TO: Honorable Chairman and Members of the Planning Commission

ATTENTION: Elizabeth Oba, Director of Planning and Building Services

FROM: Eliana Muñoz, Associate Planner

SUBJECT: Consideration and possible action to conduct a public hearing to consider an application from Roderick Graham for a Zoning Ordinance Text Amendment (Case No. ZOTA 23-01) to amend the Bellflower Municipal Code ("BMC") to reduce the minimum distance requirement between automobile repair shops / centers; and a Conditional Use Permit (Case No. CU 23-01) to allow an automobile repair shop and a spray booth within an existing 9,970-square foot building located at 9638-9648 Artesia Boulevard within the Light Industrial ("M-1") District.

DATE: July 17, 2023

RECOMMENDATION

It is recommended that the Planning Commission consider:

1. Opening the public hearing; taking testimonial and documentary evidence; and after considering the evidence, adopt Resolution Nos. PC 23-04 and PC 23-05 recommending either approval or denial of the Applicant’s request to the City Council; or

2. Alternatively, discuss and take other action related to this item.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Defining a Zoning Ordinance Text Amendment ("ZOTA"): In this instance, a ZOTA is a text amendment that will rewrite sections in the Zoning Title of the BMC and will apply to all properties within those affected zones.

Defining a Conditional Use Permit ("CUP"): A CUP is a project and property-specific approval that applies the provisions and standards of the BMC, including the Zoning Title, and is subject to Conditions of Approval.

Advisory: In considering the applications "ZOTA" and "CUP," the Planning Commission is acting as an advisory body to the City Council. A ZOTA is solely within the authority of the City Council. Because a CUP is also part of the same application with the ZOTA, BMC § 17.96.050(B)(2)(b) establishes the CUP must also be heard by the City Council. Accordingly, the Planning Commission does not have legal authority to approve or deny this application. The recommendation to the City Council, however, plays an important
role in the approval process and should include the factual and legal basis for the Planning Commission’s findings. The City Council can then consider those findings when making its own determination.

To recommend approval of the ZOTA, the Planning Commission must make all the findings outlined in BMC § 17.104.030 (Required Findings for Change of Zone):

A. That there are changed conditions since the existing zoning regulations became effective that warrant the proposed amendment to the BMC.
B. That the proposed amendment to the BMC will not adversely affect adjoining property as to value or precedent, and will not be detrimental to the area.
C. That the proposed amendment to the BMC will be in the interest or furtherance of public health, safety and general welfare.
D. That the proposed amendment to the BMC will not adversely affect the Comprehensive Zoning Plan being prepared for the City, or as adopted.

To recommend approval of the CUP, the Planning Commission must make all the findings outlined in BMC § 17.96.040 (Necessary Conditions Precedent to the Granting of a Conditional Use Permit):

A. The use applied for at the location set forth in the application is properly one for which a Conditional Use Permit or Minor Use Permit is authorized by the Zoning Title;
B. The said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the Master Plan, and is not detrimental to existing uses or to uses specifically permitted in the district in which the proposed use is to be located;
C. The site for the intended use is adequate in size and shape to accommodate said use, and for all the yards, setbacks, walls or fences, landscaping and other features that may be required in order to adjust said use to those existing or possible future uses of land in the neighborhood; and
D. The site for the proposed use relates to streets and highways properly designed and improved so as to carry the type and quantity of traffic generated or to be generated by the proposed use.

PUBLIC NOTICE

A Notice of Public Hearing was published in the Herald American (Bellflower Edition) newspaper on July 7, 2023. Public hearing notices were sent on July 3, 2023 to 58 property owners within a 300' radius of the project area and posted at City Hall, Bellflower Substation, Brakensiek Library, Thompson Park, Simms Park, Caruthers Park, and the City’s website. A public hearing notice was also posted at the subject site on July 7, 2023. As of the writing of this staff report, the City has received no inquiries on the project.
CEQA STATUS

The Project is exempt from further environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.) because it consists of minor alterations in land use: the Project results in minor alterations to existing private facilities involving no significant expansion of the existing use. The Project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project. The Project, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15301. Additionally, the ZOTA is exempt from additional environmental review pursuant to 14 Cal. Code Regs. § 15061(b)(3) because the ZOTA will not result in any development or changes to the physical environment, and following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the ZOTA will have a significant effect on the environment.

BACKGROUND

<table>
<thead>
<tr>
<th>Property Owner:</th>
<th>Dan and Karen Colacino Trust</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Plan Land Use Designation:</td>
<td>“I” (Industrial)</td>
</tr>
<tr>
<td>Zoning Classification:</td>
<td>“M-1” (Light Industrial District)</td>
</tr>
<tr>
<td>Property Size:</td>
<td>0.79 acres (34,765 square feet) – (APNs: 7161-009-012 and 7161-009-011)</td>
</tr>
<tr>
<td>Current Development:</td>
<td>Vacant Glass Shop</td>
</tr>
<tr>
<td>Previous Applications/Entitlements:</td>
<td>DRB 98-5-1 allowed the construction of a 5,015 square foot concrete block glass shop and storage building</td>
</tr>
<tr>
<td>Surrounding Land Uses and Zoning:</td>
<td>Plumbing business and vacant storefront (C-G zone)</td>
</tr>
<tr>
<td>North</td>
<td>Plumbing business and vacant storefront (C-G zone)</td>
</tr>
<tr>
<td>South</td>
<td>Condominiums and multi-family residential (R-2 zone)</td>
</tr>
<tr>
<td>West</td>
<td>Used Car Dealership (M-1 District)</td>
</tr>
<tr>
<td>East</td>
<td>Residential Care Facility (M-1 District)</td>
</tr>
</tbody>
</table>

PROJECT DESCRIPTION

➤ Request

The Applicant is requesting a ZOTA to reduce the minimum 500-foot distance requirement between automobile repair shops / centers (“distance”) pursuant to BMC §§ 17.44.160 (C-G – Automobile Repair Center) and 17.44.170 (C-G – Automobile Repair Shop). Initially, the Applicant requested that the distance requirement be reduced to 400 feet; however, this request was modified to 300 feet – see Project Analysis section. The Applicant is also requesting a CUP for an automobile repair shop and a spray booth. The automobile repair shop and spray booth are conditionally permitted uses within the M-1
District through "pyramid zoning" (i.e., permitted uses under the M-1 District also includes all General Commercial ("C-G") Zone permitted uses).

➤ **Previous Approvals for the Site**

On July 1998, the Development Review Board approved the construction of a 5,015 square foot concrete block glass shop and storage addition.

➤ **Site Plan and Floor Plan Configurations**

The subject site is comprised of two lots; each lot measures 17,390.16 square feet (0.39 acres) with the dimension of approximately 62.25 feet in width (i.e., lot frontage) and 279 feet in length. The combined area of the subject site is approximately 34,780 square feet, with a total combined dimension of approximately 124.50 feet in width (i.e., lot frontage) and 279 feet in length. The westerly lot (9638 Artesia Boulevard) is developed with a parking lot that is separated into two areas by an existing security gate. The Applicant is proposing to reconfigure the parking lot area to accommodate one loading space and a total of 34 parking spaces – 4 parking spaces that are adjacent to the street and are immediately accessible via the existing driveway, and the remaining 30 parking spaces and the loading space that are located behind a secured gate. Conditions of Approval ("COA") pertaining to the parking lot and security gates are recommended.

The easterly lot (9648 Artesia Boulevard) is developed with, originally, a wood-framed building that was built for boat and tool storages, showrooms, offices and a shop; and in 1998, a 5,015-square foot, masonry, building addition was constructed for a glass shop. The Applicant is proposing to legalize a 510-square foot spray booth that is located at the rear portion of the building. The existing masonry portion of the building is proposed to include the auto repair garage, the spray booth, electrical room, restroom, office and storage. The Applicant is proposing to utilize the remainder of the existing 3,850-square foot wood-framed building as a customer waiting area, cashier, offices, lunch room, employee locker room, and a "pre-viewing" area reserved for cleaning and vacuuming.

