



***Planning Commission Agenda
8650 California Ave, South Gate CA 90280***

Tuesday, September 21, 2021 at 7:00 p.m.

SOUTH GATE COUNCIL CHAMBER OR

TELECONFERENCE

DIAL-IN-NUMBER: 1(669)900-6833

<https://us02web.zoom.us/j/82568974716>

City Officials:

CHAIRPERSON

Fabiola Inzunza

COMMISSIONERS

Jose Delgado

Jenny Perez

Diego Sepulveda

VICE CHAIRPERSON

Jose De La Paz

Call To Order

Roll Call

Pledge Of Allegiance

Report On Posting

I, Jose Montano, Administrative Coordinator, certify that a true and correct copy of the foregoing meeting agenda was properly posted on September 16, 2021 at 6:00p.m., as required by law.

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 Planning Commission meeting of September 7, 2021.

Documents:

[ITEM NO. 1.PDF](#)

Item No. 2

The Planning Commission will conduct a public hearing to consider approving the Zoning Ordinance revising the City's regulations pertaining to density bonus for affordable housing.

Documents:

[ITEM NO. 2.PDF](#)

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.

Audience Comments

City Staff Comments

Planning Commission Comments

Adjournment

Adjournment to the Regular Planning Commission meeting on Tuesday, October 5, 2021 at 7:00 p.m.

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 Monday, October 4, 2021.

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

MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, SEPTEMBER 7, 2021

INTRODUCTORY PROCEDURES

Chairperson Fabiola Inzunza called the meeting to order at 7:01 P.M.

The Pledge of Allegiance was led by Planning Commissioner Jose Delgado.

ROLL CALL: By Jose Montano, Recording Secretary.

Present: Chairperson Fabiola Inzunza, Vice-Chairperson Jose De La Paz, Commissioners Jose Delgado, and Jenny Perez.

Absent/Excused: Commissioner Diego Sepulveda

Staff: Acting Housing Administrator Erika Soriano, Contract Planner Eunice Im, and Recording Secretary Jose Montano.

City Attorney Craig Hardwick arrived at 7:22pm.

REPORT ON POSTING: By Jose Montano, Recording Secretary.

1. MINUTES

The Planning Commission considered approving the minutes for the Planning Commission meeting of September 7, 2021. Commissioner Jose Delgado moved, and Vice Chairperson Jose De La Paz seconded the motion to approve the Planning Commission minutes of September 7, 2021.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Yes
Commissioner Diego Sepulveda	Absent

The motion carried (4-0), with Commissioner Diego Sepulveda absent, and all other Commissioners voting in favor.

2. PUBLIC HEARING **CONDITIONAL USE PERMIT NO. 851 FOR A TYPE 41 ALCOHOL LICENSE TYPE 41 (SALE OF BEER AND WINE) AT 9322 LONG BEACH BOULEVARD.**

Acting Housing Administrator Erika Soriano introduced Contract Planner Norma Hernandez. Contract Planer Norma Hernandez gave a brief presentation regarding the Conditional Use Permit No. 851. The applicant, Ryan Wilson, is requesting the approval of a Conditional Use Permit No, 851 for a TYPE 41 Alcohol license (On-Sale

Beer & Wine) at a proposed Red Tacos restaurant, which is located at 9322 Long Beach Boulevard. The property is located along Long Beach Boulevard in between Iowa Avenue and Illinois Avenue.

The property is zoned Urban Neighborhood Zone (UN) with a General Plan designation in a Corridor Overlay Zone "Long Beach (3 Sub Area)." The surrounding uses are vehicle repair to the north, educational "KIPP Corazon Academy" to the west, residential to the east, and light manufacturing (food transportation company) to the south. The subject property measures approximately 4,990 square feet in size the proposed "Red Tacos" restaurant will occupy the first floor (1,374 square feet) of an existing 1 two-story 3,3003 square foot structure. The second floor is currently occupied by two dwelling units. Said restaurant will maintain its current seating capacity of twenty indoor seats.

Section 11.55.030 of Existing Development and Land Use Activity Subsection H of the City's zoning code allows for minor building/structure repairs, aesthetic improvements, and routine maintenance for legal non-conforming structures. The restaurant unit is currently undergoing a tenant improvement project which involves facade improvements as well as replacing floor tile, electrical, bathroom fans, and painting.

Chairperson Fabiola Inzunza opened the public meeting.

With no comments received, Chairperson Fabiola Inzunza closed the public hearing.

Vice Chairperson Jose De La Paz asked if the applicant had any previous history within the restaurant business and if so, what other restaurants does the applicant currently operate.

Ryan Wilson, Business owner/architect, thanked the Planning Commission for their consideration. Mr. Wilson informed the Commission that his business owner Erika De La Teja has several restaurant businesses in the Southeast area.

