
PLANNING COMMISSION

CITY OF INDUSTRY

SPECIAL MEETING AGENDA
FEBRUARY 27, 2024
11:30 A.M.



CHAIR JACOB CORTEZ
VICE CHAIR ANDRIA WELCH
COMMISSIONER RHONDA CONTRERAS
COMMISSIONER SANDRA DIVERS
COMMISSIONER ROY HABER

Location: City Council Chambers, 15651 Mayor Dave Way, City of Industry, California

Addressing the Commission:

< **Agenda Items:** Members of the public may address the Commission on any matter listed on the Agenda. Anyone wishing to speak to the Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed form should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the Commission.

Public Comments (Agenda Items Only): During public comments, if you wish to address the Planning Commission during this Special Meeting, under Government Code Section 54954.3(a), you may only address the legislative body concerning any item that has been described in the notice for the Special Meeting. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda

At the time of publication, no Commissioners intend to take part in the special meeting remotely under the provisions of AB 2449. Should that change between the time of publication and the start of the meeting, a live webcasting of the meeting will be accessible via the link, meeting ID, and meeting passcode listed below. Whenever possible, an announcement will be made at the start of the meeting via the live webcast to confirm whether or not a Commissioner will join remotely. If they will not be joining remotely, then the live webcast will terminate after the announcement.

www.microsoft.com/microsoft-teams/join-a-meeting

Meeting ID: 272 191 121 899

Meeting Passcode: p3afyP

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 753 914 731#

Americans with Disabilities Act:

< In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

1. Call to Order
2. Flag Salute
3. AB 2449 Vote on Emergency Circumstances (if necessary)
4. Roll Call

5. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.

- 5.1 Consideration of Resolution No. PC 2024-05 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE ACQUISITION OF A NON-EXCLUSIVE ROADWAY EASEMENT AT 15421 EAST GALE AVENUE, CITY OF INDUSTRY CONFORMS TO THE CITY OF INDUSTRY'S GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

RECOMMENDED ACTION: *Adopt Resolution No. PC 2024-05*

6. **PUBLIC HEARING ITEMS**

- 6.1 Consideration of Resolution No. PC 2024-01, Recommending that the City Council Adopt Zoning Code Amendment No. 24-01, Amending Title 17 (Zoning) of the City of Industry Municipal Code to Amend Chapter 17.08 (Definitions) and Add Chapter 17.80 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Adopting a Notice of Exemption Regarding Same, and Making Findings In Support Thereof

RECOMMENDED ACTION: *Adopt Resolution No. PC 2024-01*

- 6.2 Consideration of Resolution No. PC 2024-02, Recommending that the City Council Adopt Zoning Code Amendment No. 24-02, Amending Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), of Title 17 (Zoning) of the City of Industry Municipal Code, to Implement the City's 2021-2029 Housing Element, and Adopt a Notice of Exemption Regarding Same, and Making Findings In Support Thereof

RECOMMENDED ACTION: *Adopt Resolution No. PC 2024-02*

7. **CITY MANAGER REPORTS**

8. **AB 1234 REPORTS**

9. **COMMISSIONER COMMUNICATIONS**

10. Adjournment. Next regular meeting will be held on Tuesday, March 12, 2024, at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 5.1

Backup Material will be distributed prior to Meeting

*PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 27, 2024*

ITEM NO. 5.1
HANDOUT



CITY OF INDUSTRY

MEMORANDUM

TO: Honorable President and Commissioners

FROM: Joshua Nelson, Public Utilities Director

STAFF: Mathew Hudson, Engineering Manager

DATE: February 27, 2024

SUBJECT: Consideration of Resolution No. PC-2024-05 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE ACQUISITION OF A NON-EXCLUSIVE ROADWAY EASEMENT AT 15421 EAST GALE AVENUE, CITY OF INDUSTRY CONFORMS TO THE CITY OF INDUSTRY'S GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

Background:

The San Gabriel Valley Council of Governments, a California joint powers authority, ("SGVCOG") is undertaking the Turnbull Canyon Road Grade Separation Project ("Project"). The project consists of a grade separation of Turnbull Canyon Road and the Union Pacific Railroad (UPRR) between Marwood Street and Don Julian Road. The Project has issued a Limited Notice to Proceed to the contractor OHL USA. Before a full Notice to Proceed can be issued all Right of Way and easements need to be acquired.

Discussion:

SGVCOG requires road right of way from an existing parcel for the Project. The owner of the land to be acquired from is the United States Postal Service ("USPS"). Traditionally SGVCOG obtains all easements and at the close out of the project SGVCOG will then transfer ownership to the City of Industry ("City"). In this instance USPS feels more comfortable granting the easement directly to the City. Before the City can execute the Roadway Easement it is necessary for the Planning Commission to find that the acquisition is consistent with the City's General Plan pursuant to Government Code Section 65402.

Turnbull Canyon Road is classified as a Secondary Highway. Secondary Highways augment the Major Highway system, serve trips of moderate length, and allow a greater level of access to abutting properties than Major Highways. The Roadway Easement proposed maintains the classification of a Secondary Highway and maintains the goals of the General Plan by continuing to enhance the circulation of the City's roadway system.

Fiscal Impact:

The fiscal impact will be the future maintenance cost of the additional roadway obtained to the standards set forth in the City's General Plan.

Recommendations:

Staff recommends the Planning Commission find that this non-exclusive roadway easement is consistent with the City's General Plan pursuant to California Government Code Section 65402 and adopt Resolution No. PC 2024-05 pertaining to the summary acquisition of a non-exclusive roadway of a portion of 15421 E. Gale Avenue, City of Industry.

Attachments:

- A. RESOLUTION NO. PC 2024-05
 - B. ROADWAY EASEMENT DEED
-

:as

ATTACHMENT A

RESOLUTION NO. PC 2024-05

[Attachment]

RESOLUTION NO. PC 2024-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE ACQUISITION OF A NON-EXCLUSIVE ROADWAY EASEMENT AT 15421 EAST GALE AVENUE, CITY OF INDUSTRY CONFORMS TO THE CITY OF INDUSTRY'S GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

WHEREAS, The United States Postal Service (“USPS”) has agreed to grant to the City of Industry (the “City”) a non-exclusive Roadway Easement Deed for street and highway purposes (the “Easement”) for the total payment of \$209,250.00; and

WHEREAS, the easement is a necessary part of the San Gabriel Valley Council of Governments’ (the SGVCOG”) public project in the City that consists of a grade separation of Turnbull Canyon Road and the Union Pacific Railroad between Marwood Street and Don Julian Road, commonly known as the Turnbull Canyon Road Grade Separation Project (the “Project”). Payment for the Easement shall be made by the SGVCOG as a part of the Project. A copy of the Easement, its legal description, and a map of the easement area are set forth in Exhibit “A” attached hereto, and incorporated herein by reference; and

WHEREAS, Government Code section 65402 requires the Planning Commission to determine that the acquisition of the easement conforms to the City’s General Plan; and

WHEREAS, the City’s General Plan classifies the location of the Property as Industrial, and the City’s Zoning Code designates the Property as Industrial; and

WHEREAS, the Planning Commission has reviewed the proposed acquisition of the Easement and finds that it conforms to the City’s General Plan because it is a necessary part of the City’s streets and highways and the construction and eventual use of the Project.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY HEREBY FINDS, DETERMINES, AND RESOLVES, AS FOLLOWS:

SECTION 1: The Planning Commission finds that all of the facts, findings and conclusions set forth above are true and correct.

SECTION 2: In accordance with, and pursuant to the requirements of California Government Code section 65402(a), the Planning Commission hereby finds that the proposed acquisition of the non-exclusive roadway easement conforms to the City’s General Plan and that the acquisition is a necessary part of the Project.

SECTION 3: The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

SECTION 4: The Planning Commission hereby directs the Secretary of the Planning

Commission to transmit a full, true and correct copy to the City Clerk.

SECTION 5: That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a special meeting held on February _____, 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

ATTACHMENT B

ROADWAY EASEMENT DEED

[Attachment]

NO FEE DOCUMENT
Government Code §§ 6103 & 27383

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:

HDR
Attn.: Real Estate Services
2280 Market Street, Suite 100
Riverside, CA 92501

(Exempt from Documentary Transfer Tax Per Rev. and Tax Code §11922)

SPACE ABOVE THIS LINE FOR RECORDER'S USE

A portion of APN: 8218-009-900

ROADWAY EASEMENT DEED

This ROADWAY EASEMENT (the "Roadway Easement") is granted this _____ day of _____, 2024, by the United States Postal Service ("USPS"), an independent establishment of the executive branch of the Government of the United States, 475 L'Enfant Plaza, SW, Room 6670, Washington, DC 20260-1862 (the "Grantor"), to the City of Industry, California, a municipal corporation (the "CITY"), located at 15625 Mayor Dave Way, City of Industry, CA 91744, (the "Grantee"). The designations Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include the singular, plural, masculine, feminine, or neuter as required by context.

RECITALS

A. San Gabriel Valley Council of Governments, a California joint powers authority ("SGVCOG"), located at 1333 Mayflower Avenue #360, Monrovia, CA 91016, is undertaking the Turnbull Canyon Road Grade Separation Project, a public project that will consist of a grade separation of Turnbull Canyon Road and the Union Pacific Railroad (UPRR) between Marwood Street and Don Julian Road (the "Project"). The Project is described in final design and construction plans dated 5/20/2019 under City of Industry Project File Name C-10-DWG ("Project Plans"), which are incorporated herein by reference.

B. SGVCOG is a joint powers authority consisting of 31 Cities, three water districts, and three County of Los Angeles Supervisorial Districts (1, 4, and 5) within the San Gabriel Valley. SGVCOG was formed pursuant to the Joint Powers Exercise Act, California Government Code section 6500, et seq. Pursuant to the Joint Powers Act, SGVCOG is authorized to exercise those powers which its members can exercise, including the power to acquire property to further the purposes for which SGVCOG was formed. Construction of projects with regional significance is one of the purposes for which SGVCOG was formed.

