shall give written notice of the revocation of the Accessory Dwelling Unit by mail or hand delivery to the property owner and the occupants of the Main Dwelling and the Accessory Dwelling Unit and by posting a copy of the notice of revocation at the front entrance to each unit.

C. Effect of Revocation. Within ten (10) days after notice of the revocation is given, human habitation of the Accessory Dwelling Unit must cease. The Accessory Dwelling Unit shall thereafter be deemed non-habitable space. Within thirty (30) days after notice of the revocation is given, all electrical, plumbing, kitchen and bathroom facilities, fixtures, equipment and appliances shall be removed. To the extent that removal of any of the foregoing cannot be completed without significant risk to the structural integrity of any structure upon the Lot, any such facility, equipment, fixture or appliance may, with the consent of the building official, in lieu of removal, be permanently disabled in place. Provided, further, that any such facility, equipment, fixture or appliance shall not be required to be removed if they would otherwise be permitted within an accessory structure within the NL zone pursuant to the Municipal Code.

11.43.070 Hearings and Appeals.

A. Director's Hearing. In the event that the Director denies an Application for an Accessory Dwelling Unit or revokes an Accessory Dwelling Unit Permit, the applicant or permittee may request a hearing before the Director within 10 days after being advised of the decision. If there is a request for a hearing in accordance with this Subsection, the order of the Director shall be stayed until the Director makes his determination after the hearing is concluded. If there is no request for hearing within the ten (10) day period, or upon a determination of the Director upholding the revocation, the Accessory Dwelling Unit shall brought into compliance with Subsection 11.43.060(C), above or in the case of an denial of an application, the property shall be brought into compliance with all applicable building and zoning requirements of the Municipal Code.

B. Appeal of Director's Determination After Hearing. If the Director does not rescind a denial of the application or the revocation after the hearing, the applicant or permittee may appeal to the planning commission in accordance with Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided.

C. Preclusion of Further Application. In the event that an Application is denied or a permit is revoked, no Application may be made for an Accessory Dwelling Unit Permit for the same Lot for a period of one (1) year from the date of the revocation or the conclusion of the appeal process, whichever is later.
11.43.080 Responsible Persons.
All owners, occupants, managers and persons with dominion or control over the Accessory Dwelling Unit or the Lot upon which it is located shall comply with the terms of this Chapter and all applicable conditions, covenants, permits and restrictions created thereby.

11.43.090 Declaration of Nuisance; Enforcement.
Any condition, construction, improvement, alteration or use that is created, permitted, allowed or maintained in violation of this Chapter is declared to be a nuisance and may be abated in accordance with any and all remedies available to the City, whether legal or equitable, civil, criminal or administrative, all of which shall be deemed cumulative. A violation of this Chapter shall be subject to enforcement as provided in Chapter 11.56 of the Municipal Code. Any violation of this Chapter is declared to be a misdemeanor.

11.43.100 No Authorization to Violate Law.
Nothing in this Chapter allows or permits the violation of any Federal or State Law or the Municipal Code. Except as provided hereunder, nothing herein cures or makes legal any illegal condition or use. Any work, improvement, construction or alteration required or permitted by this Chapter shall comply with all applicable building permit and regulatory requirements of the Municipal Code.

11.43.110 Accessory Structures.
The following provisions, in combination with Section 11.43.040 (Application Process and Permit Requirements), are minimum requirements for all accessory structures that are not an Accessory Dwelling Unit.

A. Detached Garage. Detached garages shall be limited to accommodating four vehicles and shall conform to all development standards of the NL Zone.

B. Garage Doors. Garage doors shall not comprise more than 50% of any single parcel frontage.

SECTION 2. The City Council hereby finds and determines, for the reasons set forth in Section 1, hereof that this Ordinance is exempt from the California Environment Quality Act of 1970 ("CEQA"), as amended, because it can be seen with certainty that this ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this ordinance and the effects derivative from the adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (15 Cal. Code Regs. § 15061(b)(3)). Furthermore, the adoption and implementation of the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” This Ordinance was adopted and is extended to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

SECTION 3. This Ordinance is adopted pursuant to the provisions of Government Code Sections 36934 and 36937, and shall be effective thirty (30) days following upon its adoption.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance or the application thereof to any person or place, is for any reason held to be invalid or
unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one of more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. The City shall submit a copy of this Ordinance to the State Department of Housing and Community Development not later than sixty (60) days after the date of adoption of this Ordinance, as required by Government Code Section 65852.2(h).