Vice Chairperson Jose De La Paz asked how many ABC alcohol license are in the census track. Mr. De La Paz inquired if the Police Department provided comments?

Contract Planer Norma Hernandez informed the Planning Commissioners that staff did not receive any comments from the Police Department. Mrs. Hernandez also explained that the discrepancy in Census Map (which showed three) was due to one of the premises holding two licenses (one of which is for catering or considered off-site) while the other three licenses are for "On-site" ABC license.

Commissioner Jose Delgado expressed his concerns with parking and inquired on the hours of operation.

Contract Planner Norma Hernandez informed the Commission that the property is classified as "Legal Non-conforming" and the parking can remain as is. Mrs. Hernandez informed the Commission that the hours of operation will be from 8:30am to 11 pm

Vice Chairperson Jose De La Paz moved, and Chairperson Fabiola Inzunza seconded to approve Resolution No. 2021-12, certifying a Categorical Exemption under Class 1, Section 15301 of the California Environmental Quality Act; and approve Conditional Use Permit No. 851.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Yes
Commissioner Diego Sepulveda	Absent

The motion carried (4-0), with Commissioner Diego Sepulveda absent, and all other Commissioners voting in favor.

3. PUBLIC HEARING PROPOSED SIGN THEME FOR RAISING CANE’S LOCATION AT 9854 ALAMEDA STREET

Interim Housing Administrator Erika Soriano introduced Contract Planner Eunice Im. Contract Planer Eunice Im gave a brief presentation regarding the Conditional Use Permit No. 851. The applicant, Mike Mazon, is requesting the approval of a Sign Theme consisting of three (3) wall signs, one (1) monument sign, and one (1) mural for the proposed Raising Cane's drive thru restaurant, located at 9854 Alameda Street.

The proposed wall signs are a total of 92.25 square feet, and the proposed monument sign area is 23.83 sq. ft. The applicant is also proposing a mural on the north elevation of the structure. According to Chapter 11.36 Signs of the South Gate Zoning Code, wall signs in commercial and manufacturing zones are permitted as described in Section 11.36.090.2. The proposed wall signs meet all development standards. Furthermore, any painted wall sign that does not pertain to the business, product or service rendered on the premises shall be considered a mural. Size, height, locations, and other restrictions shall be reviewed by the Planning Commission.

Chairperson Fabiola Inzunza opened the public meeting.

Mike Mazon applicant spoke in favor of this item and thanked staff for their hard work and made himself available to any questions the Planning Commissioner might have.

Kristen Roberts Senior Property Development Manager, spoke in favor of this item and made herself available to the Planning Commission might have.

Vice Chairperson Jose De La Paz expressed his concerns regarding sign that is located on north of Nebraska which faces residential properties.

Vice Chairperson Jose De La Paz expressed his concerns regarding the wall sign “A” located north of the building facing Nebraska Avenue. Vice Chairperson De La Paz was concerned the light from the illuminated sign would negatively impact the residential neighborhood.

Mike Mazon informed the Planning Commissioner that the applicant is willing to address the concerns regarding the light on the signage.

The Commission agreed to add a condition to turn off the signage after 10 pm or to provide another alternative, whichever has the least illuminating impact to the residential community.

With no other comments received, Chairperson Fabiola Inzunza closed the public hearing. Vice Chairperson Jose De La Paz moved, and Commission Jenny Perez seconded to approve Resolution No. 2021-10, approving proposed sign theme for the Raising Cane’s drive-thru restaurant located at 9854 Alameda

Street and adding conditions of approval for wall sign “A” facing Nebraska Avenue to be turned off after 10 pm or to provide another alternative with the least illuminating impact to the residential community.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Yes
Commissioner Diego Sepulveda	Absent

The motion carried (4-0), with Commissioner Diego Sepulveda absent, and all other Commissioners voting in favor.

4. PUBLIC HEARING **CONDITIONAL USE PERMIT NO. 848 AND SIGN THEME 21-04 FOR THE DEVELOPMENT OF A NEW 173,876 SQUARE FOOT MINI SELF-STORAGE, 882 SQUARE FOOT OFFICE AND ASSOCIATED ON-SITE IMPROVEMENTS ON A 2.05 ACRE LOT IN THE M-2 ZONE OF THE TWEEDY BOULEVARD SPECIFIC PLAN AT 9830 ATLANTIC AVENUE**

Interim Housing Administrator Erika Soriano introduced Contract Planner Eunice Im. Contract Planner Eunice Im gave a brief presentation regarding the Conditional Use Permit No. 848 and sign Theme 21-04 for the development of a new 173,876 square foot Mini Self-Storage, 882 square foot office and associated on-site improvements on a 2.05-acre lot in the M-2 zone of the Tweedy Boulevard Specific Plan at 9830 Atlantic Ave.