C. Grantor is the owner of a tract of land and improvements in Los Angeles County located at 15421 E Gale Avenue, City of Industry, California, 91715-9998, and bearing Los Angeles County Assessor Parcel Number (APN) 8218-009-900 (the "Grantor's Parcel"), at which Grantor operates the City of Industry - Processing and Distribution Center ("Industry P&DC"). Grantor's Parcel is legally described in Exhibit A, attached hereto and incorporated herein.

D. SGVCOG has determined that a roadway easement over a portion of Grantor's Parcel of approximately 3,300 SF ("Easement Area"), shown and described in Exhibit B, attached hereto and incorporated herein, is necessary for the construction, installation, maintenance, and repair of the Project.

E. SGVCOG shall be responsible for overseeing and completing the construction of the Project until completion, whereupon Grantee shall be responsible for the operation, maintenance, and repair of the roadway improvements constructed for the Project ("Project Completion").

F. SGVCOG is ready, willing and able to meet the responsibilities and obligations set forth herein, through and including the date of Project Completion.

G. Grantor, SGVCOG, and Grantee set forth below their respective rights and obligations for a Roadway Easement on Grantor's Parcel.

For and in consideration of the mutual promises set forth herein and payment of the sum of Two Hundred Nine Thousand Two Hundred Fifty Dollars and Zero Cents (\$209,250.00), of which said sum \$1,250.00 represents review fee, and other good and valuable consideration, received in hand and acknowledged by the Grantor, the Grantor, Grantee, and SGVCOG covenant and agree as follows:

AGREEMENTS

1. Grantor hereby grants, declares, establishes, and creates for the benefit of Grantee a perpetual non-exclusive easement for roadway purposes over, under, along, across, and through the Easement Area, for the purpose of the construction, installation, maintenance, and repair of any improvements installed within the Easement Area in the course of the Project.

2. All work performed by SGVCOG to construct the Project shall be performed in full compliance with all applicable local, state, or federal statutes, rules, regulations, orders, codes, directives, ordinances, and any binding judicial or administrative interpretations thereof and requirements thereunder, and SGVCOG shall obtain all necessary local, state, or federal permits, licenses, and approvals necessary for the conduct of such work.

3. SGVCOG and/or its contractor(s), at their sole cost and expense, shall maintain and keep in effect during any and all construction, installation, repair, or maintenance activities within the Easement Area until Project Completion, insurance against claims for personal injury (including death) or property damage, under a policy of comprehensive general public liability insurance, with such limits (through basic coverage plus umbrella coverage) as may be reasonably requested by USPS from time to time, but not less than \$1,000,000 in respect of bodily injury (including death) and property damage, which amounts shall be adjusted upon reasonable request of USPS from time to time to amounts which are normal and customary for similar operations. Such policies of insurance shall name USPS as an additional insured. The policy shall provide that it shall not be cancelable, nor may it expire without at least thirty (30) days' prior written notice to USPS. Prior to the commencement of construction of the Project within this Roadway Easement, there shall be delivered to USPS a certificate of the insurance carrier certifying that the policy so delivered has been issued and is in effect and the duration thereof. At least thirty (30) days before any policy shall expire (10 days for non-payment of premium), Grantee shall deliver to USPS a replacement certificate. At least twenty (20) days prior to the date that the premium on any policy shall become due and payable, USPS shall be furnished with satisfactory evidence of its payment.

4. During Project construction, SGVCOG shall be responsible for maintenance and repair of the Easement Area, which shall include but not be limited to snow removal, landscaping, grading, and paving. After Project Completion, Grantee shall be responsible for maintenance and repair of the Easement Area. In addition, Grantee and SGVCOG shall each be responsible for Grantee's and SGVCOG's equipment and facilities respectively, and all costs related thereto.

5. SGVCOG, by acceptance of its responsibilities and obligations pursuant to this Roadway Easement, agrees for and on behalf of itself, its agents, servants, employees, invitees, contractors and subcontractors who may at any time use, occupy, visit, or maintain said Easement Area that Grantor shall not be responsible for damage or loss to property, injuries, or death that which may arise from or be incident to the use and occupation of the Easement Area by SGVCOG, its agents, servants, employees, invitees, and contractors and subcontractors up to and including the date of Project Completion.

6. Grantee, by acceptance of this Roadway Easement, agrees for and on behalf of itself, its agents, servants, employees, invitees, and contractors and subcontractors who may at any time use, occupy, visit, or maintain said Easement Area that Grantor shall not be responsible for damage or loss to property, injuries, or death that which may arise from or be incident to the use and occupation of the Easement Area by Grantee, its agents, servants, employees, invitees, and contractors and subcontractors.

7. SGVCOG agrees to indemnify and hold the Grantor, its successors, and assigns harmless against any and all claims, demands, damages, costs, expenses, and legal fees for any loss, injury, death, or damage to persons or property that is suffered or sustained by Grantor, its employees, the public, or by any person whosoever may at any time be using, occupying, visiting, or maintaining the property that is the subject of said Roadway Easement, or be on or about the property that is the subject of said Roadway Easement, when such loss, injury, death, or damage is asserted to have been caused by any negligent act or omission or intentional misconduct of SGVCOG or its agents, servants, employees, invitees, or contractors arising from or incident to SGVCOG's construction, installation, repair, or maintenance activities within the Easement Area. In case of any action or proceeding brought against the Grantor, by reason of such a claim, upon notice from the Grantor, SGVCOG shall cover the cost to defend such action or proceeding.

Grantee shall release and protect the Grantor to the full extent that law allows from any and all claims, demands, damages, costs, expenses, and legal fees for any loss, injury, death, or damage to persons or property that is suffered or sustained by Grantor, its employees, the public, or by any person whosoever may at any time be using, occupying, visiting, or maintaining the property that is the subject of said Roadway Easement, or be on or about the property that is the subject of said Roadway Easement, when such loss, injury, death, or damage is asserted to have been caused by any negligent act or omission or intentional misconduct of the Grantee or its agents, servants, employees, invitees, or contractors arising from or incident to Grantee's construction, installation, repair, or maintenance activities within the Easement Area.

8. Grantor reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted. During all period(s) of its construction, installation, repair or maintenance activities within the Easement Area, through Project Completion, SGVCOG agrees to provide the Grantor, its employees, customers, and the public with continual and uninterrupted access through the Easement Area to the Industry P&DC. Further, SGVCOG agrees that during any such period(s), Grantor's operations shall not be interrupted, disrupted, or otherwise impeded as a result of such activities within the Easement Area. In the event Grantor, its employees, customers, or the public are not provided with continual and uninterrupted access through the Easement Area to the Industry P&DC, or in the event Grantor's operations

are interrupted, disrupted, or otherwise impeded by reason of SGVCOG's activities within the Easement Area, SGVCOG shall be in breach of its obligations pursuant to this Roadway Easement. In the event of such a breach, Grantor shall notify SGVCOG in writing of the precise nature of the breach; email notice to SGVCOG is specifically allowed. SGVCOG shall respond to such notice of breach within three (3) hours of its receipt of Grantor's written notice and further, shall work diligently to remedy such breach in an expedited manner. In the event SGVCOG fails to so respond or fails to work diligently to remedy the breach in an expedited manner, Grantor shall have the right to cause SGVCOG to stop work within the Easement Area until such time as access or Grantor operations are restored, and Grantor has the right to seek damages from SGVCOG to the full extent allowed under federal law.

During all period(s) of Grantee's activities within the Easement Area, Grantee agrees to provide the Grantor, its employees, customers, and the public with continual and uninterrupted access through the Easement Area to the Industry P&DC. Further, Grantee agrees that during any such period(s), Grantor's operations shall not be interrupted, disrupted, or otherwise impeded as a result of such activities within the Easement Area. In the event Grantor, its employees, customers, or the public are not provided with continual and uninterrupted access through the Easement Area to the Industry P&DC, or in the event Grantor's operations are interrupted, disrupted, or otherwise impeded by reason of Grantee's activities within the Easement Area, Grantee shall be in breach of this Roadway Easement. In the event of such a breach, Grantor shall notify the Grantee in writing of the precise nature of the breach; email notice to the Grantee is specifically allowed. Grantee shall respond to such notice of breach within three (3) hours of its receipt of Grantor's written notice and further, shall work diligently to remedy such breach in an expedited manner. In the event Grantee fails to so respond or fails to work diligently to remedy the breach in an expedited manner, Grantor shall have the right to cause the Grantee to stop work until such time as access and/or Grantor's operations are restored, and Grantor has the right to seek damages from the Grantee to the full extent allowed under federal law.

9. Prior to commencement of Project construction activities within the Easement Area, SGVCOG shall provide Grantor with at least 48 hours prior notice before entering the Easement Area. For purposes of notices set forth herein, addresses are:

Grantee: City of Industry
Attn.: Joshua Nelson, City Manager
15625 Mayor Dave Way
City of Industry, CA 91744

Grantor: USPS Headquarters
Attn.: Easement & Right of Way Specialist
475 L'Enfant Plaza, SW, Room 6670
Washington, DC 20260-1862

Copy To: SGVCOG
Attn.: Right of Way Agent
1333 Mayflower Avenue #360
Monrovia, CA 91016

Copy To: City of Industry P&DC
Attention: Plant Manager
15421 Gale Avenue
City of Industry, CA 91715

10. Any claim, controversy or dispute arising out of this Roadway Easement shall be governed by applicable federal law.

11. Grantor does not warrant that the Easement Area is suitable for the purposes set forth herein and Grantee hereby waives any express or implied warranty on the part of Grantor. Grantor has no knowledge of subsurface conditions and makes no representations as to soil types, existence of underground utilities, or any other latent conditions that may impact Grantee's use and enjoyment of said Roadway Easement.

12. This Roadway Easement is granted subject to all restrictions, covenants, other easements, (including, without limitation, the easement reserved to Grantor Cascade Die Casting Group, Inc., its successors and assigns, in the deed attached at Exhibit C hereto), encumbrances, liens of any kind, leases, and interests of others, including rights-of-way for roads, pipelines, railroads, and public utilities, whether or not matters of public record.