**PROJECT ANALYSIS**

The Applicant was informed that the initial request of reducing the distance from 500 feet to 400 feet would not resolve their issue of being too close to another automobile repair shop / center because another automobile repair shop is already established at 374 feet away from the subject property – thus, the Applicant revised the application to request a distance of 300 feet. In addition, the project is now proposing an 8-foot high block wall adjacent to the residential zone in compliance with the BMC. Lastly, Staff informed the Applicant and the Property Owner that a Lot Line Adjustment to combine the two lots into one is required under the BMC to achieve 100 feet of frontage along Artesia Blvd., and will be included as a COA. However, as of the writing of this Staff Report, the Property Owner is not amenable to a Lot Line Adjustment. Thus, the analysis below was completed based on the existing lot configuration and initial request. Unless the Property Owner expressly agrees to a Lot Line Adjustment, the CUP cannot be approved.
Automobile Repair Shop Development Standards

Pursuant to BMC § 17.44.170 (C-G Automobile Repair Shop), the project does not comply with the following automobile repair shop development standards/requirements:

1. Minimum lot frontage of 100 feet;
2. Minimum distance requirement of 500 feet of another automobile shop;
3. Minimum 8-foot high wall between the auto repair shop and the residential parcel; and
4. Off-street parking to be located on the same site of the main building.

Zoning Ordinance Text Amendment and Conditional Use Permit

The proposed ZOTA would amend BMC § 17.44.160 (C-G – Automobile Repair Center) and BMC § 17.44.170 (C-G Automobile Repair Shop) and reduce the minimum distance requirement between automobile repair shops and automobile centers from 500 feet to 300 feet for all properties in C-G or M-1 zones. Before the Planning Commission recommends approval of a ZOTA, it must find that the project meets the findings outlined in BMC § 17.104.030 (Required Findings for Change of Zone). Additionally, before the Planning Commission recommends approval of a CUP, it must find that the project meets all the conditions outlined in BMC § 17.96.040. Furthermore, the City Council must approve the ZOTA prior to a recommendation of approving the requested CUP.

Required Actions and Conditions of Approval

Because of the project history, remaining unresolved items, the unpredictable outcome of the ZOTA, and at the request of the Applicant to move the project through the process, the project was scheduled for Planning Commission’s consideration without the typical Staff Recommendation. Instead, Staff drafted four resolutions that the Planning Commission could adopt in various combinations – a resolution recommending approval of the ZOTA (Attachment A), a resolution recommending denial of the ZOTA (Attachment B), a resolution recommending approval of the CUP (Attachment C), and a resolution recommending denial of the CUP (Attachment D). Please note the procedural aspects of making these determinations discussed above.

Pursuant to BMC § 17.96.080 (Conditional Use Permits - Conditions), the Planning Commission may recommend conditions of approval that are found to be necessary to secure substantial protection for the public health, safety, comfort, convenience and general welfare. Should the Planning Commission decide to recommend approval of the

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1 BMC §17.44.170(E) requires a 100-foot lot frontage; neither of the two lots meet this requirement because each lot frontage is only 62.25 feet.
2 BMC §17.44.170(G) requires a minimum distance of 500 feet from another automobile repair shop / center; another automobile repair shop ("Let It Ride" at 9740 Artesia Boulevard) is located at 374 feet of the subject site;
3 Per BMC §17.44.170(H) if adjacent to a residually-zoned parcel, an eight (8) foot wall shall be provided to separate the auto repair shop with the residential parcel; and
4 Per BMC §17.88.090, where the required off-street parking spaces are provided on a separate lot from the main building, a Covenant must be recorded to maintain parking so long as said building is maintained.
Applicant’s request for a CUP approval, Exhibit A of Resolution No. PC 23-05 (Attachment C) identifies all the recommended conditions of approval for the project including, without limitation:

1) Installation of knox box for access;
2) Maintaining the gate open during business hours;
3) Completion of a Lot Line Adjustment to combine the subject lots;
4) Construction of an 8-foot high block wall adjacent to the residentially-zoned parcels;
5) That the required parking spaces remain accessible at all times for parking purposes only, and cannot be used to store vehicles; and,
6) The CUP approval being contingent upon approval of the requested ZOTA.

PROCEDURAL CONSIDERATIONS

Recommendation of approval or denial of the ZOTA request must precede consideration of the CUP. Until there is a zoning text change to reduce the minimum distance between auto repair businesses from 500 feet to 300 feet, the subject auto repair business could not qualify for a CUP under any circumstance. As applied to the procedure at this Planning Commission meeting, if approval of the ZOTA is recommended, the Commission can then proceed to consideration of the CUP. If the Planning Commission recommends denial of the ZOTA, then it cannot recommend approval of the CUP. In such a case, the Planning Commission can still fully consider any additional reasons for denial of the CUP as part of its recommendation to the City Council.

ATTACHMENTS
A. Resolution No. PC 23-04 (Recommending approval of ZOTA 23-01, with Draft Ordinance and Exhibits)
B. Resolution No. PC 23-04 (Recommending denial of ZOTA 23-01)
C. Resolution No. PC 23-05 (Recommending approval of CU 23-01)
D. Resolution No. PC 23-05 (Recommending denial of CU 23-01)
E. Aerial, Assessor’s Map, Zoning Map and General Plan Map
F. Radius Map (automobile repair shops and centers within 500-feet from subject site)
G. Plans and Documents submitted by Applicant
ATTACHMENT A

Resolution No. PC 23-04
(Recommendation for Approval of
ZOTA 23-01, with Draft Ordinance
and Exhibits)
CITY OF BELLFLOWER

RESOLUTION NO. PC 23-04

A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE ZONING ORDINANCE TEXT AMENDMENT CASE NO. ZOTA 23-01 TO AMEND THE BELLFLOWER MUNICIPAL CODE ("BMC") TO REDUCE THE MINIMUM DISTANCE REQUIREMENT BETWEEN AUTOMOBILE REPAIR SHOPS / CENTERS WITHIN THE GENERAL COMMERCIAL ("C-G") ZONE. APPLICANT: RODERICK GRAHAM

THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds and declares as follows:

A. On March 27, 2023, Roderick Graham ("Applicant") filed an application and plans for a Conditional Use Permit and a Zoning Ordinance Text Amendment. The application was deemed incomplete on April 26, 2023. Revised plans and documents were submitted on June 12, 2023, and subsequently deemed complete on June 22, 2023;

B. The application was reviewed by the Director for, in part, consistency with the General Plan and conformity with the Bellflower Municipal Code ("BMC");

C. In addition, the City reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the “CEQA Guidelines”), and the City’s Environmental Guidelines ("Bellflower Guidelines"; CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as “CEQA Regulations”);

D. The Director completed review and scheduled a public hearing regarding the application before the Planning Commission for July 17, 2023;

E. Notice of Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;

F. On July 17, 2023, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by the Applicant; and

G. The Planning Commission considered the information provided by City staff, public testimony, and the Applicant. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its July 17, 2023 hearing including, without limitation, the staff report submitted by the Department of Planning and Building Services.

SECTION 2. Factual Findings and Conclusions. The Planning Commission finds that the following facts exist:
A. The Applicant seeks a Zoning Ordinance Text Amendment to amend the BMC to reduce the minimum distance requirement between automobile repair shops / centers within the General Commercial ("C-G") Zone.

SECTION 3. Environmental Assessment. The Zoning Ordinance Text Amendment is exempt from additional environmental review pursuant to 14 Cal. Code Regs. § 15061(b)(3) because the Zoning Ordinance Text Amendment will not result in any development or changes to the physical environment, and following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 4. General Plan Findings. Pursuant to Government Code § 65860, the changes implemented by the draft ordinance are consistent with the General Plan. The amendments are relatively minor in nature. The amendments would reduce the minimum distance requirement between automobile repair shops / centers within the C-G zone. Therefore, the amendment will not frustrate any goal or policy set forth in the General Plan.