Chairperson Fabiola Inzunza opened the public meeting.

Adam Lent representative of the applicant spoke in favor of this item, and expressed excitement for this business and the outreach in the community.

Chairperson Fabiola Inzunza expressed her concerns with the Soil Management Plan, and asked staff where the condition for Soil Management Plan was placed.

Contract Planner Im responded that two conditions were added at the end of Building & Safety conditions for the Soil Management Plan.

Vice Chairperson Jose De La Paz expressed his concerns regarding the construction process and the noise impact it might cause during school hours.

Chairperson Inzunza inquired about hours of operation being part of the conditions of approval.

Contract Planner Im said that the hours of operations were not included in the conditions.

Chairperson Inzunza requested that she preferred hours of operation to be included.

Vice Chairperson Jose De La Paz moved, and Commission Jenny Perez seconded to adopt Resolution No. 2021-11 recommending Certification of a Class 32, Category Exemption pursuant to CEQA (§§ 21000 et seq.); approving Conditional Use Permit No. 848 and sign Theme 21-04; with adding the hours of operation to the conditions of approval.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Yes
Commissioner Diego Sepulveda	Absent

The motion carried (4-0), with Commissioner Diego Sepulveda absent, and all other Commissioners voting in favor.

Audience Comments

None.

City Staff Comments

Interim Housing Administrator Erika Soriano informed the Planning Commissioners that the Senior Planner position has been filed and the recruitment for the Assistance Planner is still the process.

Planning Commission Comments

None.

ADJOURNMENT

There being no further business before the Planning Commission, Chairperson Fabiola Inzunza adjourned the meeting at 8:38 P.M.

Respectfully,

Erika Soriano, Acting Secretary

APPROVED:

Fabiola Inzunza, Chairperson

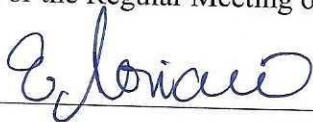
City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Regular Meeting of: September 21, 2021

Acting Housing Administrator:



SUBJECT: ZONING ORDINANCE REVISING THE CITY'S REGULATIONS PERTAINING TO DENSITY BONUS FOR AFFORDABLE HOUSING

PURPOSE: Public hearing to consider a recommendation to the City Council of an ordinance amending Title 11, Chapter 11.31 of the South Gate Municipal Code, to revise the City's regulations pertaining to density bonus for affordable housing.

RECOMMENDED ACTIONS:

- a. **CONDUCT** a public hearing;
- b. **ACCEPT** the determination that this is not a project, as defined by California Environmental Quality Act;
- c. **ADOPT** the findings as outlined in Resolution No. 2021-13; and
- d. **RECOMMEND** that the City Council adopt the draft ordinance approving Zone Text Amendment No. 168.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with Chapter 11.30, Title 11, of the South Gate Municipal Code. Notice of the hearing was originally posted and published in the "South Gate Press" on September 9, 2021.

ENVIRONMENTAL EVALUATION: The foregoing amendment to the South Gate Zoning Code does not constitute a Project for purposes of the California Environment Quality Act of 1970 ("CEQA"). An amendment to a zoning ordinance can in certain circumstances constitute a Project under CEQA pursuant to Public Resources Code Section 21080 and Section 15378 of the State CEQA Guidelines (14 Cal. Code Regs. § 15378). Pursuant to said Section 15378 and Public Resources Code Section 21065, such an amendment can only constitute a Project if it will cause a direct physical change in the environment (or a reasonably foreseeable indirect physical change in the environment). Here, no such change will result from the amendments contemplated by this Ordinance, because (a) the Ordinance merely enacts revisions necessary to comply with state law mandates, (b) the Ordinance does not involve any commitment to any specific project, and (c) any future project which will be subject to the amendments enacted by this Ordinance will be subject to its own CEQA review.

BACKGROUND: California State Density Bonus Law was first implemented in 1976 to address California's growing affordable housing needs. Density Bonus Law is part of a larger package of incentives intended to make the development of affordable and senior housing economic feasible. It has been amended multiple times since its adoption in response to evolving housing conditions, provide clarification on legislation, respond to legal challenges, and incorporate new or expanded provisions. Density Bonus Law originally sought to address the affordable housing shortage by encouraging development of low- and moderate-income units; over time, the law was expanded to recognize the need for housing for households at a wider range of income levels and with specialized needs. Density Bonus Law is intended to increase the production of affordable housing by requiring local agencies to grant an increase to the maximum allowable residential density for eligible projects, and to support the development of eligible projects at greater residential densities by granting incentives, concessions, waivers, and/or reductions to applicable development regulations.