SECTION 6. The City Clerk shall certify to the adoption of this Interim Urgency Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this ____ day of March, 2019.

CITY OF SOUTH GATE:

Maria Belen Bernal, Mayor

ATTEST:

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

Raul F. Salinas, City Attorney
## ADU Ordinance - Summary of Changes

(Underlined sections are changes to prior code)

<table>
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<tr>
<th>Regulations</th>
<th>New State Law</th>
<th>Prior City Code</th>
<th>Interim Urgency Ordinance</th>
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<tbody>
<tr>
<td>Zoning</td>
<td>Any lot zoned for single or multifamily housing</td>
<td>NL (Neighborhood Low) Zone</td>
<td>NL (Neighborhood Low) Zone</td>
</tr>
<tr>
<td>Minimum Lot Requirement</td>
<td>No lot size requirement</td>
<td>6,000 sq. ft. or larger</td>
<td>6,000 sq. ft. or larger</td>
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<td></td>
<td></td>
<td>Existing single-family dwelling residence required</td>
<td>Existing single-family residence required</td>
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<td></td>
<td>Must not have existing ADU on site</td>
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<tr>
<td>Size of ADUs</td>
<td>Maximum of 50% of the existing main dwelling, with maximum increase in floor area of 1,200 sq. ft.; total area of floorspace for detached ADU not to exceed 1,200 sq. ft.</td>
<td>Maximum of 30% of the existing dwelling or 640 sq. ft. of gross floor area, whichever is less.</td>
<td>Maximum of 30% of the existing main dwelling or 640 sq. ft. of gross floor area, whichever is less, unless ADU located entirely within main dwelling</td>
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<td>Maximum of one bedroom</td>
<td>Maximum of one bedroom</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>Not specified</td>
<td>Maximum lot coverage is 45% for any NL Zone parcel (sum of main dwelling and ADU)</td>
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</tr>
<tr>
<td>Location of New ADU Construction (Setbacks)</td>
<td>Maximum 5 ft. setback from side and rear lot for ADU constructed above garage</td>
<td>NL setback regulations</td>
<td>ADUs constructed apart from main dwelling and not within existing garage must meet required setbacks</td>
</tr>
<tr>
<td></td>
<td>No setback requirement for converted garages</td>
<td>• 5 ft from interior/rear</td>
<td>Minimum 5 ft. setback from side and rear lot for ADU constructed above garage</td>
</tr>
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<td></td>
<td></td>
<td>• Constructed on rear ½ of lot</td>
<td>Constructed on rear ½ of lot if not constructed within an existing garage</td>
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<tr>
<td></td>
<td></td>
<td>• May be located on first or second floor, attached or detached from main dwelling.</td>
<td>Minimum building separation of 10 ft. maintained between main dwelling and ADU</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No setback requirement for converted garages</td>
</tr>
</tbody>
</table>
### ADU Ordinance - Summary of Changes
(Underlined sections are changes to prior code)