13. SGVCOG is not permitted to discharge storm water runoff within the Easement Area onto the remainder of Grantor's Parcel. Such prohibition shall include, but not be limited to, discharging silt, hazardous materials, or other environmental contaminants within the Easement Area onto the remainder of Grantor's Parcel. Further, SGVCOG shall comply with all environmental laws when performing any activity within the Easement Area or Grantor's Parcel generally. In the event that any hazardous materials or other environmental contaminants are discharged by SGVCOG, its employees, agents, contractors, subcontractors or invitees, SGVCOG shall be solely responsible for the cost of any remediation or clean up required by applicable law or regulations and shall indemnify and hold the USPS, its successors, and assigns harmless against any and all claims, demands, damages, costs, expenses, and legal fees incurred by USPS in connection with or related to any such discharge, remediation, or clean up.

Grantee is not permitted to discharge storm water runoff within the Easement Area onto the remainder of Grantor's Parcel. Such prohibition shall include, but not be limited to, discharging silt, hazardous materials, or other environmental contaminants within the Easement Area onto Grantor's Parcel. Further, Grantee shall comply with all environmental laws when performing any activity within the Easement Area or Grantor's Parcel generally. In the event that any hazardous materials or other environmental contaminants are discharged by the Grantee, its employees, agents, contractors, subcontractors or invitees, the Grantee shall be solely responsible for the cost of any remediation or clean up required by applicable law or regulations.

IN WITNESS WHEREOF, the parties hereto have executed this Roadway Easement of the day and year first above written.

[Signature and Notary Pages to Follow]

Grantor:

United States Postal Service

By: _____

Its: Contracting Officer

STATE OF COLORADO)
) ss
COUNTY OF _____)

On this _____ day of _____, 2024, personally appeared before me, Letitia Russell, Contracting Officer, who being by me duly sworn, did say that she represents the United States Postal Service, and acknowledged to me that, acting under a delegation of authority duly given and evidenced by law and presently in effect, she executed said instrument as the act and deed of the United States Postal Service for the purposes therein mentioned.

SEAL

NOTARY PUBLIC

My commission expires: _____

Grantee:

City of Industry

By: _____

Its: _____

CALIFORNIA NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____
(name and title of officer), personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
she/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

San Gabriel Valley Council of Governments

By: _____

Its: _____

CALIFORNIA NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____

On _____ before me, _____
(name and title of officer), personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) is/are subscribed to the within instrument and acknowledged to me that
she/she/they executed the same in his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)

EXHIBIT A – GRANTOR'S PARCEL

EXHIBIT B – SURVEY AND LEGAL DESCRIPTION

LEGAL DESCRIPTION
APN: 8218-009-900

(ROADWAY EASEMENT):

THAT PORTION OF LOTS 14 AND 19 OF TRACT NO. 1953, IN THE CITY OF INDUSTRY, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 22 PAGES 158 AND 159 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 14 AS SHOWN ON SAID MAP;

THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 14, NORTH 26°05'34" EAST, 30.00 FEET TO THE NORTHERLY LINE OF THAT CERTAIN 60 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS RECORDED IN BOOK D651, PAGE 113 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE ALONG SAID NORTHERLY LINE SOUTH 63°54'34" EAST, 20.00 FEET TO THE EASTERLY LINE OF TURNBULL CANYON ROAD (80.00 FEET WIDE) AND THE **POINT OF BEGINNING**, SAID EASTERLY LINE BEING PARALLEL WITH AND DISTANT EASTERLY 20.00 FEET, MEASURED AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE, AS DESCRIBED IN THE GRANT DEED RECORDED DECEMBER 22, 1987 AS INSTRUMENT NO. 87-2017018, OFFICAL RECORDS OF SAID COUNTY;

THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 63°54'34" EAST, 55.00 FEET TO A LINE PARALLEL WITH AND DISTANT EASTERLY 75.00 FEET, MEASURED AT RIGHT ANGLES TO SAID NORTHWESTERLY LINE OF LOT 14;

THENCE ALONG SAID PARALLEL LINE AND ITS SOUTHERLY PROLONGATION SOUTH 26°05'34" WEST, 60.00 FEET TO THE SOUTHERLY LINE OF SAID 60 FOOT WIDE EASEMENT;


THENCE ALONG SAID SOUTHERLY LINE, NORTH 63°54'34" WEST, 55.00 FEET TO SAID EASTERLY LINE OF TURNBULL CANYON ROAD;

THENCE ALONG SAID EASTERLY LINE, NORTH 26°05'34" EAST, 60.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS 3,300 SQUARE FEET OR 0.076 ACRES,
MORE OR LESS.

BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE ON THE
CALIFORNIA COORDINATE SYSTEM, ZONE 5 (NAD83) 2007 EPOCH. DIVIDE GRID
DISTANCES SHOWN BY 1.000088575 TO OBTAIN GROUND LEVEL DISTANCES.

AS SHOWN ON EXHIBIT "B" ATTACHED HERewith AND MADE A PART HEREOF.
PREPARED BY ME OR UNDER MY DIRECTION.

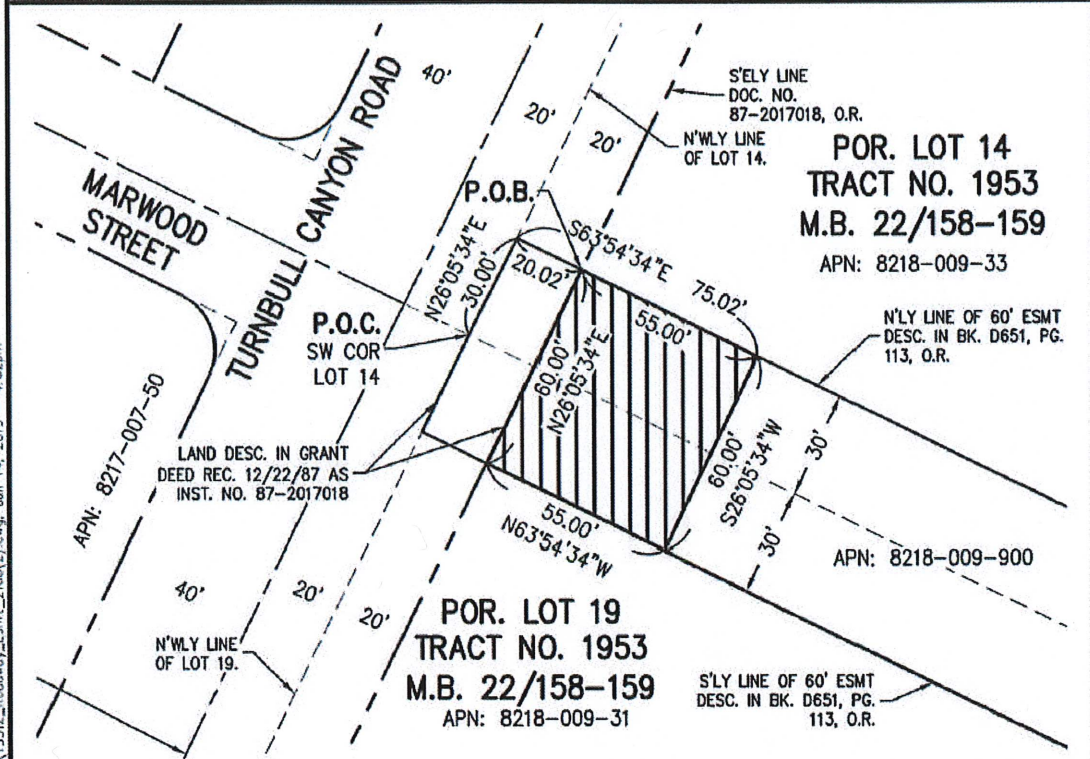


JAMES R. RIOS, PLS 8823 06/14/2019 DATE

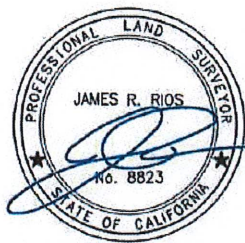


EXHIBIT "B"

OWNER: UNITED STATES POSTAL SERVICE	SGVCOG ACCEPTED BY: <i>[Signature]</i> CHIEF ENGINEER DATE: <u>6/18/19</u>
LEGAL: POR. LOTS 14, 15, 18 & 19 OF TRACT 1953, RECORDED IN	
BOOK 22/158-159 OF MAPS, AS DESCRIBED IN DEED RECORDED	
12/23/1987 AS INS. NO. 87-2021630, O.R.	
APN: 8218-009-900	



V:\E00\000\5312 ACE Turnbull Canyon Road\Office\Legals\2100\2100 ROADWAY\15312_Roadway_Emit_2100(2).dwg Jun 14, 2019 - 4:52pm



(SEE LEGEND ON SHEET 2)