Previous Density Bonus Law allowed for an increase in additional density over the maximum allowable density as specified in the City's Development Code and General Plan, according to the amount of affordable housing units proposed by an applicant. More recently, updates to Density Bonus Law specify regulations allowing for density bonuses and development concessions for senior and affordable housing, reduced parking based on the proximity to transit, streamlined procedures for processing applications, and expansion of housing categories that qualify for a density bonus. The amount of additional density an applicant is entitled to, over the maximum allowable density varies according to the amount of affordable housing units proposed by an applicant.

Recent Density Bonus Law Legislation

As mentioned above, Density Bonus Law has been amended repeatedly in response to the housing market. Below are a few key bills that have been implemented over the past several years to strengthen the benefits of density bonuses.

Senate Bill 1085. Adopted in 2020, SB 1085 increased incentives for projects to incorporate units affordable to include very-low Income households.

Assembly Bill 1763. Effective on January 1, 2020, added significant bonuses to existing law. Most notably, developments with 100% of units dedicated for lower income households are eligible for a density bonus of at least 80% of the number of affordable units. In other words, a development project consisting of a total of 100 income qualifying units, may receive a density bonus of 80 units. These projects are also entitled to receive up to four concessions or waivers.

AB 1763 also reduced the parking ratio for special needs housing and qualifying supportive housing projects from 0.3 spaces per unit to zero spaces per unit if the proposed housing development has either paratransit service or unobstructed access within one-half mile to a fixed route bus service that operates at least eight times per day.

Assembly Bill 2345. Effective January 1, 2021, further expanded Density Bonus Law by reducing parking requirements for additional projects. Most importantly, it now provides up to a 50% density bonus, up from the previous 35% bonus allowed by law.

Projects Entitled to a Density Bonus

Cities are required to grant a density bonus and other incentives or concessions to housing projects which contain one of the following:

- At least 5% of units are restricted to very low-income residents.
- At least 10% of units are restricted to lower income residents.
- At least 10% of units in a for-sale development are restricted to moderate income residents.
- 100% of units are affordable (maximum of 20% moderate).
- At least 10% of units are for transitional housing.
- At least 20% of units are for low-income college students in housing dedicated for students.
- Donation of at least one acre of land to the city for very low-income units.
- Senior citizen housing development (no affordable units required).
- Mobile home park age-restricted to senior citizens (no affordable units required).

Density Bonus Amount

The amount of density bonus is set on a sliding scale, based upon the percentage of affordable units at each income level. The maximum density bonus amounts for very low-, low-, and moderate-income housing were increased by legislation approved in 2020. Table 1 outlines the minimum percentage of affordable units that can be built in each affordability category and the associated density bonuses that result.

Table 1 - Density Bonus Available

Affordability	Minimum % Units in Category	Bonus Granted	Add. Bonus - Each 1% Increase in Category	Maximum Density Bonus
Very Low Income	5%	20%	3%	50%
Low Income	10%	20%	1.5%	50%
Moderate Income*	10%	5%	1%	50%
Senior Housing	100%	20%	NA	20%
Condo Conversion - VL Income	15%	25%	NA	25%
Condo Conversion - Mod Income	33%	25%	NA	25%
Land Donation - VL Income	10%	15%	1%	30%
Child Care Center	NA	Add. Sq. Ft.	NA	NA
Transitional	10%	20%	NA	20%

* Ownership only

Table 2 demonstrates the expansion in density bonuses allowed by AB 2345 compared to pre-2021 Density Bonus Law. The expansion from a 35% to 50% density bonus can be seen as a large financial incentive for affordable housing developers.

Table 2 - Comparison of Pre-2021 Density Bonus Law and AB 2345 Requirements

Affordability	Pre-2021 Density Bonus Law	AB 2345 Amendments
Very Low Income	35% Bonus for 11% Set Aside	50% Bonus for 15% Set Aside
Low Income	35% Bonus for 20% Set Aside	50% Bonus for 24% Set Aside
Moderate Income*	35% Bonus for 40% Set Aside	50% Bonus for 44% Set Aside

* Ownership only

Required Incentives and Concessions

In addition to the density bonus, the City is required to provide one or more incentives or concessions to a project that qualifies for a density bonus. Concessions are defined as:

- A reduction in site development standards, modification of zoning code, or architectural design requirements
- Approval of mixed-use zoning
- Other regulatory incentives or concessions resulting in identifiable and actual cost reductions

Examples of concessions and incentives include, but are not limited to:

- Reductions in setbacks
- Reductions in floor area ratio
- Reductions in open space requirements
- Reductions in parking
- Increase in height limits
- Reduction of minimum square footage requirements
- Reduction in jurisdictional fees