<table>
<thead>
<tr>
<th>Regulations</th>
<th>New State Law</th>
<th>Prior City Code</th>
<th>Interim Urgency Ordinance</th>
</tr>
</thead>
</table>
| New Parking for ADUs        | ➢ Maximum of one parking space per unit or bedroom; and may be provided as tandem, covered, uncovered, or by use of mechanical automobile lifts  
➢ Required spaces are permitted in setback areas as determined by local agency  
➢ No parking is required if ADU is:  
  1. Located within one-half mile of a public transit stop, depot or station  
  2. A part of the existing main dwelling or an existing ADU that is not being removed to accommodate the ADU  
  3. Located within a historically significant historic district  
  4. In an area where on-street parking permits are required, but not offered to the occupant of the secondary ADU  
  5. Located within one block of a dedicated car share vehicle | ➢ A minimum of one on-site paved parking space.  
  ➢ No tandem or perpendicular parking  
  ➢ Not permitted within required setbacks  
➢ Minimum parking space dimensions 10 ft. by 20 ft.; not block access to main dwelling garage | ➢ Maximum of one parking space for units containing one or fewer bedrooms  
➢ May be provided through tandem parking, including on an existing driveway or in setback areas, excluding the non-driveway front yard setback  
➢ Minimum parking space dimensions 10 ft. by 20 ft.  
➢ Parking spaces are to be maintained and free of debris  
➢ No parking is required if ADU is:  
  1. Located within one-half mile of a public transit stop, depot or station  
  2. A part of the existing main dwelling or an existing ADU that is not being removed to accommodate the ADU  
  3. Located within a historically significant historic district  
  4. In an area where on-street parking permits are required, but not offered to the occupant of the secondary ADU  
  5. Located within one block of a dedicated car share vehicle |
| Replacement ADU Parking     | ➢ When a parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement space may be located in any configuration on the same lot as the ADU as:  
  ➢ Covered spaces  
  ➢ Uncovered spaces  
  ➢ Tandem spaces  
  ➢ Mechanical automobile lift | ➢ Not specified | ➢ When garage or covered parking structure is demolished or converted with construction of an ADU, replacement parking is required but cannot be located within the non-driveway front yard setback. The number of replacement parking spaces is no fewer than the spaces that were removed; minimum dimensions being 10 ft. by 20 ft. |
### ADU Ordinance - Summary of Changes
(Underlined sections are changes to prior code)

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</tr>
</thead>
<tbody>
<tr>
<td>Utilities</td>
<td>➢ Separate utilities cannot be required if ADU is within existing main dwelling or accessory structure</td>
<td>➢ Shall not be metered separately from main dwelling (gas, electricity, trash, water, or sewer services)</td>
<td>➢ New detached ADUs will require new and separate utility connections&lt;br&gt;➢ Separate utilities will not be required if the ADU is:&lt;br&gt;1. Contained within an existing main dwelling and/or;&lt;br&gt;2. Has independent exterior access from the existing main dwelling, and has side and rear setbacks sufficient for fire safety</td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>➢ Allows a local agency to require one of the units to be owner occupied or to be used for rentals for terms longer than 30 days</td>
<td>➢ One of the dwelling units shall be owner occupied</td>
<td>➢ One of the dwelling units shall be owner occupied&lt;br&gt;➢ Any rental of ADU or main dwelling must be for longer than 30 days</td>
</tr>
<tr>
<td>Maximum Occupancy</td>
<td>➢ Not specified</td>
<td>➢ Occupancy of the second dwelling unit is limited to a maximum of two persons</td>
<td>➢ Must meet the requirements of the Municipal Code or the State of California</td>
</tr>
<tr>
<td>Passageways</td>
<td>➢ No passageway shall be required in conjunction with the construction of an ADU</td>
<td>➢ Not specified</td>
<td>➢ No passageway shall be required in conjunction with the construction of an ADU</td>
</tr>
</tbody>
</table>
# ADU Ordinance- Summary of Changes

(Underlined sections are changes to prior code)

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</tr>
</thead>
<tbody>
<tr>
<td>Covenant</td>
<td>➤ Not specified</td>
<td>Deed restriction including the following:</td>
<td>➤ Owner must continuously occupy the primary residential structure or the ADU as their principal residence</td>
</tr>
<tr>
<td>(Deed Restriction)</td>
<td></td>
<td>➤ Total number of dwelling units on the property shall be limited to two units</td>
<td>➤ At all times there shall be no more than two (2) residential units on any Lot containing an ADU</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➤ One of the dwelling units shall be continuously owner-occupied</td>
<td>➤ ADU may not be sold separately from the remainder of the parcel and that it shall not be subject to partition or separation from the Lot where the Main Dwelling is located</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➤ Parking spaces, including garage, shall be maintained free and clear of storage and debris</td>
<td>➤ That any rental of either the Main Dwelling or Accessory Dwelling Unit must be longer than thirty (30) days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➤ Units (main and second dwelling unit) shall not be metered separately</td>
<td>➤ That the use of the ADU is subject to the provisions of this Code Section 11.43</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➤ Units not sold separately</td>
<td>➤ That the ADU Permit may be subject to revocation in the event of breach of the terms of the Covenant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>➤ Second dwelling unit approval shall be revoked if any portion of the deed restriction is violated or not complied with.</td>
<td></td>
</tr>
</tbody>
</table>

| Hearing and appeals          | ➤ Not specified | ➤ Administrative decision subject to appeal to Planning Commission per Municipal Code Section 11.50.040 | ➤ If permit denied, permittee may request a hearing before the Director. If Director denies the application, the permittee may appeal to the Planning Commission per Municipal Code Section 11.50.040. The Accessory Dwelling Unit may continue to be used until the appeal is decided. |
PUBLIC NOTICE
CITY OF SOUTH GATE
PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of South Gate will hold a public hearing on Zone Text Amendment No. 157.