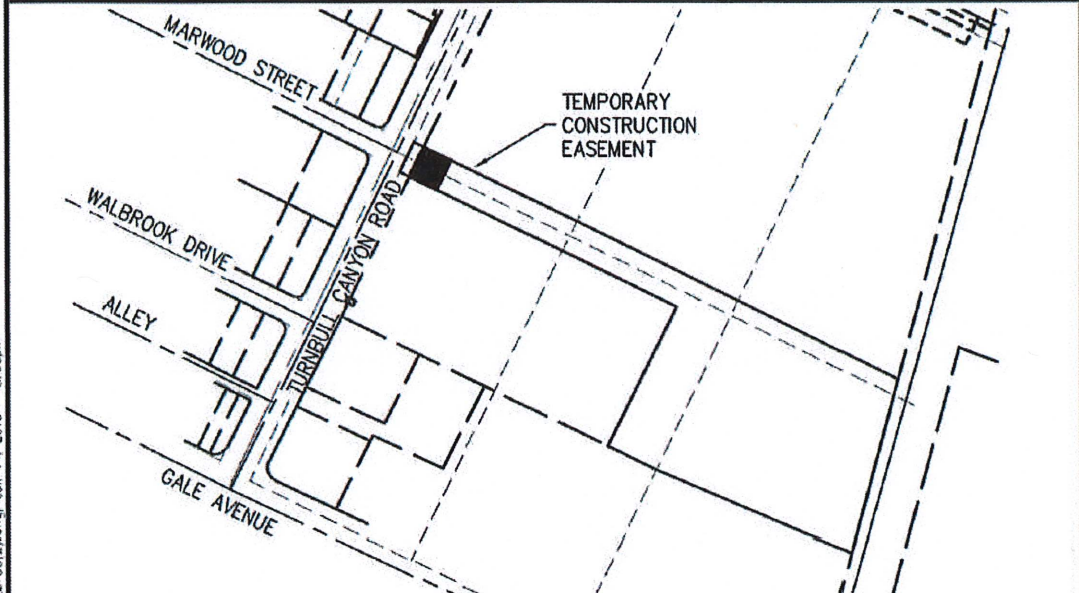
SHEET 1 OF 2

AREA	TOTAL	REQUIRED	REMAINDER
SQUARE FEET	187,872	3,300	184,572

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS TOWILL, INC.		TURNBULL CYN RD. GRADE SEPARATION CITY OF INDUSTRY	DATE: 06/13/2019
			SCALE: 1" = 40'
CHECKED BY: <i>[Signature]</i> L.S.: 8823	ACE RECOMMENDED BY: <i>[Signature]</i> PROJECT MANAGER	DATE: 06/18/19	REV. No. DATE:
			ACE PARCFI No. 2100

EXHIBIT "B"

OWNER: UNITED STATES POSTAL SERVICE	SGVCOG ACCEPTED BY: <i>[Signature]</i> CHIEF ENGINEER DATE: <i>6/18/19</i>
LEGAL: POR. LOTS 14, 15, 18 & 19 OF TRACT 1953, RECORDED IN	
BOOK 22/158-159 OF MAPS, AS DESCRIBED IN DEED RECORDED	
12/23/1987 AS INS. NO. 87-2021630, O.R.	
APN: 8218-009-900	



VICINITY MAP
NOT TO SCALE

BASIS OF BEARINGS:

IS BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE V, NAD83 (NSRS2007, MID EPOCH 2017.1411) AS DETERMINED LOCALLY BY A LINE BETWEEN CONTINUOUS GLOBAL POSITIONING STATIONS (CGPS) "WNRA" AND "WCHS" BEING NORTH 81°23'12" EAST AS DERIVED FROM COORDINATES PUBLISHED BY THE CALIFORNIA SPATIAL REFERENCE CENTER (CSRC).

LEGEND:

- INDICATES ARE TO BE CONVEYED FOR ROADWAY EASEMENT PURPOSES. AREA= 3,300 SQ. FT. (0.076 ACRES)
- AFFECTED PROPERTY
- CENTERLINE
- RIGHT OF WAY



SHEET 2 OF 2

AREA	TOTAL	REQUIRED	REMAINDER
SQUARE FEET	187,872	3,300	184,572

SAN GABRIEL VALLEY COUNCIL OF GOVERNMENTS		TURNBULL CYN RD. GRADE SEPARATION		DATE: 06/13/2019
TOWLL, INC	SGVCOG RECOMMENDED BY:	CITY OF INDUSTRY		SCALE: 1" = 40'
<i>[Signature]</i>	<i>[Signature]</i> 06/18/19			REV. No. DATE:
CHECKED BY: L.S.:8823	PROJECT MANAGER			REV. No. DATE:
				SGVCOG PARCEL No. 210U

I:\ECS\Jobs\15312_ACE_Turnbull_Canyon_Reed\Office\Legals\210U\210U_Roadway\15312_Roadway_Esmt_210U(2).dwg; Jun 14, 2019 - 3:58pm

PARCEL: 210U ROADWAY

P.O.B. NORTHING: 1,828,440.4790 P.O.B. EASTING: 6,569,335.4451

BEARING: N26°05'34"E DISTANCE: 30.00'
NORTHING: 1,828,467.4215 EASTING: 6,569,348.6399

BEARING: S63°54'34"E DISTANCE: 20.00'
NORTHING: 1,828,458.6257 EASTING: 6,569,366.6019

T.P.O.B. NORTHING: 1,828,458.6257 T.P.O.B. EASTING:
6,569,366.6019

BEARING: S63°54'34"E DISTANCE: 55.00'
NORTHING: 1,828,434.4373 EASTING: 6,569,415.9974

BEARING: S26°05'34"W DISTANCE: 60.00'
NORTHING: 1,828,380.5523 EASTING: 6,569,389.6079

BEARING: N63°54'34"W DISTANCE: 55.00'
NORTHING: 1,828,404.7407 EASTING: 6,569,340.2124

BEARING: N26°05'34"E DISTANCE: 60.00'
NORTHING: 1,828,458.6257 EASTING: 6,569,366.6019

PERIMETER: 280.00'
AREA: 3,300.00 square feet / 0.076 acres
CLOSING DISTANCE: 0.00'
CLOSING BEARING: N00°00'00"E
PRECISION: 1:28,000,000,010

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

TO: Planning Commission
FROM: Joshua Nelson, City Manager
STAFF: Bing Hyun, Assistant City Manager
DATE: 02/27/2024
SUBJECT: Consideration of Resolution No. PC 2024-01, Recommending that the City Council Adopt Zoning Code Amendment No. 24-01, Amending Title 17 (Zoning) of the City of Industry Municipal Code to Amend Chapter 17.08 (Definitions) and Add Chapter 17.80 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and Adopting a Notice of Exemption Regarding Same, and Making Findings In Support Thereof

Project Background:

The State legislature adopted new regulations imposing an affirmative duty on local governments to encourage development of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") as a method to increase the State's supply of affordable housing. Some of these laws are summarized below:

- AB 345 -- Requires the allowance of the separate conveyance of ADUs from the primary dwelling in certain circumstances.
- AB 3182 -- An application for an ADU or JADU must be deemed approved if the local government has not acted on the completed application within 60 days.
- AB 881, AB 68, and SB 13 -- Reduces barriers to the development of ADUs and JADUs by prohibiting minimum ADUs size of less than 850 square feet, clarifies that replacement of off-street parking spaces cannot be required if an ADU is created through the conversion of a garage, carport, or covered parking structure, and reduces local jurisdictions' review time from 120 days to 60 days.

These ADU and JADUs regulations (collectively "ADU laws") require cities to approve ADU and JADU applications ministerially ("over the counter"). Further, Program 2 (Zoning Code Amendments) of the City's 2021-2029 Housing Element commits the City to define and permit ADUs by-right on any lot in the Recreation and Open Space ("ROS") Zone and Housing Overlay Zone ("HOZ") that allows single- or multifamily housing in accordance with California Government Code 65852.2(a). Additionally, Program 4 (Accessory Dwelling Unit Incentives) of the City's 2021-2029 Housing Element commits the City to develop an ordinance that defines and permits ADUs in accordance with state law.

Currently, the City's Code does not provide a process for facilitating the development of ADUs and JADUs. The City wishes to comply with State regulations and meet its housing element commitments by amending the City's Code. If approved by the Planning Commission, Resolution No. PC 2024-01 recommends that the City Council adopt an ordinance establishing a process for the development of ADUs and JADUs.

Discussion:

An ADU is an attached or detached structure that provides individual living facilities and includes

permanent provisions for living, sleeping, eating, cooking, and sanitation. ADUs are sometimes referred to as granny flats. A JADU is a repurposed existing bedroom within a single-family home and includes a wet-bar kitchen and an exterior entrance. A JADU is a separate living space within the existing home that is connected, but private.

The proposed ordinance amends Chapter 17.08 (Definitions) and adds Chapter 17.80 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 17 (Zoning) to the City's Code, to provide a procedure for developing ADUs and JADUs under the ADU laws. The proposed ordinance is summarized below:

- Applications are ministerial and must be processed within 60 days of receipt of a complete application.
- An ADU or JADU is allowable on a single-family residential property, and an ADU is allowable on a both single and multifamily residential property. The State requires certain exemptions that are included in the proposed ordinance under 17.80.030(D).
- An ADU may be a minimum of 850 square feet for a studio or 1,000 square feet for one or more bedroom, and not more than 50% of the primary residence. The floor area of the primary residence will not be considered if the ADU is 800 square feet or less.
- Neither an ADU nor JADU may be used for short-term rentals of less than 30 consecutive days.

Staff Analysis:

Staff recommends that the Planning Commission adopt Resolution No. PC 2024-01, recommending that the City Council adopt Zoning Code Amendment No. 24-01, amending Title 17 (Zoning) of the City's Code, to amend Chapter 17.08 (Definitions) and add Chapter 17.80 (Accessory Dwelling Units and Junior Dwelling Units), and notice of exemption regarding same. Adoption of the proposed ordinance facilitates the City's compliance with ADU laws, and is consistent with the City's General Plan based on the findings below.

a. The proposed ordinance is in conformity with the goals and policies of the City's General Plan because Program 2 of the 2021-2029 Housing Element provides that the City "[d]efine and permit ADUs by-right on any lot that allows single- or multifamily housing in accordance with the [Government] Code § 65852.2(a) in the ROS Zone and HOZ. Goal: Yield 4 ADUs", and Program 4 of the 2021-2029 Housing Element provides that the City "[d]evelop an ordinance that defines and permits ADUs in accordance with state law. (Target 4 ADUs by the end of 2029)". Although Program 2 of the Housing Element does not specifically reference JADUs, it is reasonable the proposed ordinance includes JADUs as subsection (3)(A) of Government Code § 65852.2(a) establishes identical ministerial approval requirements for both ADUs and JADUs, and Government Code § 65852.22 provides local jurisdictions "may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones." The purpose of the proposed Zoning Code Amendment No. 23-02 is to establish an ADU and JADU process. The proposed Zoning Code Amendment actually implements two specific objectives contained within the General Plan and is, therefore, consistent.

b. The adoption of the ADU and JADU ordinance is consistent with the City's Zoning Code because Section 17.04.030 of the City's Code states that "the City Council may establish zones to promote the public safety, health and welfare and to carry out the purposes of the planning law of the state" and the purpose of adopting the proposed ordinance is to comply with both State ADU and Housing Element Laws. Additionally, pursuant to Section 17.22.010 of the City's Code, "the intent and purpose of the Housing Overlay Zone (hereinafter "HOZ") [is] to facilitate housing development consistent with the City's adopted housing element and ensure that housing will be compatible with surrounding land uses" and the proposed regulations will implement Programs 2 and 4 of the adopted housing element.