The number of required concessions is based on the percentage of affordable units in the project, as demonstrated in the following table:

Table 3 - Density Bonus Incentives and Concessions Required

Number of Incentives / Concessions	Very Low Income Percentage	Lower Income Percentage	Moderate Income Percentage
1	5%	10%	10%
2	10%	17%	20%
3	15%	24%	30%
4*	100% L/ VL /Mod		

* Only 20% of units can be moderate

The City is required to grant the concession proposed by the developer unless it finds that the proposed concession would:

- Not result in identifiable and actual cost reductions
- Cause a public health or safety problem

- Cause an environmental problem
- Harm historical property
- Be contrary to law

Density Bonus Law restricts the types of information that a developer may be required to provide to the City to obtain the requested concession. The City has the burden of proof in the event it declines to grant a requested concession. Financial incentives, fee waivers, and reductions in dedication requirements may be, but are not required to be, provided by the City. The developer may be entitled to the incentives and concessions even without a request for a density bonus.

Other Forms of Assistance

A development qualifying for a density bonus also receives two additional forms of assistance which may have benefits for housing developments.

Waiver or Reduction of Development Standards. If a development standard would physically prevent the project from being built at the permitted density and with the granted concessions, the developer may propose to have those standards waived or reduced. The City is not permitted to apply any development standard which physically precludes the construction of the project at its permitted density and with the granted concessions. There is no limit on the number of development standard waivers that may be requested or granted. This ability to force the locality to modify its normal development standards is sometimes the most compelling reason for the developer to structure a project to qualify for the density bonus.

Maximum Parking Requirements. Upon the developer’s request, the City may not require more than the following parking ratios for a density bonus project (inclusive of parking for persons with disabilities):

Table 4 - Maximum Parking Requirements

Bedrooms	Maximum Parking Spaces
Studio	1 space
1	1 space
2	1.5 spaces
3	1.5 spaces
4	2.5 spaces

Special Parking Requirements. Lower parking ratios apply to specified projects, although the City can require higher parking ratios if supported by a specified parking study.

Table 5 - Max Parking Requirements for Projects Located Near Major Transit*

Project Type	Max Parking Spaces
Rental or ownership projects with 11% VL or 20% lower income limits	.5 spaces
Rental projects 100% affordable to lower income	0 spaces
Rental Senior projects 100% affordable to lower income**	0 spaces
Rental special needs projects 100% affordable to lower income**	0 spaces
Rental supportive housing developments 100% affordable to lower income	0 spaces

* Projects must be located within 1/2 mile of accessible major transit stop

** Can include paratransit. Must operate at least 8 times per day.

Onsite spaces may be provided through tandem or uncovered parking, but not on street parking. Requesting these parking standards does not count as a concession, but the developer may request further parking standard reductions as a concession. This is often the most beneficial aspects of the density bonus statute. In many cases, achieving a reduction in parking requirements may be more valuable than the additional units for a developer. In higher density developments requiring the use of structured parking, the construction cost can be upwards of \$20,000 per parking space.

Affordable Housing Restrictions

Affordable rental units must be restricted by an agreement which sets maximum incomes and rents for those units. Income and rent restrictions must remain in place for a 55-year term for very low- or lower-income units (formerly only a 30-year term was required). Table 6 demonstrates the affordability limits in the City of South Gate, based on the area median income in Los Angeles County, according to the State Department of Housing and Community Development.

Table 6 - Affordability Limits in the City of South Gate

	Household Size			
	2 Persons	3 Persons	4 Persons	5 Persons
Extremely Low Income	\$28,400	\$31,950	\$35,450	\$38,300
Very Low Income	\$47,300	\$53,200	\$59,100	\$63,850
Median Income	\$64,000	\$72,000	\$80,000	\$86,400
Low Income	\$75,700	\$85,150	\$94,600	\$102,200
Moderate Income	\$76,800	\$86,400	\$96,000	\$103,700

Benefits of Density Bonus Ordinances

The enhanced Density Bonus Law has a number of benefits for both developers and cities alike. Some of these include:

- Tool for the City to meet Regional Housing Needs Allocation (RHNA) for all units

- Increases affordable housing units
- Achieves Housing Element goals
- Makes development of housing more affordable for developers by making land the land per unit cost decrease
- Increases the economic feasibility of inclusionary housing requirements for developers
- Increases density by right for certain projects, eliminating the need and cost of General Plan or zoning amendments

Timeline and Next Steps

Adoption of the inclusionary housing ordinance requires actions by both the Planning Commission and City Council. The tentative dates for these activities are noted in the schedule below.