SECTION 5. Zoning Ordinance Text Amendment Findings. The Planning Commission finds as follows:

A. That there are changed conditions since the existing zoning became effective to warrant other or additional zoning.

There are changed conditions since the existing zoning regulations became effective that warrant the proposed amendment to the BMC, including the vacancy of existing commercial buildings. Suitable uses for existing masonry buildings are limited to those that can have the highest utilization of its masonry construction. The BMC requires auto repair shops to be located within enclosed buildings built of masonry construction. The Zoning Ordinance Text Amendment would allow vacant masonry buildings to be filled, upon approval of a Conditional Use Permit.

B. Proposed change of zone will not adversely affect adjoining property as to value or precedent, and will not be detrimental to the area.

The proposed amendment to the BMC will not adversely affect adjoining property as to the value or precedent and will not be detrimental to the area in that all other development standards pertaining to automobile repair shop / center, with the exception of the reduced minimum distance requirement, will remain applicable, such as higher block walls adjacent to residentially-zoned properties, and any potential adverse impact may be addressed via the Conditional Use Permit process.

C. The change of zone will be in the interest or furtherance of public health; safety and general welfare.

The proposed amendment to the BMC will be in the interest or furtherance of public health, safety and general welfare in that the reduction of the minimum
distance requirement between automobile repair shops or centers would allow, upon approval of a Conditional Use Permit, the highest utilization of vacant masonry buildings and promote commercial and industrial businesses to meet the retail and service needs of the community.

D. That the approval of such change of zone will not adversely affect the Comprehensive Zoning Plan being prepared for the City or as adopted.

The approval of the Zoning Ordinance Text Amendment will not adversely affect the General Plan or the City’s Comprehensive Zoning Plan because the amendment is relatively minor in nature and automobile repair shop / center uses are already conditionally permitted uses within the C-G Zone and M-1 District. No General Plan Amendment is required to reduce the distance requirement between automobile repair shops or centers.

SECTION 6. Recommendation. The Planning Commission recommends that the City Council adopt the draft ordinance set forth in the attached “Exhibit A,” which is incorporated into this resolution by reference.

SECTION 7. Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 8. Reliance On Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. Limitations. The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10. Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 11. Preservation. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution’s effective date.
Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 12. This Resolution is the Planning Commission's final decision, will become effective immediately upon adoption, and will remain effective until superseded by a subsequent resolution.

SECTION 13. This Resolution is the Planning Commission's final decision and will become effective immediately upon adoption, and will remain effective unless the action is appealed within ten days pursuant to BMC §§ 17.96 and 17.112.

SECTION 14. The Planning Commission Secretary is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 15. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 16. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Bellflower, and the Planning Commission Secretary, is directed to attest thereto.


Attest: 

Bill Mendes, Chairman

Elizabeth Oba, Secretary

Approved as to form:

Timothy E. Campen, Assistant City Attorney

ATTACHMENT:

Exhibit A – Draft Ordinance
EXHIBIT A

CITY OF BELLFLOWER

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING BELLFLOWER MUNICIPAL CODE ("BMC") SECTIONS 17.44.160 (AUTOMOBILE REPAIR CENTER) AND 17.44.170 (AUTOMOBILE REPAIR SHOP) PERTAINING TO THE MINIMUM DISTANCE REQUIREMENT BETWEEN AUTOMOBILE REPAIR SHOPS / CENTERS IN THE GENERAL COMMERCIAL (C-G) ZONE. APPLICANT: RODERICK GRAHAM

THE COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Council finds and declares as follows:

A. On March 27, 2023, Roderick Graham ("Applicant") filed an application and plans for a Conditional Use Permit and Zoning Ordinance Text Amendment;

B. The City reviewed this ZOTA pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"); CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as "CEQA Regulations");

C. Notice of Public Hearings before the Planning Commission and City Council were duly given and published in the time, form and manner as required by law;

D. On July 17, 2023, the Planning Commission held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including information provided to the Planning Commission by City staff and public testimony;

E. On July 17, 2023, the Planning Commission adopted Resolution No. PC 23-04 recommending the City Council approve ZOTA 23-01;

F. On XXXXX XX, 2023, the City Council held a public hearing to receive public testimony and other evidence regarding the proposed amendment, including information provided by City staff and public testimony; and

G. This Ordinance and its findings are made based on the entire administrative record including testimony and evidence presented to the City Council at its XXXXX XX, 2023 hearing, including, without limitation, the staff report submitted by the Planning Department.

SECTION 2: General Plan Findings. Pursuant to Government Code § 65860, the changes implemented by the draft ordinance are consistent with the General Plan. The amendments are relatively minor in nature. The amendment would only reduce the minimum distance requirement between automobile repair shops and automobile centers from five hundred (500) to three hundred (300) feet. Therefore, the amendment will not frustrate any goal or policy set forth in the General Plan.
SECTION 3: Zoning Ordinance Text Amendment Findings. Pursuant to BMC § 17.104.010, the City Council makes the following findings:

A. There are changed conditions since the existing zoning regulations became effective that warrant the proposed amendment to the BMC, including the vacancy of existing commercial buildings. Suitable uses for existing masonry buildings are limited to those that can have the highest utilization of its masonry construction. The BMC requires auto repair shops to be located within enclosed buildings built of masonry construction. The Zoning Ordinance Text Amendment would allow vacant masonry buildings to be filled, upon approval of a Conditional Use Permit.

B. The proposed amendment to the BMC will not adversely affect adjoining property as to the value or precedent and will not be detrimental to the area in that all other development standards pertaining to automobile repair shop / center, with the exception of the reduced minimum distance requirement, will remain applicable, such as higher block walls adjacent to residentially-zoned properties, and any potential adverse impact may be addressed via the Conditional Use Permit process.

C. The proposed amendment to the BMC will be in the interest or furtherance of public health, safety and general welfare in that the reduction of the minimum distance requirement between automobile repair shops or centers would allow, upon approval of a Conditional Use Permit, the highest utilization of vacant masonry buildings and promote commercial and industrial businesses to meet the retail and service needs of the community.

D. The approval of the Zoning Ordinance Text Amendment will not adversely affect the General Plan or the City’s Comprehensive Zoning Plan because the amendment is relatively minor in nature and automobile repair shop / center uses are already conditionally permitted uses within the C-G Zone and M-1 District. No General Plan Amendment is required to reduce the distance requirement between automobile repair shops or centers.

SECTION 4: Environmental Review. This ZOTA was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). Based upon that review, the ZOTA is exempt from additional environmental review pursuant to 14 Cal. Code Regs. § 15061(b)(3). The ZOTA will not result in any development or changes to the physical environment, and following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 5: Amendment. The Bellflower Municipal Code (“BMC”) is amended as follows:

A. Section 17.44.160 (Automobile Repair Center) of the BMC is amended as set forth in attached Exhibit “A,” which is incorporated by reference as if fully set forth.

B. Section 17.44.170 (Automobile Repair Shop) of the BMC is amended as set forth in attached Exhibit “B,” which is incorporated by reference as if fully set
forth.

SECTION 6: Reliance on Record. Each and every finding and determination in this Ordinance is based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: Conflicts. In the event of a conflict between the provisions of this Ordinance and the provisions the BMC, any other ordinance, or any resolution, the provisions of this Ordinance govern. The Director is authorized to resolve any ambiguities in the manner set forth in the BMC. Any determination must be forwarded to the City Council as an informational item when practicable.

SECTION 8: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9: Enforceability. Repeal of any provision of the Bellflower Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11: Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 12: Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that face.