Environmental Analysis:

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), (Cal. Pub. Resources Code §§21000 et seq.), a review was performed. The proposed zoning code amendment is statutorily exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code Sections 65852.1 and 65852.2. The text amendment implements Government Code Section 65852.2, which is the state's ADU law and also regulates junior accessory dwelling units, as provided under Government Code Section 65852.22. As such, the adoption of the text amendment is statutorily exempt from CEQA. Furthermore, the proposed zoning code amendment is exempt from CEQA pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance will adopt an ADU and JADU development process as required by State law and does not change the density, intensity, or allowed uses, or otherwise have other effects on the environment. The proposed ordinance is not for any specific project and therefore will not impact any environmental resource or hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources.

Public Hearing:

The required Public Hearing Notice (Exhibit B) was published in the San Gabriel Valley Tribune on February 17, 2024, and was posted at City Hall, Fire Station 118, City Hall, Council Chambers, and the City's webpage on February 17, 2024.

Fiscal Impact:

There is no fiscal impact associated with this agenda report. State law allows the City to charge impact fees proportionately in relation to the square footage of the primary dwelling unit. The City currently does not impose impact fees on any projects. No new fee is proposed at this time.

Recommendation:

Based on the analysis provided with this Staff report, Staff recommends that the Planning Commission adopt Resolution No. PC 2024-01, recommending that the City Council adopt Zoning Code Amendment No. 24-01, amending Title 17 (Zoning) of the City of Industry Municipal Code, to amend Chapter 17.08 (Definitions) and add Chapter 17.80 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and adopting a Notice of Exemption regarding the same, and Making Findings In Support Thereof.

Attachments

- A. Resolution No. PC 2024-01
- B. Zoning Code Amendment No. 24-01

RESOLUTION NO. PC 2024-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING CODE AMENDMENT NO. 24-01, AMENDING TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE TO AMEND CHAPTER 17.08 (DEFINITIONS) AND ADD CHAPTER 17.80 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS), AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, the State legislature enacted and amended California Government Code Sections 65852.2 and 65852.22, imposing an affirmative duty on local governments to encourage the development of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, California Government Code Section 65852.2(h)(1) requires local governments to submit a copy of the ADU ordinance to the California Department of Housing and Community Development (“HCD”) within 60 days after adoption, and HCD may submit written findings to the local governments as to whether the ordinance complies with state law; and

WHEREAS, Program 2 of the 2021-2029 Housing Element commits the City to define and permit ADUs by-right on any lot in the Recreation and Open Space Zone (“ROS”) and Housing Overlay Zone (“HOZ”) that allows single- or multifamily housing in accordance with the California Government Code Sections 65852.2(a); and

WHEREAS, Program 4 of the 2021-2029 Housing Element commits the City to develop an ordinance that defines and permits ADUs in accordance with state law; and

WHEREAS, the City intends to implement requirements of state law and add local policies that are consistent with state law and implement the City’s General Plan; and

WHEREAS, based on Staff’s review and assessment, the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”, Public Resources Code § 21000 et seq.) pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Additionally, the proposed Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code Sections 65852.1 and 65852.2. The proposed Ordinance implements the provisions of

Government Code Section 65852.2, which is the state's ADU law, and also regulates junior accessory dwelling units as set forth under Government Code Section 65852.22. As such, the adoption of the ordinance is exempt from CEQA; and

WHEREAS, on February 17, 2024, notice of the Planning Commission's February 27, 2024, public hearing on the proposed Zoning Code amendment was published in the San Gabriel Valley Tribune, in compliance with the City's Municipal Code and Government Code Section 65090; and

WHEREAS, on February 17, 2024, notice of the Planning Commission's February 27, 2024, public hearing on Resolution No. PC 2024-01 was posted at City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and

WHEREAS, on February 27, 2024, the Planning Commission of the City of Industry conducted a duly noticed public hearing to consider the proposed Zoning Code Amendment No. 24-01, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

SECTION 1: The Planning Commission finds that all of the facts set forth in the Recitals above are true and correct and are incorporated herein by reference.

SECTION 2: Based upon substantial evidence presented to the Planning Commission during the February 27, 2024 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and any documents provided by the public to the Planning Commission at the February 27, 2024 public hearing, the Planning Commission finds as follows:

The proposed Municipal Code amendment has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The Planning Commission has determined that the text amendment implements the State's ADU law provided under Government Code Section 65852.2 and also regulates junior accessory dwelling units provided under Government Code Section 65852.22. Pursuant to Public Resources Code Section 21080.17, CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code Sections 65852.1 and 65852.2. As such, the adoption of the ordinance is statutorily exempt from CEQA. Additionally, the Planning Commission has determined that the text amendment does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that adoption of the ordinance has no possibility of having a significant effect on the environment. The proposed amendment does not contemplate any specific project

requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements. This amendment enacts a procedure as required by state law and does not change the density, intensity, or allowed uses or have other effects on the environment. Based on the foregoing, the Planning Commission recommends that the City Council adopt a Notice of Exemption for the proposed Zoning Code amendment.

SECTION 3: Based upon substantial evidence presented to the Planning Commission during the February 27, 2024 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, and any documents provided by the public to the Planning Commission at the February 27, 2024 public hearing, the Planning Commission finds as follows:

- a. The proposed ordinance is in conformity with the goals and policies of the City's General Plan because Program 2 of the 2021-2029 Housing Element provides that the City "[d]efine and permit ADUs by-right on any lot that allows single- or multifamily housing in accordance with the Government Code §65852.2(a) in the ROS Zone and HOZ. Goal: Yield 4 ADUs", and Program 4 of the 2021-2029 Housing Element provide that the City "[d]evelop an ordinance that defines and permits ADUs in accordance with state law. (Target 4 ADUs by the end of 2029)." The purpose of the proposed Zoning Code Amendment No. 24-01 is to establish an accessory dwelling unit and junior accessory dwelling unit process, thereby implementing two specific objectives of the City's General Plan.
- b. The adoption of an accessory dwelling unit and junior accessory dwelling unit ordinance is consistent with the City's Zoning Code because the purpose of adopting the ordinance is to comply with State law. Pursuant to Section 17.04.030 of the City Code, "[i]t is further declared that the city council deems the zones established pursuant to this title to be best suited to provide for and promote the public safety, health and welfare and to carry out the purposes of the planning law of the state." The proposed Ordinance will implement Programs 2 and 4 of the adopted housing element. Finally, California Government Code Section 65583(c)(7) provides that housing elements will "[d]evelop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households." The proposed accessory dwelling units and junior accessory dwelling units ordinance facilitates the development of accessory dwelling units and junior accessory dwelling units in order for the City's 2021-2029 Housing Element to comply with state law and, therefore, "will carry out the purposes of the planning law of the state".
- c. The proposed Zoning Code amendment is not detrimental to the public health, safety or general welfare, because it furthers the State's commitment to increasing the supply of housing.

SECTION 4: Based on the foregoing findings, the Planning Commission of the City of Industry recommends that the City Council adopt an ordinance amending Title 17 (Zoning) of the City's Code, to amend Chapter 17.08 (Definitions) and add Chapter 17.80 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and adopt a notice of exemption regarding same, and making findings in support thereof, attached hereto as Exhibit A.

SECTION 5: The provisions of this Resolution are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts thereof of the Resolution of their applicability to other persons or circumstances.

SECTION 6: The Planning Commission Secretary shall certify to the adoption of this Resolution and the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Industry at a special meeting held on February 27, 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

EXHIBIT A

ZONING CODE AMENDMENT NO. 24-01, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO AMEND CHAPTER 17.08 (DEFINITIONS) AND ADD CHAPTER 17.80 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS), AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO AMEND CHAPTER 17.08 (DEFINITIONS) AND ADD CHAPTER 17.80 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS), AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, the State legislature enacted and amended California Government Code Sections 65852.2 and 65852.22, imposing an affirmative duty on local governments to encourage the development of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, California Government Code Sections 65852.2(h)(1) requires local governments to submit a copy of the ADU ordinance to the California Department of Housing and Community Development (“HCD”) within 60 days after adoption, and HCD may submit written findings to the local governments as to whether the ordinance complies with state law; and

WHEREAS, Program 2 of the 2021-2029 Housing Element commits the City to define and permit ADUs by-right on any parcel in the Recreation and Open Space Zone (“ROS”) and Housing Overlay Zone (“HOZ”) that allows single- or multifamily housing in accordance with the California Government Code Sections 65852.2(a); and

WHEREAS, Program 4 of the 2021-2029 Housing Element commits the City to develop an ordinance that defines and permits ADUs in accordance with state law; and

WHEREAS, the City is committed under state law and the adopted Housing Element to permit ADUs and JADUs; and

WHEREAS, the City intends to implement requirements of state law and add local policies that are consistent with state law and implement the City’s General Plan; and

WHEREAS, based on Staff’s review and assessment, the proposed Ordinance is exempt from the California Environmental Quality Act (“CEQA”, Public Resources Code § 21000 et seq.) pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Additionally, the proposed Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an ordinance to implement the provisions of Government Code Sections 65852.1 and 65852.2. The proposed Ordinance implements the provisions of Government Code Section 65852.2, which is the state’s ADU law and also regulates

junior accessory dwelling units as set forth under Government Code Section 65852.22. As such, the adoption of the ordinance is exempt from CEQA; and

WHEREAS, on February 17, 2024, notice of the Planning Commission's February 27, 2024 public hearing on the proposed Zoning Code amendment was published in the San Gabriel Tribune, and was posted City Hall, City's Council Chambers, Fire Station 118, and on the City's website; and

WHEREAS, on February 27, 2024, the Planning Commission of the City of Industry conducted a duly noticed public hearing on Zoning Code Amendment No. 24-01, and considered all testimony written and oral, and adopted Resolution No. PC 2024-01, recommending the City Council adopt the Ordinance; and

WHEREAS, on [DATE], notice of the City Council's [DATE], public hearing on Ordinance No. 829 was published in the San Gabriel Valley Tribune, in compliance with the City's Municipal Code and Government Code Section 65090; and

WHEREAS, on [DATE], notice of the City Council's [DATE], public hearing on Ordinance No. 829 was posted at City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and

WHEREAS, on [DATE], the City Council of the City of Industry conducted a duly noticed public hearing on Ordinance No. 829, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds that based upon substantial evidence presented to the City Council during the [DATE] public hearing, including public testimony and oral staff reports, that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 2. CEQA Findings.