Timeline	Action
September 21, 2021	Planning Commission Reviews Ordinance (Noticed Public Hearing) and makes recommendation to City Council
November 2021	First Reading of the Ordinance at City Council (Noticed Public Hearing)
December 2021	City Council Adopts Ordinance
January 2022	Ordinance Effective

- ATTACHMENTS:**
- A. Resolution No. 2021-13
 - B. Draft Density Bonus Ordinance
 - C. Public Hearing Notice

RESOLUTION NO. 2021-13

**A RESOLUTION OF PLANNING COMMISSION
RECOMMENDING THAT THE SOUTH GATE CITY
COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 11,
CHAPTER 11.31 OF THE SOUTH GATE MUNICIPAL CODE
TO REVISE THE CITY'S REGULATIONS PERTAINING TO
DENSITY BONUS FOR AFFORDABLE HOUSING**

WHEREAS, Chapter 11.31 of the South Gate Municipal Code provides incentives for the production of affordable housing in accordance with California Government Code Sections 65915 *et seq.*; and

WHEREAS, on September 28, 2020, AB 2345 was signed into law, modifying California Government Code Section 65915 effective January 1, 2021; and,

WHEREAS, this Ordinance amends Title 11, Chapter 11.31 of the South Gate Municipal Code to conform the City's municipal ordinances regarding density bonuses with the new State law requirements established by AB 2345; and,

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing and conducted the public hearing on this matter on September 21, 2021 and adopted Planning Commission Resolution 2021-13 recommending that the City Council approve Zoning Text Amendment No. 168 and adopt the amendments to the South Gate Zoning Code as set forth in this ordinance; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. The Planning Commission hereby finds and determines that the adoption of this Ordinance does not constitute a Project for purposes of the California Environment Quality Act of 1970 ("CEQA"). The City Council acknowledges that an amendment to a zoning ordinance can in certain circumstances constitute a "Project" under CEQA pursuant to Public Resources Code Section 21080 and Section 15378 of the State CEQA Guidelines (14 Cal. Code Regs. § 15378). Planning Commission further acknowledges, however, that pursuant to said Section 15378 and Public Resources Code Section 21065, such an amendment can only constitute a Project if it will cause a direct physical change in the environment (or a reasonably foreseeable indirect physical change in the environment). Here, no such change will result from the amendments contemplated by this Ordinance, because (a) the Ordinance merely enacts revisions necessary to comply with state law mandates, (b) the Ordinance does not involve any commitment to any specific project, and (c) any future project which will be subject to the amendments enacted by this Ordinance will be subject to its own CEQA review.

SECTION 3. Adoption of the Zone Text Amendment will not have a significant effect on the environment.

SECTION 4. The public health, safety and welfare would not be adversely affected by

approval of the proposed Zoning Text Amendment as it is consistent with the General Plan and the requirements specified in state law.

SECTION 5. The Zone Text Amendment is consistent with and supports the General Plan.

SECTION 6. The Zone Text Amendment will not adversely affect the public health, safety, or welfare of the City and protects public health, safety, and welfare in the City.

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

SECTION 8. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends that the City Council approve amendments to Chapter 11.31 of the South Gate Municipal Code, as described in the draft ordinance, attached hereto and made a part of this resolution.

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 recommendation was adopted by the following vote at the Planning Commission meeting of September 21, 2021.

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED and **ADOPTED** this 21st day of September 2021.

Erika Soriano
Acting Secretary
City Planning Commission

APPROVED:

Fabiola Inzunza
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 AMENDING TITLE 11, CHAPTER 11.31 OF THE SOUTH GATE MUNICIPAL CODE TO REVISE THE CITY'S REGULATIONS PERTAINING TO DENSITY BONUS FOR AFFORDABLE HOUSING

WHEREAS, Chapter 11.31 of the South Gate Municipal Code provides incentives for the production of affordable housing in accordance with California Government Code Sections 65915 *et seq.*; and,

WHEREAS, on September 28, 2020, AB 2345 was signed into law, modifying California Government Code Section 65915 effective January 1, 2021; and,

WHEREAS, this Ordinance amends Title 11, Chapter 11.31 of the South Gate Municipal Code to conform the City's municipal ordinances regarding density bonuses with the new State law requirements established by AB 2345; and,

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agenzized a public hearing and conducted the public hearing on this matter on September 21, 2021, and adopted Planning Commission Resolution 2021-13 recommending that the City Council approve Zoning Text Amendment No. 168 and adopt the amendments to the South Gate Zoning Code as set forth in this ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on Zoning Text Amendment No. 168 to consider adoption of this Ordinance and hear public testimony on _____, 2021; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The forgoing recitations are hereby adopted by the City Council as findings. Based on those findings, the City Council determines the public health, safety and general welfare of the City of South Gate, its residents and property owners can benefit by amending the South Gate Municipal Code ("SGMC") to revise the provisions relating to density bonuses as incentives for the production of affordable housing in the City of South Gate, and it is in the best interest of the community to amend the SGMC accordingly.