SECTION 13: Recordation. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Bellflower’s book of original ordinances; make a note of the passage and adoption in the records of this meeting, and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14: Effective Date. This Ordinance will become effective 30 days after second reading and adoption.
THE CITY COUNCIL OF THE CITY OF BELLFLOWER AT ITS REGULAR MEETING OF XXXX.

______________________________
Sonny R. Santa Ines, Mayor

ATTEST:

______________________________
Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

______________________________
Karl H. Berger, City Attorney

ATTACHMENT:

Exhibit A – BMC Section 17.44.160 (Automobile Repair Center)
Exhibit B – BMC Section 17.44.170 (Automobile Repair Shop)
"EXHIBIT A"

SECTION 17.44.160

The proposed revisions are illustrated with strikethrough for existing language that is proposed for deletion, and underlined for new language.

17.44.160 Automobile Repair Center.

In addition to any other requirement of this Code, the following shall apply to automobile repair centers:

A. Any of the individual repair shops, which comprises the repair center, may provide the following repair services: general tune-ups, lubrication, cooling system, drive train, brakes, wheels and tires, electrical, fuel system, body work, cylinder head, valve grinding, clutch work, transmission, painting, fender work, tire sales and service, upholstery service, auto stereo equipment and alarms installation, window tinting, auto accessories, and other similar repair.

B. Automobile repair centers may include multiple automobile repair shops within one (1) complex.

C. Each individual repair shop may be operated by a different owner.

D. Each individual repair shop must conduct services within an enclosed masonry building.

E. The building shall have a ceiling of soundproofing material.

F. Automobile repair centers shall operate on minimum thirty thousand (30,000) square foot lots.

G. Lots for automobile repair centers shall have a minimum frontage of one hundred (100) feet along any public street.

H. Location of any automobile repair centers shall not be within five hundred (500) three hundred (300) feet of another automobile repair shop or center.

I. If adjacent to a residentially-zoned parcel, an eight (8) foot wall shall be provided to separate the auto repair center from the residential parcel. If the residential parcel is located along the side property lines, said eight (8) foot wall shall either, not be constructed within the front setback area, or reduced to a maximum of forty-two (42) inches in height.
J. Storage area for vehicles shall not encroach into the required parking area and shall comply with requirements described in Section 17.72.070 (Outdoor Storage) of this Code.

K. Off-street parking shall be provided in accordance with standards described in Chapter 17.88 of this Code.

L. A separate customer receiving area or vehicle drop-off area shall be provided, which is not part of the required parking area.

M. No PA system loudspeakers shall be operated onsite. Testing or installed or repaired stereo equipment will be permitted.
"EXHIBIT B"
SECTION 17.44.170

The proposed revisions are illustrated with strikethrough for existing language that is proposed for deletion, and underlined for new language.

17.44.170 Automobile Repair Shop.

In addition to any other requirement of this Code, the following shall apply to automobile repair shop:

A. The following repair services shall be allowed: general tune-ups, lubrication, cooling system, drive train, brakes, wheels and tires, electrical, fuel system, body work, cylinder head, valve grinding, clutch work, transmission, painting, fender work, tire sales and service, upholstery service, auto stereo equipment and alarms installation, window tinting, auto accessories, and other similar repair.

B. Automobile repair shops shall conduct repair of automobiles within a completely enclosed building with no openings facing or adjacent to any residential zoning district.

C. The enclosed building shall be of masonry construction and shall have a ceiling of soundproofing material.

D. Automobile repair shops shall operate on fifteen thousand (15,000) square foot lots.

E. Lots for automobile repair shops shall have a minimum frontage of one hundred (100) feet along any public street.

F. Automobile repair shall be conducted within a completely enclosed building. The building shall have concrete masonry walls and a ceiling made of a soundproofing material.

G. Location of any automobile repair shop shall not be within five hundred (500) three hundred (300) feet of another automobile repair shop or automobile repair center.

H. If adjacent to a residentially-zoned parcel, an eight (8) foot wall shall be provided to separate the auto repair shop with the residential parcel. If the residential parcel is located along the side property lines, said eight (8) foot wall shall either, not be constructed within the front setback area, or reduced to a maximum of forty-two (42) inches in height.

I. Storage area for vehicles shall not encroach into the required parking area and shall comply with requirements described in Section 17.72.070 (Outdoor Storage) of the Bellflower Municipal Code.
J. Off-street parking shall be provided in accordance with standards described in Chapter 17.88 of the Bellflower Municipal Code.

K. A separate customer receiving area or vehicle drop-off area shall be provided, which is not part of the required parking area.

L. No PA system loudspeakers shall be operated onsite. Testing of installed or repaired stereo equipment will be permitted.
ATTACHMENT B
Resolution No. PC 23-04
(Recommending Denial of ZOTA 23-01)
CITY OF BELLFLOWER

RESOLUTION NO. PC 23-04

A RESOLUTION RECOMMENDING THE CITY COUNCIL DENY ZONING ORDNANCE TEXT AMENDMENT CASE NO. ZOTA 23-01 REGARDING AMENDING THE BELLFLOWER MUNICIPAL CODE ("BMC") TO REDUCE THE MINIMUM DISTANCE REQUIREMENT BETWEEN AUTOMOBILE REPAIR SHOPS / CENTERS WITHIN THE GENERAL COMMERCIAL ("C-G") ZONE. APPLICANT: RODERICK GRAHAM

THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds and declares as follows:

A. On March 27, 2023, Roderick Graham ("Applicant") filed an application and plans for a Conditional Use Permit and a Zoning Ordinance Text Amendment. The application was deemed incomplete on April 26, 2023. Revised plans and documents were submitted on June 12, 2023, and subsequently deemed complete on June 22, 2023;

B. The application was reviewed by the Director for, in part, consistency with the General Plan and conformity with the BMC;

C. In addition, the City reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA"), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the “CEQA Guidelines”), and the City’s Environmental Guidelines ("Bellflower Guidelines"; CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as “CEQA Regulations”);

D. The Director completed review and scheduled a public hearing regarding the application before the Planning Commission for July 17, 2023;

E. Notice of Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;

F. On July 17, 2023, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by the Applicant; and

G. The Planning Commission considered the information provided by City staff, public testimony, and the Applicant. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its July 17, 2023 hearing including, without limitation, the staff report submitted by the Department of Planning and Building Services.
SECTION 2. Factual Findings and Conclusions. The Planning Commission finds that the following facts exist:

A. Subsection H of BMC § 17.44.160 (C-G – Automobile Repair Center) states “Location of any automobile repair centers shall not be within five hundred (500) feet of another automobile repair shop or center.”

B. Subsection G of BMC § 17.44.170 (C-G – Automobile Repair Shop) states “Location of any automobile repair shop shall not be within five hundred (500) feet of another automobile repair shop.”

C. The Applicant is requesting a Zoning Ordinance Text Amendment to amend the §§ 17.44.160 (C-G – Automobile Repair Center) and 17.44.170 (C-G – Automobile Repair Shop) of the BMC to reduce the minimum distance requirement between automobile repair shops / centers within the C-G Zone from 500 feet to 300 feet.

SECTION 3. Environmental Assessment. The Zoning Ordinance Text Amendment is exempt from additional environmental review pursuant to 14 Cal. Code Regs. § 15061(b)(3) because the Zoning Ordinance Text Amendment will not result in any development or changes to the physical environment, and following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 4. Zoning Ordinance Text Amendment Findings. The Planning Commission does hereby find, determine, and declare that it is unable to make three of the findings for approval of a Zoning Ordinance Text Amendment, as required by the Bellflower Municipal Code § 17.104.030, as follows:

A. That there are no changed conditions since the existing requirements for automobile repair shops became effective and other or additional zoning requirements are not warranted in that the City already has ample automobile repair shops / centers to meet the need of the community.

B. The proposed Zoning Ordinance Text Amendment will adversely affect adjoining property as to value or precedent, and will be detrimental to the area by allowing additional automobile repair shops and centers in areas already saturated by said uses. As it currently stands, there is already an average of 22 automobile repair shops / centers per square mile in the City of Bellflower.