DATE OF HEARING: Thursday, February 21, 2019
TIME OF HEARING: 6:30 pm
LOCATION OF HEARING: City Hall Council Chamber, City of South Gate
8650 California Avenue
South Gate, California

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Zone Text Amendment No. 157 to amend the South Gate Municipal Code Chapter 11.43 Second Dwelling Units and Accessory Structures with an ordinance to replace Interim Urgency Ordinance Nos. 2336 and 2338 to establish standards and ministerial process for approving Accessory Dwelling Unit (ADU) applications.

ENVIRONMENTAL REVIEW: Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) because it can be seen with certainty that the ordinance has no likelihood of causing a significant negative effect on the environment, and the recommended adoption and implementation of the proposed ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA “does not apply to the adoption of an ordinance by a city or county to implement the provisions of Sections 65852.1 or 65852.2 of the Government Code.” The proposed ordinance is recommended for adoption to implement changes in Government Code Section 65852.2, and thus is exempt from CEQA’s environmental review requirements.

INVITATION TO BE HEARD: All interested persons are invited to the public hearing to be heard in favor of or in opposition to the proposed ordinance or to provide comments. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing, described in this Notice, or in written correspondence delivered to the City of South Gate prior to or at the public hearing.

Those desiring a copy of the staff report, a copy of the proposed ordinance, or further information related to the ordinance should contact:

Contact: Erika Soriano, Administrative Services Coordinator
Phone: 323-563-9529
E-mail: esoriano@sogate.org

Mailing Address: Community Development Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

ESPAÑOL
Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9529

Published: February 8, 2019

ATTACHMENT D
65852.150. (a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state’s economy, our ability to build green infrastructure consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California’s housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

(c) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2018, Ch. 856, Sec. 4. (SB 1333) Effective January 1, 2019.)

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily use and includes a proposed or existing single-family dwelling.

(iii) The accessory dwelling unit is either attached or located within the living area of the proposed or existing primary dwelling or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) The total area of floorspace of an attached accessory dwelling unit shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.
(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.
(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