SECTION 2. Section 11.31.030 of the SGMC is modified to replace the definition of "child care facility" with the definition set forth below, and to add definitions of "located within one-half mile of a major transit stop" and "major transit stop", as follows:

“Child care facility” shall mean a facility other than a small- or large-family day care home, including, but not limited to, infant centers, preschools, extended daycare facilities, and school-age childcare centers.”

“Located within one-half mile of a major transit stop” means that any point on the proposed development (for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a parking ratio pursuant to this Chapter 11.31) is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

“Major transit stop” means a site containing any of the following: (a) an existing rail or bus rapid transit station; (b) a ferry terminal served by either a bus or rail transit service; (c) the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

SECTION 3. Table 11.31-1 (Determination of Density Bonus) of the SGMC, and its accompanying footnotes, are hereby deleted and replaced in their entirety with the following table and footnotes:

Table 11.31-1 Determination of Density Bonus

Income Group or Other Qualification	Minimum Set-Aside of Affordable or Other Qualifying Units	Eligible Density Bonus		
		Base Bonus Granted	Additional Density Bonus for Each Additional 1% of Affordable Units	Maximum Density Bonus ⁷
Very Low Income (50% AMI ¹)	5%	20%	2.5%	50% (formerly 35%)
Lower Income (80%) AMI	10%	20%	1.5%	50% (formerly 35%)
Moderate Income (120% AMI)	10%	5%	1.0%	50% (formerly 35%)
Land Donation (Very-Low-Income Projects Only)	10%	15%	1.0%	35%
Condominium / Apartment Conversions	33% low to moderate income	25%	n/a	25%
	15% very low income			
Senior Housing Development	100% (35 Units Minimum) ²	20%	n/a	20%
Transitional Foster Youth, Disabled Veterans, or Homeless Persons ³	10%	20%	n/a	20%

Lower income students in a qualifying student housing development ⁴	20%	35%	n/a	35%
Developments restricted exclusively to lower income households	100% ⁵	80% ⁶	n/a	80% ⁶

1. AMI = annual median income
2. Senior housing is not required to be affordable in order to receive a density bonus. However, one hundred percent of the units in the development (35 units minimum) must be restricted as senior housing as defined in Section 51.3 of the California Civil Code.
3. Must meet the applicable statutory definitions of the terms “transitional foster youth” (Education Code § 66025.9), “disabled veterans” (Government Code § 18541) or “homeless persons” (McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§11301 *et seq.*). Furthermore, the units must be subject to a recorded affordability restriction of 55 years and must be provided at the same affordability level as very low income units. The type of units added due to the density bonus (youth, veteran or homeless) must be the same as the type of use which gave rise to the bonus.
4. The student housing development must meet the requirements set forth in Government Code § 65915, subsections (b)(1)(F)(i)(I) through (b)(1)(F)(i)(IV). For purposes of calculating the number of units set aside and the number of units added by the density bonus in this category, the term “unit” is defined to mean one rental bed and its pro rata share of associated common area facilities. Furthermore, those units shall be subject to a recorded affordability restriction of 55 years.
5. For this category to apply, 100% of all units in the development (including total units and density bonus units) must be restricted for lower income households, except that (a) the manager’s unit or units need not be so restricted, and (b) up to 20% (including total units and density bonus units) may be for moderate income households.
6. All of the density bonus units must be restricted to lower income households. Moreover, if the housing development is located within ½ mile of a major transit stop, the City shall not impose any maximum controls on density.
7. Child care facility: when a qualified housing development project consisting of five or more residential units also includes a child care facility as described in Section 11.31.040(C)(9), the applicant shall receive either (a) an additional density bonus that is an amount of square feet of residential space equal to or greater than the amount of square feet in the childcare facility, or (b) an additional concession or incentive per Table 11.31-3.

SECTION 4. Table 11.31-3 (Number of Incentives) of the SGMC, and its accompanying footnotes, are hereby deleted and replaced in their entirety with the following table and footnotes:

Table 11.31-3 Number of Incentives

Target Group	Percentage of Affordable Units		
	Very Low Income (50% AMI ¹)	5%	10%
Lower Income (80% AMI)	10%	17% (formerly 20%)	24% (formerly 30%)
Moderate Income (120% AMI, Common Interest Development Only)	10%	20%	30%
Number of Incentives ^(2, 3)	1	2	3

1. AMI = annual median income
2. Child care facility: when a qualified project also includes a child care facility as described in Section 11.31.040(C)(9), the applicant shall receive either (a) one (1) additional concession or incentive or (b) the additional density bonus identified in footnote 7 of Table 11.31-1.
3. A development exclusively devoted to lower income households (per the final row of Table 11.31-1) shall be entitled to four (4) incentives. Moreover, if that development is located within ½ mile of a major transit stop, it shall also receive a height increase of up to three (3) additional stories or thirty-three (33) feet.