C. The Zoning Ordinance Text Amendment will not be in the interest or furtherance of public health, safety and general welfare because reducing the minimum distance requirement between automobile repair shops and centers will allow additional automobile repair shops / centers, resulting in further proliferation of said use. As it currently stands, there are already 136 active business licenses for automobile repair shops / centers within the City.
SECTION 5. Recommendation. Based on the foregoing, the Planning Commission hereby adopts this resolution recommending the City Council deny Zoning Ordinance Text Amendment Case No. ZOTA 23-01.

SECTION 6. Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 7. Reliance On Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 8. Limitations. The Planning Commission's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 9. Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 10. Preservation. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 11. This Resolution is the Planning Commission's final decision, will become effective immediately upon adoption, and will remain effective until superseded by a subsequent resolution.

SECTION 12. The Planning Commission Secretary is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 13. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.
SECTION 14. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Bellflower, and the Planning Commission Secretary, is directed to attest thereto.


Attest:

Bill Mendes, Chairman

____________________________________________________________________________

Elizabeth Oba, Secretary

Approved as to form:

Timothy E. Campen, Assistant City Attorney
ATTACHMENT C
Resolution No. PC 23-05
(Recommending Approval of CU 23-01)
CITY OF BELLFLOWER

RESOLUTION NO. PC 23-05

A RESOLUTION RECOMMENDING THE CITY COUNCIL APPROVE
CONDITIONAL USE PERMIT CASE NO. CU 23-01 TO ALLOW AN
AUTOMOBILE REPAIR SHOP AND A SPRAY BOOTH WITHIN AN
EXISTING 9,970-SQUARE FOOT BUILDING LOCATED AT 9638-9648
ARTESIA BOULEVARD WITHIN THE LIGHT INDUSTRIAL (“M-1”) DISTRICT. APPLICANT: RODERICK GRAHAM

THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds and declares as follows:

A. On March 27, 2023, Roderick Graham (“Applicant”) filed an application and plans for a Conditional Use Permit and a Zoning Ordinance Text Amendment. The application was deemed incomplete on April 26, 2023. Revised plans and documents were submitted on June 12, 2023, and subsequently deemed complete on June 22, 2023;

B. The application was reviewed by the Director for, in part, consistency with the General Plan and conformity with the Bellflower Municipal Code (“BMC”);

C. In addition, the City reviewed the project’s environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”), the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the “CEQA Guidelines”), and the City’s Environmental Guidelines (“Bellflower Guidelines”; CEQA, CEQA Guidelines and Bellflower Guidelines collectively referred to as “CEQA Regulations”);

D. The Director completed review and scheduled a public hearing regarding the application before the Planning Commission for July 17, 2023;

E. Notice of Public Hearing before the Planning Commission was duly given and published in the time, form, and manner as required by law;

F. On July 17, 2023, the Planning Commission opened a public hearing to receive public testimony and other evidence regarding the portion of the application requesting a Zone Ordinance Text Amendment (“ZOTA”) to reduce the minimum distance between auto repair businesses in C-G and M-1 Zones from 500 feet to 300 feet. After considering the information provided by City staff, public testimony, and the Applicant, the Planning Commission adopted Resolution No. 23-04, recommending approval of the ZOTA to the City Council. Approval of the ZOTA is a prerequisite to any recommendation of approval of the Conditional Use Permit;

G. On July 17, 2023, the Planning Commission opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Planning Commission by the Applicant; and
H. The Planning Commission considered the information provided by City staff, public testimony, and the Applicant. This Resolution, and its findings, are made based upon the evidence presented to the Planning Commission at its July 17, 2023 hearing including, without limitation, the staff report submitted by the Department of Planning and Building Services.

SECTION 2. Factual Findings and Conclusions. The Planning Commission finds that the following facts exist:

A. The Applicant seeks a Conditional Use Permit to allow an automobile repair shop and a spray booth within an existing 9,970-square foot building located at 9638-9648 Artesia Boulevard (“Project Site”) within the Light Industrial (“M-1”) District;

B. The Project Site is accessible from Artesia Boulevard, a 100-foot wide right-of-way and a major arterial;

C. The Project Site is located within the Light Industrial (“M-1”) District, with a General Plan Land Use Designation of “I” (Industrial);

D. The Project Site is bounded to the north, separated by Artesia Boulevard, by a plumbing business and a vacant storefront in the General Commercial (“C-G”) zone. To the south, the property is adjacent to a condominium development and a multi-family residential use within the R-2 medium density residential zone. To the west is a used car dealership in the M-1 District, and to the east is a residential care facility also within the M-1 District; and

E. The Project Site is composed of two adjacent lots located at 9638 Artesia Boulevard (APN: 7161-009-012) and 9648 Artesia Boulevard (APN: 7161-009-011). Each lot measures 17,390.16 square feet (0.39 acres) in area. The subject site is currently developed with one commercial building and parking lot.

SECTION 3. Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is exempt from further environmental review under CEQA because it consists of minor alterations in land use: the Project results in minor alterations to existing private facilities involving no significant expansion of the existing use. The Project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project. The Project, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15301.

SECTION 4. General Plan and Zoning. The proposed project conforms with the City’s General Plan and the zoning regulations in the BMC as follows:

A. The Land Use Designation of the Project Site is “I” (Industrial). Moreover, the proposed project is consistent with Land Use Element - General Policy 2.2 (Provide commercial facilities to meet the retail and service needs of the community); and General Policy 2.3 (Promote Artesia Boulevard as a major commercial corridor); and
B. The BMC zoning classification for the Project Site is M-1, which conditionally allows automobile repair shops and spray booths through “pyramid zoning” (i.e., permitted uses under the M-1 District references C-G Zone permitted uses).

SECTION 5. Conditional Use Permit Findings. The Planning Commission finds as follows:

A. That the use applied for at the location set forth in the application is properly one for which a Conditional Use Permit is authorized by Title 17 (Zoning) of the Bellflower Municipal Code.

The proposed automobile repair shop and spray booth are conditionally permitted uses within the M-1 District through “pyramid zoning” (i.e., permitted uses under the M-1 District references C-G Zone permitted uses, provided it complies with all regulations applicable to the C-G zone). The proposed uses meet the intent and purpose of the C-G zone which is to provide adequate areas properly located to serve the needs of the community and surrounding area.

B. That the said use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the district in which the site is located.

The proposed project is consistent with the following goals and policies of the General Plan Land Use Element: General Policy 2.2 to “provide commercial facilities to meet the retail and service needs of the community”; and General Policy 2.3 to “promote Artesia Boulevard as a major commercial corridor.” Any potential detrimental impacts posed by the use have been addressed in the conditions of approval. Therefore, the proposed use will not be detrimental to the existing uses in the vicinity.

C. That the site for the intended use is adequate in size and shape to accommodate said use, and for all the yards, setbacks, walls or fences, landscaping and other features that may be required in order to adjust said use to those existing or possible future uses of land in the neighborhood.

The project site is comprised of two lots with a combined area of 34,780.32 square feet (0.79 acres) and is currently developed with one commercial building and a parking lot. The proposed automobile repair shop and spray booth are proposed within the existing building that measures 9,970 square feet. With the approval of Zoning Ordinance Text Amendment Case No. ZOTA 23-01 and implementation of the Conditions of Approval, the project will comply with the requirements for an automobile repair shop.

D. That the site for the proposed use relates to streets and highways properly designed and improved so as to carry the type and quantity of traffic generated by the proposed use.
Pursuant to the Bellflower General Plan – Circulation Element, Artesia Boulevard is a major arterial that is designed and has a recommended design volume of 36,000 vehicles per day. Upon review of the City Traffic Engineer, it was determined that a traffic impact analysis is not necessary because the proposed use is not expected to create significant impacts at any of the intersections, as the streets and highways are deemed sufficient to carry the type and quantity of traffic it would generate.