Based upon substantial evidence presented to the City Council during the [DATE] public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and any documents provided by the public to the City Council at the [DATE] public hearing, the City Council finds as follows:

The proposed Municipal Code amendment has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) ("CEQA"). The City Council has determined that the text amendment is statutorily exempt from the requirements of CEQA pursuant to Public Resources Code Section 21080.17, which provides that CEQA does not apply to the adoption of an

ordinance to implement the provisions of Government Code Section 65852.2. Further, the City Council has determined that the text amendment does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that adoption of the ordinance has no possibility of having a significant effect on the environment. The proposed amendment does not contemplate any specific project requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements. This amendment enacts a procedure as required by state law and does not change the density, intensity, or allowed uses or have other effects on the environment. Based on the foregoing, the City Council approves and adopts the Notice of Exemption. The City Council further directs Staff to file the Notice of Exemption, as authorized by law.

SECTION 3. Zoning Code Text Amendment Findings.

Based upon substantial evidence presented to the City Council during the DATE public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, and any documents provided by the public to the City Council at the DATE public hearing, the City Council finds as follows:

- a. The proposed ordinance is in conformity with the goals and policies of the City's General Plan because Program 2 of the 2021-2029 Housing Element provides that the City "[d]efine and permit ADUs by-right on any lot that allows single- or multifamily housing in accordance with the Government Code §65852.2(a) in the ROS Zone and HOZ. Goal: Yield 4 ADUs", and Program 4 of the 2021-2029 Housing Element provide that the City "[d]evelop an ordinance that defines and permits ADUs in accordance with state law. (Target 4 ADUs by the end of 2029)." The purpose of the proposed Zoning Code Amendment No. 24-01 is to establish an accessory dwelling unit and junior accessory dwelling unit process, thereby implementing two specific objectives of the City's General Plan.
- b. The adoption of an accessory dwelling unit and junior accessory dwelling unit ordinance is consistent with the City's Zoning Code because the purpose of adopting the ordinance is to comply with State law. Pursuant to Section 17.04.030 of the City Code, "[i]t is further declared that the city council deems the zones established pursuant to this title to be best suited to provide for and promote the public safety, health and welfare and to carry out the purposes of the planning law of the state." The proposed Ordinance will implement Programs 2 and 4 of the adopted housing element. Finally, California Government Code Section 65583(c)(7) provides that housing elements will "[d]evelop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households." The proposed accessory dwelling units and junior accessory dwelling units ordinance facilitates the development of accessory dwelling units and junior accessory dwelling units in order for the City's 2021-2029 Housing

Element to comply with state law and, therefore, “will carry out the purposes of the planning law of the state”.

- c. The proposed Zoning Code amendment is not detrimental to the public health, safety or general welfare, because it furthers the State’s commitment to increasing the supply of housing.

SECTION 4. Municipal Code Amendment.

Sections 17.08.003 (Accessory dwelling unit), 17.08.096 (Junior accessory dwelling unit), and 17.08.112 (Public transit) are hereby added to Chapter 17.08 (Definitions), of Title 17 (Zoning) of the City of Industry Municipal Code, to read in their entirety as follows:

17.08.003 Accessory dwelling unit.

“Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a parcel with a proposed or existing primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated, and also includes, but is not limited to, the following:

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

17.08.096 Junior accessory dwelling unit.

“Junior accessory dwelling unit” means a dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family dwelling. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the single-family dwelling.

17.08.112 Public transit.

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

SECTION 5. Municipal Code Amendment.

Chapter 17.80 (Accessory Dwelling Units and Junior Accessory Dwelling Units), is hereby added to Title 17 (Zoning) of the City of Industry Municipal Code, to read in its entirety as follows:

CHAPTER 17.80
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

Sections:

- 17.80.010 Intent and purpose.
- 17.80.020 Applications and processing.
- 17.80.030 General requirements.
- 17.80.040 Development and design standards – accessory dwelling units.
- 17.80.050 Development and design standards – junior accessory dwelling units.
- 17.80.060 Utilities and impact fees.

17.80.010 Intent and purpose.

The purpose of this chapter is to provide a procedure for permitting accessory dwelling units and junior accessory dwelling units, consistent with the provisions of California Government Code Sections 65852.2 and 65852.22.

17.80.020 Applications and processing.

(A) Applications to create or serve a junior accessory dwelling unit or an accessory dwelling unit shall be ministerially processed and either approved or denied without discretionary review or a hearing within 60 days of receipt of a complete application. If the application is denied, the city will provide, within the 60-day review period, a complete list of the application's deficiencies and describe how the applicant can remedy the application.

(B) Notwithstanding subdivision (A) above, if the application is submitted with an application to create a single-family dwelling or multifamily dwelling on the parcel, the application for the junior accessory dwelling unit or accessory dwelling unit shall not be acted upon until the application for the new single-family dwelling or multifamily dwelling is approved or denied. Once the application for the new single-family dwelling or multifamily dwelling has been approved or denied, the application for the junior accessory dwelling unit or accessory dwelling unit shall be ministerially processed and either approved or denied within 60 days. Occupancy of the junior accessory dwelling unit or accessory dwelling unit shall not be allowed until the city approves occupancy of the primary dwelling unit.

(C) The city shall grant a delay in processing the permit application if requested by the applicant, in which case the 60-day period is tolled for the period of the requested delay.

(D) If the applicant applies for a demolition permit to demolish a detached garage and a building permit to construct a detached accessory dwelling unit, the demolition permit and building permit for the detached accessory dwelling unit will be issued at the same time.

(E) An application for an accessory dwelling unit or junior accessory dwelling unit shall not be denied due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the proposed dwelling.

17.80.030 General requirements

(A) Zoning. Accessory dwelling units are allowed on parcels zoned to allow single-family dwellings or multifamily dwellings, including mixed-use zones. Junior accessory dwelling units are allowed on parcels located in single-family residential zones and are not permitted on a property with a multifamily dwelling.

(B) Single-family Dwellings. The following may be permitted on a parcel with an existing or proposed single family dwelling:

- (1) One junior accessory dwelling unit that meets the standards in Section 17.80.050 below. A junior accessory dwelling unit is only permitted on a parcel with no more than one existing or proposed single-family dwelling; or
- (2) One new construction, attached or detached accessory dwelling unit that meets the standards in Section 17.80.040 below.

(C) Multi-family Dwellings. One accessory dwelling unit that meets the standards of Section 17.80.040 below shall be permitted on a parcel with an existing or proposed multifamily dwelling.

(D) Exempt Accessory Dwelling Units and Junior Accessory Dwelling Units. Accessory dwelling units permitted under this subsection (D) are exempt from the development and design standards provided in Section 17.80.040 below. If an accessory dwelling unit or junior accessory dwelling unit does not exist on a parcel, if an accessory dwelling unit or junior accessory dwelling unit is not proposed on a parcel pursuant to subsection 17.80.030(B) or (C) above, or if an accessory dwelling unit or junior accessory dwelling unit exists on a parcel but the development of an additional accessory dwelling unit or of a junior accessory dwelling unit would not exceed the what is allowed under this this Subsection (D), an application for a building permit within a residential or mixed-use zone shall be ministerially approved to create any of the following:

(1) Not more than one accessory dwelling unit and one junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

(a) The accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(b) The space has exterior access from the proposed or existing single-family dwelling.

(c) The side and rear setbacks are sufficient for fire and safety.

(d) The junior accessory dwelling unit complies with the requirements of Section 17.80.050.

(2) Not more than one detached, new construction accessory dwelling unit and one junior accessory dwelling unit per parcel with a proposed or existing single family dwelling if all of the following apply:

(a) The side and rear yard setbacks are not less than four feet;

(b) The accessory dwelling unit does not exceed 800 square feet in floor area; and

(c) The accessory dwelling unit does not exceed the height limitation as provided in subsection 17.80.040(F); and

(d) The junior accessory dwelling unit complies with the requirements of Section 17.80.050.

(3) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each accessory dwelling unit complies with state building standards for dwellings. The city shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to the number equivalent to 25 percent of the existing multifamily dwelling units.

(4) Not more than two accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling if the accessory dwelling units are detached from that multifamily dwelling, do not exceed the allowed height pursuant to subsection 17.80.040(F), and have rear yard and side setbacks of no more than four feet. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subparagraph.

(E) Sale and Rental of Accessory Dwelling Units and Junior Accessory Dwelling Units.

(1) Neither accessory dwelling units nor junior accessory dwelling units may be sold separately from the primary dwelling unit. However, an accessory dwelling unit may be owned by multiple owners as tenants in common if the single-family dwelling and accessory dwelling unit were developed by a qualified nonprofit, as that term is defined in and pursuant to Government Code Section 65852.26 and the transaction meets the requirements of Government Code Section 65852.26.