SECTION 5. Table 11.31-4 (Parking Requirements for Projects Receiving a Density Bonus) of the SGMC, and its accompanying footnotes, are hereby deleted and replaced in their entirety with the following table and footnotes:

Table 11.31-4 Parking Requirements for Projects Receiving a Density Bonus

Number of On-Site Parking Spaces ^(1, 2, 3)	Maximum Number of Bedrooms
1.0	0
1.0	1
1.5 (formerly 2.0)	2
1.5 (formerly 2.0)	3
2.5	4 and more

1. A parking calculation resulting in a fraction shall be rounded up to the next whole number.
2. Parking standards here include guest and handicapped parking.
3. If a development includes at least 20% low income units or 11% of very low income units, AND is located within ½ mile of a major transit stop, AND there is unobstructed access to the major transit stop from the development (that is, a pedestrian can walk to it without crossing freeways, rivers, mountains, bodies of water or other “natural or constructed impediments”), THEN upon the developer’s request the City cannot impose a ratio that exceeds 0.5 spaces per unit.

SECTION 6. The City Council hereby finds and determines that the adoption of this Ordinance does not constitute a Project for purposes of the California Environment Quality Act of 1970 ("CEQA"). The City Council acknowledges that an amendment to a zoning ordinance can in certain circumstances constitute a "Project" under CEQA pursuant to Public Resources Code Section 21080 and Section 15378 of the State CEQA Guidelines (14 Cal. Code Regs. § 15378). The City Council further acknowledges, however, that pursuant to said Section 15378 and Public Resources Code Section 21065, such an amendment can only constitute a Project if it will cause a direct physical change in the environment (or a reasonably foreseeable indirect physical change in the environment). Here, no such change will result from the amendments contemplated by this Ordinance, because (a) the Ordinance merely enacts revisions necessary to comply with state law mandates, (b) the Ordinance does not involve any commitment to any specific project, and (c) any future project which will be subject to the amendments enacted by this Ordinance will be subject to its own CEQA review. Moreover, even if this Ordinance were to be deemed a Project under CEQA, it can be seen with certainty that this Ordinance has no likelihood of causing a significant negative effect on the environment, for the foregoing reasons; accordingly both the City Council's action of adopting this Ordinance and the effects derivative from that adoption are exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 Cal. Code Regs. § 15061(b)(3)).

SECTION 7. This Ordinance is in conformance with the goals, policies, and objectives of the General Plan.

SECTION 8. 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 9. To the extent the provisions of the South Gate Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 10. This Ordinance shall take effect and be enforced on the thirty-first (31st) day after its adoption.

SECTION 11. The City shall submit a copy of this Ordinance to the State Department of Housing and Community Development within sixty (60) days after adoption.

SECTION 12. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this ___th day of _____, 2021

CITY OF SOUTH GATE:

Al Rios, Mayor

ATTEST:

Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

Raul F. Salinas, City Attorney

**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 for an Ordinance amending Title 11, Chapter 11.31 of the South Gate Municipal Code to revise the City's regulations pertaining to density bonuses for affordable housing.

DATE OF HEARING: Tuesday, September 21, 2021

TIME OF HEARING: 7:00 pm

LOCATION OF HEARING: Members of the public wishing to observe the meeting may join through a Call-in Conference. For the updated Dial-In Number and Conference Code for the September 21st Planning Commission meeting please visit the City's website at www.cityofsouthgate.org/AgendaCenter.

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: An Ordinance amending Title 11, Chapter 11.31 of the South Gate Municipal Code to revise the City's regulations pertaining to density bonuses for affordable housing.

ENVIRONMENTAL REVIEW: The adoption of this Ordinance does not constitute a Project for purposes of the California Environment Quality Act ("CEQA"). Pursuant to Section 15378 and Public Resources Code Section 21065, such an amendment can only constitute a Project if it will cause a direct physical change in the environment (or a reasonably foreseeable indirect physical change in the environment). Here, no such change will result from the amendments contemplated by this Ordinance, because (a) the Ordinance merely enacts revisions necessary to comply with state law mandates, (b) the Ordinance does not involve any commitment to any specific project, and (c) any future project which will be subject to the amendments enacted by this Ordinance will be subject to CEQA review. If this Ordinance were to be deemed a Project under CEQA, this Ordinance has no likelihood of causing a significant negative effect on the environment. This Ordinance is exempt from the application of CEQA, pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

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: Erika Soriano, Acting Housing Administrator
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: September 9, 2021