SECTION 6. Recommendation. Subject to the City Council’s approval of Zoning Ordinance Text Amendment Case No. ZOTA 23-01, and subject to the conditions set forth in the attached “Exhibit A,” which are incorporated by reference, the Planning Commission recommends the City Council approve Conditional Use Permit Case No. CU 23-01.

SECTION 7. Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission’s intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 8. Reliance On Record. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 9. Limitations. The Planning Commission’s analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the Planning Commission’s lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City’s ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10. Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 11. Preservation. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution’s effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 12. This Resolution is the Planning Commission’s final decision, will become effective immediately upon adoption, and will remain effective until superseded by a subsequent resolution.
SECTION 13. The Planning Commission Secretary is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 14. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 15. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Bellflower, and the Planning Commission Secretary, is directed to attest thereto.


Attest:

Bill Mendes, Chairman

Elizabeth Oba, Secretary

Approved as to form:

Timothy E. Campen, Assistant City Attorney

ATTACHMENT:

EXHIBIT A – CONDITIONS OF APPROVAL
EXHIBIT A
RESOLUTION NO. PC 23-05 – CONDITIONS OF APPROVAL FOR
CONDITIONAL USE PERMIT CASE NO. CU 23-01

In addition to all applicable provisions of the Bellflower Municipal Code ("BMC"), Roderick Graham ("Applicant") agrees to comply with the following provisions as conditions for the City of Bellflower's approval of Conditional Use Permit Case No. CU 23-01 ("Project Conditions").

Unless the contrary is stated or clearly appears from the context, the construction of words and phrases used in this Conditions of Approval use the definitions set forth in the BMC.

Standard Project Conditions

1. The project site must be developed and/or used in the manner requested and must be in substantial conformity with the submitted plans date-stamped July 11, 2023, unless revisions and/or additional conditions are specifically required herein.

2. This approval runs with the land. All rights and obligations of this approval, including the responsibility to comply with these Project Conditions, are binding upon Applicant's successors in interest. These Project Conditions may be modified, terminated, or abandoned in accordance with applicable law including, without limitation, the Bellflower Municipal Code ("BMC").

3. Any proposed deviations from the exhibits, project description or Project Conditions must be submitted to the Director for review and approval. Any unapproved deviations from the project approval will constitute a violation of the permit approval.

4. When exhibits and/or written Project Conditions are in conflict, the written Project Conditions prevail.

5. The effectiveness of this project will be suspended for the time period that any Project Condition is appealed whether administratively or as part of a legal action filed in a court of competent jurisdiction. If any Project Condition is invalidated by a court of law, the project must be reviewed by the City and substitute conditions may be imposed.

6. The Applicant must comply with all requirements of this Resolution, the BMC, and other applicable law.

7. The Applicant must sign these Conditions of Approval, as set forth below, to acknowledge acceptance within 30 days from the date of approval by the Planning Commission.

8. This decision is not effective until Applicant acknowledges acceptance of all conditions and any appeal period has lapsed, or a waiver of right to appeal is filed or if there is an appeal, until a final decision has been made on the appeal. By use of the entitlements granted by a development application, the Applicant acknowledges agreement with Project Conditions.
9. The Applicant must reimburse the City for all attorneys' fees expended by the City that are directly related to the processing of this project. The use cannot commence until all attorneys' fees are paid by the Applicant.

10. Anything which is not shown on the application/plans, or which is not specifically approved, or which is not in compliance with this section, is not approved. Any application and/or plans which are defective as to, without limitation, omission, dimensions, scale, use, colors, materials, encroachments, or easements renders any entitlements granted by this section null and void. If violations of the BMC exist, entitlements may be withheld until the violations are abated.

11. The Applicant must revise the plans to include a sheet with the City of Bellflower signed Resolution stating the Project Conditions as adopted by the Planning Commission.

12. The Applicant must comply with all Project Conditions before exercising the uses approved in this CUP. The applicant must contact the project planner to arrange a site visit.

13. The Project Site and its immediate surrounding area must be maintained neat and clean at all times in compliance with the BMC. The Project Site and its immediate surrounding area must be maintained free from debris and graffiti at all times in compliance with BMC Chapter 9.12. The Property Owner must remove any debris or graffiti within 24 hours upon notification by the City. Litter on the site and any litter scattered nearby the property, the streets, and the sidewalks must be removed daily.

14. In the event that the property is sold prior to obtaining occupancy permits or prior to obtaining finalized construction permits, the property owner must disclose the outstanding status of the project to the new buyers.

**Specific Project Conditions**

**Planning**

15. Southern California Air Quality Management District approval is required for the proposed spray booth. Copies of approval must be submitted to the Planning and Building Services Department.

16. No outside storage of vehicle parts or tools is allowed. Any other outside storage must comply with BMC §17.72.070.

17. The required parking spaces must remain accessible at all times for parking purposes only, and cannot be used to store vehicles.

18. The construction plans must show all proposed lighting, along with a photometric analysis that serves as the basis for the proposed lighting. The photometric plan must illustrate a measurement of zero-foot candle along all property lines.

19. All new signs (e.g., wall, window, or face change) require a sign permit and/or a building permit. All new signage is subject to review and approval by the Director before installation. Approvals must be obtained for any existing signage that were
installed without a permit.

20. If complaints are received regarding excessive noise, lighting, or disturbances associated with the operation of the site, the City may, in its discretion, take action to re-evaluate and modify the Conditional Use Permit by including, without limitation, new conditions or revoking the permit.

21. Violations of applicable law, including, without limitation, these project conditions may result in the City commencing revocation of this permit in addition to any other remedy provided by law.

22. An 8-foot high decorative block wall, measured from the finished grade of the subject property, must be constructed along the property lines adjacent to the residentially-zoned parcel. The perimeter block walls, existing or proposed, must be maintained to the Director’s satisfaction.

23. The use of chain link, barbed wire, or similar fencing materials are prohibited.

24. The wrought iron gate located at the driveway must remain open during business hours.

25. The unpermitted car lift at the rear of the property must be removed.

26. All mechanical equipment must be completely screened behind a permanent structure. Screening methods shall be architecturally compatible with the main building.

27. A Lot Line Adjustment must be completed to combine 9638 Artesia Boulevard (APN: 7161-009-012) and 9648 Artesia Boulevard (APN: 7161-009-011).

28. The approval of CU 23-01 is contingent upon City Council’s approval of ZOTA 23-01.

Traffic Engineering

29. The construction plans must show all existing right-of-way improvements and must include dimensions of the public right-of-way.

30. Landscape and hardscape improvements located within the 20-foot front yard setback must not exceed 42" in height, as measured from the paved driveway surface at the access drive approaches, to ensure safe vehicular sight distance.

31. The construction plans must illustrate the drive aisles and parking stall dimensions.

32. The site plan on the construction plans must provide driveway dimensions at all angle points and any proposed radii.

33. The construction plans must show the operational characteristics of the existing gate.
City Engineering

34. The plans must show and dimension all property lines and any internal lot lines.

35. Before the Director approves any development plans, the Applicant is required to contact the City of Bellflower Fire Marshal to obtain the fire flow and access requirements for any proposed development.

36. The Applicant must contact the local Water Company to determine the existing fire flow rate in this area. If the existing fire flow capabilities are below the required minimum, the Applicant must provide the necessary means for meeting the fire flow rates required by the City of Bellflower Fire Marshal.

37. The site plan on the construction plans must show how site drainage is to be addressed, or state no change to existing grades or drainage. If drainage is changed, a plan prepared by a California licensed civil engineer is required. The minimum slope on concrete flow lines must be 0.50%. Minimum slope on asphalt concrete or turf must be 1.0%. Existing elevations of adjacent property and street flow lines must be shown around the perimeter of the development. All applicable NPDES requirements must be complied with.