(2) Junior accessory dwelling units and accessory dwelling units may be rented independently of the primary dwelling unit. However, neither the junior accessory dwelling unit nor the accessory dwelling unit may be used for short-term residential rentals of less than 30 consecutive days.

(F) Building Code Requirements. Accessory dwelling units and junior accessory dwelling units shall comply with all applicable building code requirements. Notwithstanding this requirement:

(1) Fire sprinklers are not required in an accessory dwelling unit if they are not required for the single-family dwelling or multifamily dwelling. Fire sprinklers cannot be required for an existing single-family dwelling or multifamily dwelling as a condition of the construction of an accessory dwelling unit; and

(2) The new construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety or the accessory dwelling unit is converted from uninhabitable or nonresidential space.

(G) A certificate of occupancy for an accessory dwelling unit shall not be issued before the city issues a certificate of occupancy for the primary dwelling.

(H) Covenants. Prior to issuance of a building permit for an accessory dwelling unit, the owner of the parcel shall record a covenant with the Los Angeles County

Recorder in a form prescribed by the city, which shall run with the land and provide for the following:

(1) A prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family dwelling or multifamily dwelling; and

(2) A restriction on renting the accessory dwelling unit for fewer than 30 consecutive calendar days.

17.80.040 Development and design standards – Accessory dwelling units

(A) The accessory dwelling unit shall comply with the requirements of the underlying zoning district and all other municipal code provisions unless:

(1) The requirements are inconsistent with the provisions of this chapter, in which case the standards of this chapter shall apply; or

(2) The application is to legalize an unpermitted accessory dwelling unit that was constructed prior to January 1, 2018, even if the accessory dwelling unit is nonconforming with local zoning, Government Code Section 65852.2, or California and local building code requirements. The city can deny the application for an unpermitted accessory dwelling as described in this subsection (A)(2) if the city makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure. The section shall not apply to a building that is deemed substandard pursuant to Health and Safety Code Section 17920.3.

(3) Limits on size based on a percentage of the proposed or existing primary dwelling, parcel coverage, floor area ratio, front set back, open space, and size shall permit or shall be waived to allow a detached or attached accessory dwelling unit up to 800 square feet in size with four-foot side and rear yards, if the proposed accessory dwelling unit is in compliance with all other development standards.

(B) Entrance. The entrance into an accessory dwelling unit shall be separate from the entrance into a single family dwelling and separate from the entrances into the other dwelling units in a multifamily dwelling, as applicable.

(C) Parking

(1) The number of off-street parking spaces required for an accessory dwelling unit is equivalent to the lesser of one per accessory dwelling unit or one per bedroom. The parking may be provided as tandem parking on a driveway. The parking shall be permitted in setback areas in locations determined by the city or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions. Parking is not required for an accessory dwelling unit in any of the following instances:

(a) where the accessory dwelling unit is located within one-half mile walking distance of public transit;

(b) where the accessory dwelling unit is located within an architecturally and historically significant historic district;

(c) where the accessory dwelling unit is part of the proposed or existing primary dwelling or any accessory structure;

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

(e) where the accessory dwelling unit is located within one block of a car share vehicle pickup location;

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

(2) If a parking structure is demolished in connection with the construction of an accessory dwelling unit or if a parking structure is converted to an accessory dwelling unit, the off-street parking that was provided in the parking structure is not required to be replaced.

(D) Size

(1) Maximum Size. The floor area of a new construction attached or detached accessory dwelling unit may not exceed the lesser of 50 percent of the floor area of the primary dwelling or 850 square feet for a studio or one bedroom and 1,000 square feet for an accessory dwelling unit that contains more than one bedroom. The limitation based on size of the primary dwelling shall not apply if the accessory dwelling unit is 800 square feet or less.

(2) Minimum Size. No accessory dwelling unit may be smaller than an efficiency unit.

(E) Setbacks. Except as specified below, an accessory dwelling unit is required to comply with the setback requirements of the zone in which the unit is to be located.

(1) No setback is required for an existing living area or an existing accessory structure converted to an accessory dwelling unit, or for a new accessory dwelling unit constructed in the same location and built to the same dimensions as an existing structure.

(2) For all other accessory dwelling units, a setback of four feet is required from the rear and side property lines.

(F) Height.

(1) Attached Accessory Dwelling Unit. The height of an attached accessory dwelling unit may not exceed 25 feet or the height limitation that applies to the single-family or multifamily dwelling, whichever is lower. The accessory dwelling unit may not exceed two stories.

(2) Detached Accessory Dwelling Unit. The height of a detached accessory dwelling unit may not exceed:

(a) 16 feet on a parcel with an existing or proposed single-family dwelling or multifamily dwelling;

(b) 18 feet on a parcel with an existing or proposed single-family dwelling or multifamily dwelling if the parcel is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Public Resources Code Section 21155. An additional two feet in height shall be permitted to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit;

(c) 18 feet on a parcel with an existing or proposed multifamily, multistory dwelling.

(G) Detached accessory dwelling units larger than 800 square feet or any attached accessory dwelling units shall match the architectural design of the primary dwelling unit,

including, but not limited to, finish materials, textures and colors, decorative façade treatment such as stone veneer and shutters, roof style and pitch, and scale and form.

17.80.050 Development and design standards – Junior accessory dwelling units

(A) The junior accessory dwelling unit shall comply with the requirements of this section 17.80.050.

(1) Number of Junior Accessory Dwelling Units. The number of junior accessory dwelling units is limited to one per parcel zoned for single-family dwellings with a single-family dwelling built, or proposed to be built, on the parcel.

(2) Owner-Occupancy. The owner of the single family dwelling in which the junior accessory dwelling unit will be permitted shall reside in either the single-family dwelling or the junior accessory dwelling unit. Owner-occupancy is not required if the owner is another governmental agency, land trust, or housing organization.

(3) Deed Restriction. Prior to issuance of a building permit for a junior accessory dwelling unit, the owner of the parcel shall record a deed restriction with the Los Angeles County Recorder in a form prescribed by the city, which shall run with the land, and provide for the following:

(a) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family dwelling, including a statement that the deed restriction may be enforced against future purchasers.

(b) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(c) A restriction on renting the junior accessory dwelling unit for fewer than 30 consecutive calendar days; and

(d) A requirement that either the single-family dwelling or the junior accessory dwelling unit be the owner's bona fide principal residence, unless the owner is a governmental agency, land trust, or housing organization.

(4) Location. The junior accessory dwelling unit shall be constructed within the walls of the proposed or existing single-family dwelling. For purposes of this paragraph, enclosed uses within the dwelling, such as attached garages, are considered a part of the proposed or existing single-family dwelling.

(5) Entrance. A junior accessory dwelling unit shall have a separate entrance from the single family dwelling.

(6) Sanitation Facilities. A junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family dwelling. If a permitted junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall also have direct access to the main living area of the single-family dwelling so as not to need to go outside to access the bathroom.

(7) Kitchen. A junior accessory dwelling shall contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

(D) Replacement Parking. If a junior accessory dwelling unit is constructed in an attached garage, the applicant shall replace the off-street parking for the single family dwelling.

17.80.060 Utilities and impact fees.

(A) An accessory dwelling unit is not considered by the city to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service. However, these provisions do not apply to accessory dwelling units that are constructed concurrently with a new single-family home.

(B) City shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more will be charged proportionately in relation to the square footage of the primary dwelling unit. For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(C) All new utility extensions shall be placed underground.

(D) If an accessory dwelling unit will connect to an onsite wastewater treatment system, the application shall include a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

SECTION 5. Clerical Errors.

The City Council directs the City Clerk to correct any clerical errors found in this Chapter, including, but not limited to, typographical errors, irregular numbering, and incorrect section references.

SECTION 6. Severability.

Should any section, subsection, clause, or provisions of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity of unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unenforceable, or unconstitutional.

SECTION 7. Effective Date.

In accordance with California Government Code § 36937, this Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

SECTION 8. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published and posted as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Industry, California, at a regular meeting held on [DATE], by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Cory C. Moss, Mayor

ATTEST:

Julie Gutierrez-Robles, City Clerk

PLANNING COMMISSION

ITEM NO. 6.2

Backup Material will be distributed prior to Meeting

*PLANNING COMMISSION
SPECIAL MEETING
FEBRUARY 27, 2024*

ITEM NO. 6.2
HANDOUT



CITY OF INDUSTRY

MEMORANDUM

TO: Planning Commission

FROM: Joshua Nelson, City Manager

STAFF: Bing Hyun, Assistant City Manager
Kathy Tai, Development Services Manager

DATE: February 27, 2024

SUBJECT: Consideration of Resolution No. PC 2024-02, Recommending that the City Council Adopt Zoning Code Amendment No. 24-02, Amending Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), of Title 17 (Zoning) of the City of Industry Municipal Code, to Implement the City's 2021-2029 Housing Element, and Adopt a Notice of Exemption Regarding Same, and Making Findings In Support Thereof

Background:

The City's Housing Element identified 15 housing programs with multiple objectives to be completed during the 2021-2029 cycle. The City will accomplish five of those objectives by amending the City's Code to define and permit by-right, employee housing serving six or fewer residents, manufactured housing, mobile homes, single-room occupancy housing, supportive housing, low-barrier navigation centers, and transitional housing uses; permit accessory dwelling units and junior accessory dwelling units in the ROS and HOZ, and amend the Code for emergency homeless shelters, supportive housing, and low barrier navigation centers in accordance with state law.

Discussion:

The proposed ordinance amends Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), of Title 17 (Zoning), to define and permit employee housing, low-barrier navigation centers, supportive housing, and emergency shelters by-right within the Recreational and Open Space ("ROS") Zone and Housing Overlay Zone ("HOZ"), respectively, and update the emergency homeless shelter regulations in the Institutional Zone ("INST").