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

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

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

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

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

(4) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. The department may review and comment on this submitted ordinance.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(6) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(Amended by Stats. 2017, Ch. 602, Sec. 1.5. (AB 494) Effective January 1, 2018.)
<table>
<thead>
<tr>
<th>City</th>
<th>Zoning</th>
<th>ADU Size</th>
<th>Minimum Lot Size</th>
<th>Lot Coverage</th>
<th>ADU Setback requirements</th>
<th>Replacement parking</th>
<th>Utility requirements for ADUs</th>
<th>Owner occupancy &amp; rental of ADUs</th>
<th>Maximum occupancy</th>
<th>Covenant (deed restriction)</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Bell</td>
<td>R-E, R-1, R-2, R-3, R-4</td>
<td>Max is 1,200 sf, or 50% of the primary residence, whichever is less</td>
<td>no minimum lot size requirement</td>
<td>varies, depending on zone, max is 50% in residential zones</td>
<td>Side: -5’-0 Rear: 5’-0</td>
<td>no parking requirement for new ADU for garage conversion, parking must be replaced</td>
<td>no utility requirement</td>
<td>Property owner must occupy ADU or primary unit/Yes, can be rented</td>
<td>no max occupancy</td>
<td>Required</td>
</tr>
<tr>
<td>Bellflower</td>
<td>Any residential zone</td>
<td>Attached: 50% of existing house. Detached: 1,200 sf</td>
<td>varies on zone, must meet min lot size</td>
<td>Based on zone, most 45%</td>
<td>setback requirement applicable to primary unit</td>
<td>1 space (can be uncovered or tandem)/Exempt if it's 1/2 mile from public transit</td>
<td>not specified</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>none specified</td>
<td>Required</td>
</tr>
<tr>
<td>Cerritos</td>
<td>Single family residential zone</td>
<td>750 sf</td>
<td>10000 sf</td>
<td>Not exceed 40% of lot area</td>
<td>comply with all setback requirements applicable to primary unit</td>
<td>Not specified</td>
<td>non specified</td>
<td>not specified/dye, can be rented</td>
<td>2 people</td>
<td>not specified</td>
</tr>
<tr>
<td>Downey</td>
<td>all residential zones, but new/added only in ADU overlay zones</td>
<td>Max: 850 sf, Min: 220 sf</td>
<td>varies, must meet minimum lot size of zone</td>
<td>Floor Area Ratio (60%)</td>
<td>*new detached, 0 ft rear *attached, min 5 ft *garage conversion, 0 ft</td>
<td>Varies depending on total enclosed area</td>
<td>Separate utilities not permitted</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>Not applicable</td>
<td>Must sign and record covenant</td>
</tr>
<tr>
<td>Huntington Park</td>
<td>all residential zones</td>
<td>Attached 50% of SFD or 1200 sf, whichever is least</td>
<td>no minimum lot size requirement</td>
<td>varies, depending on zone, max 65% in residential zones</td>
<td>*garage conversion, 0 ft *new ADU, must comply with all setback of primary</td>
<td>1 space (can be uncovered or tandem)/Exempt if it's 1/2 mile from public transit</td>
<td>cannot be separate from the main unit</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>None, but limited to 1 bedroom</td>
<td>agreement with County Recorder's, property owner occupied</td>
</tr>
<tr>
<td>Santa Fe Springs</td>
<td>R-1 &amp; R-3</td>
<td>ADU not exceed 50% of the primary residence, not exceed 640 sf max</td>
<td>5,000 sf</td>
<td>Not specified</td>
<td>*for garage conversions, 0 feet *5 feet from side and rear lot lines</td>
<td>1 space (can be uncovered or tandem)/Exempt if it's 1/2 mile from public transit</td>
<td>detached or multi-family zones, require a new or separate utility connection. attached units not Required</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>not specified</td>
<td>deed restriction satisfactory to the city attorney</td>
</tr>
<tr>
<td>Norwalk</td>
<td>allowed in all single-family residential dwellings</td>
<td>Min 150 sf, Max 720 sf</td>
<td>varies on zone</td>
<td>not specified</td>
<td>varies on zone</td>
<td>*no parking required for new ADU *for garage conversions, parking must be replaced and it may be uncovered or covered</td>
<td>All ADUs shall share gas, electrical, and water meters.</td>
<td>Owner must occupy one unit/yes, can be rented</td>
<td>not specified</td>
<td>agreement with County Recorder's, property will be owner occupied</td>
</tr>
<tr>
<td>Paramount</td>
<td>R-1 only</td>
<td>Attached 50% of existing dwelling or 500sf, whichever is less</td>
<td>5000 sf</td>
<td>not specified</td>
<td>Minimum of 10 foot separation</td>
<td>*garage conversions, replaced as originally configured *1 parking space per ADU tandem parking is allowed</td>
<td>metered separately from the main building for gas, electricity, water, and sewer services</td>
<td>Owner must occupy primary unit or ADU</td>
<td>not specified</td>
<td>Required</td>
</tr>
<tr>
<td>Whittier</td>
<td>All single family and multi-family zoned properties</td>
<td>Min: 150sf Lots under 20,000sf: 50% primary residence Max 1,200sf, Lots over 20,000sf 50% of living area/Max: 1,500 sf</td>
<td>Varies on zone, cannot be less than 5% of min lot size</td>
<td>Lot coverage varies on zone. Floor area ratio will not apply to multi-family zones</td>
<td>setbacks vary on zone, require the setback of the primary dwelling unit. Distance between structures 10 ft min</td>
<td>If within 1/2 mile of a transit stop, replacement parking is not required</td>
<td>Not specified</td>
<td>Not specified</td>
<td>not specified</td>
<td>not specified</td>
</tr>
</tbody>
</table>

ATTACHMENT F
Citywide NL Lots and
Lots 6,000 sq. ft. & larger w/ SFD

Legend
- City of South Gate Boundary
- NL Lots 6000 sq. ft. or greater w/ SFD (Total 3,101)
- NL Lots Citywide (Total 12,306)