38. Submit a legal description along with the construction plans.

39. Revise the construction plans to show any existing easements on the subject site.

40. The site plan on the construction plans must dimension the on-site walkway.

41. The final site plan must show and dimension all existing and proposed perimeter walls and fences.

42. The construction plans must include typical sections at the east property line. Said section must show the property line, perimeter walls/fences, adjacent building walls and roof overhangs with dimensions from property line to each feature described. The section must also show the perimeter wall/fence height measured on both sides of said wall/fence.

43. For any new sewer connections, contact the Los Angeles County Sanitation District and obtain any connection permits. Documentation of said permits must be submitted to the Building Official before the City issues construction permits. The Applicant must provide documentation to the Director from the LA County Sanitation District that sufficient sewer capacity is provided.

44. The contractor must meet with the City Public Works Inspector before starting any construction within the public right-of-way.

45. All work within the public right-of-way, including placing and removal of traffic control devices, are restricted to the hours between 8:30 A.M. and 3:30 P.M., Monday through Friday. No work requiring continuous inspection or traffic control may be done on Saturday, Sunday or Holidays, unless prior arrangements have been made at least one week in advance with the approval of the City Engineer.
46. The developer, at his/her cost, will be responsible for the relocation, as necessary, of any public or private utility or other obstruction to facilitate the construction within the public right-of-way.

47. Permits are required for all work within the public right-of-way.

Building and Safety

48. Four sets of complete plans and two sets of supporting documents must be submitted at plan check submittal.

49. Commercial projects must be designed by a California Licensed Design Professional. Plans must be stamped and signed by the California Licensed Design Professional.

50. Provide response letter together with your re-submitted construction documents.

51. The Cover Sheet on the construction plans must include the owner's name, address, and contact information.

52. The Licensed Professional(s) name(s), address(s), and contact information are to be clearly identified on the Cover Sheet.

53. The Cover Sheet on the construction plans must provide the following information:
   a. Scope of Work;
   b. Sheet Index;
   c. List of all 2022 California Codes (if submitted after January 1, 2023), Bellflower Municipal Code;
   d. Number of stories;
   e. Building height from the ground floor to the tallest point of the roof;
   f. Occupancy Group;
   g. Construction Type;
   h. Fire Sprinkler System required; and
   i. List of Deferred Submittals (i.e. solar, EV charging stations, fire sprinkler system, etc.)

54. The Site Plan on the construction plans must provide the following information:
   a. Setbacks;
   b. Site drainage slope direction and percentage around the proposed project;
   c. All utility (electrical, gas, sewer, and water) pipe sizes, location, connection location, and distances to verify minimum 2022 CPC, 2022 CMC, and 2022 CEC requirements are met. Notation that the City Inspector will field verify the sizes are compliant based on the existing conditions must be added; and
   d. All exterior mechanical and electrical equipment is to be identified as existing or proposed.

55. A completed set of construction plans must include the following information:
   a. Floor Plans;
   b. Sections (minimum 2 per unit);
   c. Elevations;
   d. Foundation Plan (compliant with Geotechnical Report conclusions);
City of Bellflower
Resolution No. PC 23-01 - Exhibit A
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e. Framing Plans;
f. Structural calculations; and
g. Structural Details

56. Elevation views must be identified by direction (i.e. North, South, East, West).

57. The Design Criteria (i.e. dead loads, live loads, snow load, wind speed, seismic
design) must be provided in the submittal package.

58. A list of Special Inspections must be identified in the submittal package. A notation
that all Special Inspector certifications are to be provided to the City Building
Official for review is to be included in the submittal package. A notation that all
Special Inspection observation reports and testing results are to be provided to the
City Building Official for review is to be included in the submittal package.

59. All details (both foundation and framing) are to provide job specific information (i.e.
foundation depth, footing sizes, floor joist sizes, ceiling joist sizes, roof rafter sizes,
beam sizes, stud wall size for interior and exterior wall framing, insulation rating,
hardware, roof sheathing, drywall, etc.). Notations stating “Per Plan,” “See Arch,”
etc. are not acceptable.

Fire Safety

60. Include Accessory Notes and Fire Notes in the construction plans.

61. The gate must include Knox access.

62. The project must include a knox box for property keys for emergency access to the
structure.

63. Sheet No. A1.0 of the construction plans must change occupancy from S-2 to S-1
for automobile garage.

64. Sheet No. A0.3 of the construction plans must change the occupancy calculations
from F-1 to S-1.

65. On sheet A2.0 of the construction plans, for occupancy (S-1 to B/M) separation
must be two hours. E7 – Fire Door to be 2-hour fire rated.

66. The project must obtain an additional permit for the construction and installation of
fire sprinklers throughout all buildings containing a Group S-1 Occupancy.

67. The project must obtain an additional permit for the installation of a fire alarm
system.

68. The project must obtain an additional permit for the installation of a spray booth
with fire suppression system, and comply with all applicable State regulations
and requirements.
Roderick Graham agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of CUP Case No. CU 23-01. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City's approval of CUP Case No. CU 23-01, Roderick Graham, agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Bellflower's elected officials, appointed officials, officers, and employees.

By signing this document, Roderick Graham ("Applicant"), certifies that it has read, understood, and agrees to the Project Conditions listed in this document.

Roderick Graham, Applicant

By, signing this document, Dan and Karen Colacino Trust ("Property Owner"), certifies that it has read, understood, and agrees to the Project Conditions listed in this document.

(Property Owner)

{If Corporation or similar entity, need two officer signatures or evidence that one signature binds the company}
ATTACHMENT D
Resolution No. PC 23-05
(Recommended Denial of CU 23-01)
CITY OF BELLFLOWER
RESOLUTION NO. PC 23-05

A RESOLUTION RECOMMENDING THE CITY COUNCIL DENY
CONDITIONAL USE PERMIT CASE NO. CU 23-01 REGARDING A
PROPOSED AUTOMOBILE REPAIR SHOP AND A SPRAY BOOTH
WITHIN AN EXISTING 9,970-SQUARE FOOT BUILDING LOCATED AT
9638-9648 ARTESIA BOULEVARD WITHIN THE LIGHT INDUSTRIAL
(“M-1”) DISTRICT. APPLICANT: RODERICK GRAHAM

THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission finds and declares as follows:

A. On March 27, 2023, Roderick Graham (“Applicant”) filed an application and
plans for a Conditional Use Permit and a Zoning Ordinance Text Amendment.
The application was deemed incomplete on April 26, 2023. Revised plans
and documents were submitted on June 12, 2023, and subsequently deemed
complete on June 22, 2023;

B. The application was reviewed by the Director for, in part, consistency with the
General Plan and conformity with the Bellflower Municipal Code (“BMC”);

C. In addition, the City reviewed the project’s environmental impacts under the
California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”),
the regulations promulgated thereunder (14 Cal. Code of
Regulations §§15000, et seq., the “CEQA Guidelines”), and the City’s
Environmental Guidelines (“Bellflower Guidelines”; CEQA, CEQA Guidelines
and Bellflower Guidelines collectively referred to as “CEQA Regulations”);

D. The Director completed review and scheduled a public hearing regarding the
application before the Planning Commission for July 17, 2023;

E. Notice of Public Hearing before the Planning Commission was duly given and
published in the time, form, and manner as required by law;

F. On July 17, 2023, the Planning Commission opened the public hearing to
receive public testimony and other evidence regarding the application
including, without limitation, information provided to the Planning Commission
by the Applicant; and

G. The Planning Commission considered the information provided by City staff,
public testimony, and the Applicant. This Resolution, and its findings, are
made based upon the evidence presented to the Planning Commission at its
July 17, 2023 hearing including, without limitation, the staff report submitted
by the Department of Planning and Building Services, as well as the Planning
Commission’s adoption of Resolution No. 23-04 recommending denial of the
Zoning Ordinance Text Amendment to reduce the minimum distance between
auto repair businesses from 500 to 300 feet, which must be approved by the
City Council before any granting of the requested Conditional Use Permit.
SECTION 2. Factual Findings and Conclusions. The Planning Commission finds that the following facts exist:

A. The Applicant seeks a Conditional Use Permit to allow an automobile repair shop and a spray booth within an existing 9,970-square foot building located at 9638-9648 Artesia Boulevard (“Project Site”) within the Light Industrial (“M-1”) District;

B. The Project Site is accessible from Artesia Boulevard, a 100-foot wide right-of-way, and a major arterial;

C. The Project Site is located within the Light Industrial (“M-1”) District, with a General Plan Land Use Designation of “I” (Industrial);

D. The Project Site is bounded to the north, separated by Artesia Boulevard, by a plumbing business and a vacant storefront in the General Commercial (“C-G”) zone. To the south, the property is adjacent to a condominium development and a multi-family residential use within the R-2 medium density residential zone. To the west is a used car dealership in the M-1 District, and to the east is a residential care facility also within the M-1 District; and,

E. The Project Site is composed of two adjacent lots located at 9638 Artesia Boulevard (APN: 7161-009-012) and 9648 Artesia Boulevard (APN: 7161-009-011). Each lot measures 17,390.16 square feet (0.39 acres) in area. The subject site is currently developed with one commercial building and parking lot.

SECTION 3. Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the Project is exempt from further environmental review under CEQA because it consists of minor alterations in land use: the Project results in minor alterations to existing private facilities involving no significant expansion of the existing use. The Project is not anticipated to have any significant impacts with regard to traffic, noise, air quality, or water quality. There are adequate utilities and public services to serve the project. The Project, therefore, is categorically exempt from further CEQA review under CEQA Guidelines § 15301.

SECTION 4. Conditional Use Permit Findings. The Planning Commission does hereby find, determine, and declare that it is unable to make three of the findings for approval of a Conditional Use Permit, as required by the Bellflower Municipal Code § 17.96.040, as follows:

A. That the use applied for at the location set forth in the application is not properly one for which a Conditional Use Permit is authorized by Title 17 (Zoning) of the Bellflower Municipal Code in that §§ 17.44.160 (C-G – Automobile Repair Center) and 17.44.170 (C-G – Automobile Repair Shop) require a 500-foot distance between an automobile repair shop or center and the subject site is located within 500 feet of another automobile repair shop. In addition, the subject site is located adjacent to a residentially-zoned parcel but does not provide an 8-foot high wall between the properties.
B. That the said use is not necessary for the development of the community in
that there are already numerous automobile repair shops (HDL business
license data shows a total of 136 business licenses) within the City that have
active business licenses.

C. That the site for the intended use is not adequate in size and shape to
accommodate said use, and for all the walls or fences, and other features that
may be required in order to adjust said use to those existing or possible future
uses of land in the neighborhood in that the project does not comply with the
following requirements for an automobile repair shop pursuant to BMC
§ 17.44.170 (C-G – Automobile Repair Shop) in that the subject lots do not
meet the minimum lot frontage of 100 feet; and parking is provided on a
separate lot from the building site without an approved covenant, which is not
in accordance with Chapter 17.88 of the BMC.

SECTION 5. Recommendation. Based on the foregoing, the Planning
Commission hereby adopts this resolution recommending the City Council deny
Conditional Use Permit Case No. CU 23-01.

SECTION 6. Construction. This Resolution must be broadly construed in order to
achieve the purposes stated in this Resolution. It is the Planning Commission’s intent
that the provisions of this Resolution be interpreted or implemented by the City and
others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 7. Reliance On Record. Each and every one of the findings and
determinations in this Resolution are based on the competent and substantial evidence,
both oral and written, contained in the entire record relating to the project. The findings
and determinations constitute the independent findings and determinations of the
Planning Commission in all respects and are fully and completely supported by
substantial evidence in the record as a whole.

SECTION 8. Limitations. The Planning Commission’s analysis and evaluation of
the project is based on the best information currently available. It is inevitable that in
evaluating a project that absolute and perfect knowledge of all possible aspects of the
project will not exist. One of the major limitations on analysis of the project is the
Planning Commission’s lack of knowledge of future events. In all instances, best efforts
have been made to form accurate assumptions. Somewhat related to this are the
limitations on the City’s ability to solve what are in effect regional, state, and national
problems and issues. The City must work within the political framework within which it
exists and with the limitations inherent in that framework.

SECTION 9. Severability. If any part of this Resolution or its application is
deemed invalid by a court of competent jurisdiction, the Planning Commission intends
that such invalidity will not affect the effectiveness of the remaining provision or
application and, to this end, the provisions of this Resolution are severable.

SECTION 10. Preservation. This Resolution does not affect any penalty,
forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties
for any violation occurring before, this Resolution’s effective date.
Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 11. This Resolution is the Planning Commission's final decision, will become effective immediately upon adoption, and will remain effective until superseded by a subsequent resolution.

SECTION 12. The Planning Commission Secretary is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 13. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14. The Planning Commission Chairman, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the Planning Commission of the City of Bellflower, and the Planning Commission Secretary, is directed to attest thereto.


Attest:

Bill Mendes, Chairman

Elizabeth Oba, Secretary

Approved as to form:

Timothy E. Campen, Assistant City Attorney
ATTACHMENT E
Aerial, Assessor’s Map, Zoning Map and General Plan Map
Assessor's Map
ATTACHMENT F

Radius Map
(automobile repair shops and centers within 500-feet from subject site)
<table>
<thead>
<tr>
<th>Type</th>
<th>Subject Site (in feet from)</th>
<th>Distance</th>
<th>Subject Site</th>
<th>Within 500-Feet From Auto Repair Shops and Centers Located</th>
</tr>
</thead>
<tbody>
<tr>
<td>center</td>
<td>9571 Artesia Blvd.</td>
<td>500 feet</td>
<td>0 Auto Sound &amp; Tire</td>
<td></td>
</tr>
<tr>
<td>center</td>
<td>9571 Artesia Blvd.</td>
<td>500 feet</td>
<td>MS Discount Auto</td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>17499 Bellflower Blvd.</td>
<td>455 feet</td>
<td>Edel's Tire City</td>
<td></td>
</tr>
<tr>
<td>Shop</td>
<td>9740 Artesia Blvd.</td>
<td>374 feet</td>
<td>Let It Ride</td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENT G

Plans and Documents

Submitted by Applicant
Elite restoration and Fleet Services Inc. are expansions of JRF body shop

JRF body shop is seeking to expand its operation in the city of Bellflower by establishing a new location at 9638 E. and 9648 E. Artesia Blvd. The primary function of the expansion will focus on the repair and restoration of classic and exotic vehicles. JRF operating hours will be between 8am to 5pm Monday to Friday, with approximately 4-7 employees. The following repairs of automobiles will include the removal and repairing of body parts and suspension. All repairs will be done within a completely enclosed masonry building with a soundproofing ceiling. The establishing of the expansion meets all the requirements set forth in chapter 71.44 C-G general commercial zoning code except for item G. Item G requires a 500ft minimum distance from any other automotive repair shop as described in Title 17 zoning. After a field review of the location and the surrounding area there are no businesses within 400ft, that fall under the city description of automotive repair shop.

JRF, Elite Restoration and Fleet Services, Inc. is seeking to reduce the minimum distance zoning requirement to 300ft so we may meet all the zoning requirements.

Names to include

JRF body shop
Elite restoration
Fleet collision services, Inc.
Copyrighted Plans Available for Viewing

The plans for this agenda item are copyright protected, within the purview of Government Code § 65103.5, and cannot be displayed on the internet. A copy of the plans may be viewed at the Planning Department counter. Please contact Eliana Muñoz by phone at (562) 804-1424, ext. 2011 or email emunoz@bellflower.org.