Staff Analysis:

Staff recommends that the Planning Commission adopt Resolution No. PC 2024-01, recommending that the City Council adopt Zoning Code Amendment No. 24-02, amending Title 17 (Zoning) of the City's Code, to amend Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), to implement the City's 2021-2029 Housing Element, and notice of exemption regarding same. Adoption of the proposed ordinance facilitates the City's compliance with State laws, and is consistent with the City's General Plan based on the findings below.

- a. The proposed ordinance is in conformity with the goals and policies of the City's General Plan because Program 2 of the 2021-2029 Housing Element provides that the City "[d]efine and permit employee housing serving 6 or fewer residents as a by-right use in accordance with Health and Safety Code §§17021.5 and 17021.6 in the ROS Zone and HOZ", "[d]efine and permit manufactured/mobile homes and single-room occupancy as by-right uses in accordance with the Government Code § 65852.3 and § 65583(c)(2) in the HOZ", "permit accessory dwelling units by-right on any lot that allows single- or multifamily housing in accordance with Gov't Code § 65852.2(a) in the ROS and HOZ", and "[d]efine & permit low-barrier navigation centers and supportive housing as by-right uses in zones allowing multifamily and mixed uses (Gov't Codes 65650 and § 65660 et seq.)" Additionally, Program 10 of the 2021-2029 Housing Element commits the City to "[a]mend [the City's] Municipal Code for emergency shelter parking, supportive housing, and low barrier navigation centers in accordance with state law." The purpose of the proposed Zoning Code Amendment No. 23-02 is to define and permit employee housing serving six or few residents, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in the City's Code, thereby implementing five specific objectives of the City's General Plan.
- b. The adoption of the ordinance is consistent with the City's Zoning Code because the purpose of adopting the ordinance is to comply with State laws. Additionally, pursuant to Section 17.22.010 of the City's Code, "the intent and purpose of the Housing Overlay Zone (hereinafter "HOZ") [is] to facilitate housing development consistent with the City's adopted housing element and ensure that housing will be compatible with surrounding land uses", the proposed regulations will implement Programs 2 and 10 of the adopted housing element. The proposed ordinance facilitates employee housing serving six or fewer residents, permits manufactured housing, mobile homes, single-room occupancy housing, accessory dwelling units, low-barrier navigation centers, and supportive housing, and updates emergency homeless shelter regulations in accordance with State law and, therefore, "will carry out the purposes of the planning law of the state".
- c. The proposed Zoning Code amendment is not detrimental to the public health, safety or general welfare, as it is a simple text amendment, and does not propose any specific development project.

Environmental Analysis

In accordance with the provisions of the California Environmental Quality Act (“CEQA”), (Cal. Pub. Resources Code §§21000 et seq.), a review was performed. The proposed zoning code amendment is exempt from CEQA pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed ordinance does not contemplate any specific project requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements. This amendment enacts a procedure as required by state law and does not change the density, intensity, or allowed uses, or otherwise have other effects on the environment. The proposed ordinance is not for any specific project and therefore will not impact any environmental resource or hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources.

Public Hearing:

The required Public Hearing Notice was published in the *San Gabriel Valley Tribune* on February 17, 2024, and was posted at City Hall, Fire Station 118, City Hall, Council Chambers, affected properties, and the City’s webpage on February 17, 2024, and was also mailed to service providers whose ability to provide facilities and services may be significantly affected on February 17, 2024.

Fiscal Impact:

There is no fiscal impact associated with this agenda report.

Recommendation:

Based on the analysis provided with this Staff report, Staff recommends that the Planning Commission adopt Resolution No. PC 2024-02, recommending that the City Council adopt Zoning Code Amendment No. 24-02, amending Title 17 (Zoning) of the City of Industry Municipal Code, to amend Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), to implement the City’s 2021-2029 Housing Element, and adopt a Notice of Exemption regarding same, and making findings in support thereof.

Exhibits:

- A. Resolution No. PC 2024-02, Recommending that the City Council Adopt Zoning Code Amendment No. 24-02, Amending Title 17 (Zoning) of the City of Industry Municipal Code, to Amend Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), adopting a Notice of Exemption regarding same, and Making Findings In Support Thereof

RESOLUTION NO. PC 2024-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING CODE AMENDMENT NO. 24-02, AMENDING CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.18 (INSTITUTIONAL ZONE), CHAPTER 17.22 (HOUSING OVERLAY ZONE), AND CHAPTER 17.26 (RECREATION AND OPEN SPACE ZONE), OF TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO IMPLEMENT THE CITY'S 2021-2029 HOUSING ELEMENT, AND ADOPT A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, State housing laws, including the Employee Housing Act (California Health and Safety Code Section 17000 et seq.), and low barrier navigation center (California Government Code Section 65660 et seq.), supporting housing (California Government Code Section 65650 et seq.), manufactured housing and mobile homes (California Government Code Section 65852.3), impose an affirmative duty on local governments to allow use by right in their land use and zoning regulations and practices when necessary; and

WHEREAS, the California Department of Housing and Community Development ("HCD") directs cities to amend their municipal codes with respect to zoning regulations in light of aforementioned laws and a city's affirmative duty to comply with various state laws; and

WHEREAS, Program 2 of the 2021-2029 Housing Element commits the City to define and permit employee housing serving six or fewer residents as a by-right use in accordance with Health and Safety Code §17021.5, in the Recreation and Open Space ("ROS") Zone and Housing Overlay Zone ("HOZ"); define and permit manufactured/mobile homes and single-room occupancy as by-right uses in accordance with the Government Code § 65852.3 and § 65583(c)(1) in the HOZ; permit accessory dwelling units by-right on any lot that allows single- or multifamily housing in accordance with Government Code § 65852.2(a) in the ROS and HOZ; and define and permit low-barrier navigation centers and supportive housing as by-right uses in zones allowing multifamily and mixed uses in accordance with Government Codes § 65650 and § 65660 et seq. Additionally, Program 10 of the 2021-2029 Housing Element commits the City to amend the Code to permit emergency homeless shelters, supportive housing, and low barrier navigation centers in accordance with State law; and

WHEREAS, the City intends to comply with State laws and the adopted Housing Element by amending its Code to define and permit employee housing, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in accordance with State law; and

WHEREAS, the proposed ordinance is consistent with the goals and objectives of the City's General Plan because Program 2 (Zoning Code Amendments) and Program 10 (Homeless Services) of the 2021-2029 Housing Element commit the City to define and permit employee

housing, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in accordance with State law; and

WHEREAS, based on Staff's review and assessment, the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA", Public Resources Code § 21000 et seq.) pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment does not contemplate any specific project requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements; and

WHEREAS, on February 16, 2024, notice of the Planning Commission's February 27, 2024, public hearing on Resolution No. PC 2024-02 was published in the San Gabriel Valley Tribune, in compliance with the City's Municipal Code and Government Code Section 65090; and

WHEREAS, on February 16, 2024, notice of the Planning Commission's February 27, 2024, public hearing on Resolution No. PC 2024-02 was posted at City Hall, the City's Council Chambers, Fire Station 118, affected properties, and on the City's website; and was also mailed to service providers whose ability to provide facilities and services may be significantly affected on February 17, 2024; and

WHEREAS, on February 27, 2024, the Planning Commission of the City of Industry conducted a duly noticed public hearing to consider the proposed Zoning Code Amendment No. 24-02, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

SECTION 1: The Planning Commission finds that all of the facts set forth in the Recitals above are true and correct and are incorporated herein by reference.

SECTION 2: Based upon substantial evidence presented to the Planning Commission during the February 27, 2024 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and any documents provided by the public to the Planning Commission at the February 27, 2024 public hearing, the Planning Commission finds as follows:

The proposed Municipal Code amendment has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). The Planning Commission has determined that the text amendment does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that adoption of the ordinance has no possibility of having a significant effect on the environment. The proposed amendment does not contemplate any specific project requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements. This amendment enacts a procedure as required by state law and does not change

the density, intensity, or allowed uses or have other effects on the environment. Based on the foregoing, the Planning Commission recommends that the City Council adopt a Notice of Exemption for the proposed Zoning Code amendment.

SECTION 3: Based upon substantial evidence presented to the Planning Commission during the February 27, 2024 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, and any documents provided by the public to the Planning Commission at the February 27, 2024 public hearing, the Planning Commission finds as follows:

- a. The proposed ordinance is in conformity with the goals and policies of the City's General Plan because Program 2 of the 2021-2029 Housing Element provides that the City "[d]efine and permit employee housing serving 6 or fewer residents as a by-right use in accordance with Health and Safety Code §§17021.5 and 17021.6 in the ROS Zone and HOZ", "[d]efine and permit manufactured/mobile homes and single-room occupancy as by-right uses in accordance with the Government Code § 65852.3 and § 65583(c)(2) in the HOZ", "permit accessory dwelling units by-right on any lot that allows single- or multifamily housing in accordance with Gov't Code § 65852.2(a) in the ROS and HOZ", and "[d]efine & permit low-barrier navigation centers and supportive housing as by-right uses in zones allowing multifamily and mixed uses (Gov't Codes 65650 and § 65660 et seq.)" Additionally, Program 10 of the 2021-2029 Housing Element commits the City to "[a]mend [the City's] Municipal Code for emergency shelter parking, supportive housing, and low barrier navigation centers in accordance with state law." The purpose of the proposed Zoning Code Amendment is to define and permit employee housing serving six or few residents, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in the City's Code, thereby implementing five specific objectives of the City's General Plan.
- b. The adoption of the ordinance is consistent with the City's Zoning Code because the purpose of adopting the ordinance is to comply with State laws. Additionally, pursuant to Section 17.22.010 of the City's Code, "the intent and purpose of the Housing Overlay Zone (hereinafter "HOZ") [is] to facilitate housing development consistent with the City's adopted housing element and ensure that housing will be compatible with surrounding land uses", the proposed regulations will implement Programs 2 and 10 of the adopted housing element. The proposed ordinance facilitates employee housing serving 6 or fewer residents, permit manufactured housing, mobile homes, single-room occupancy housing, accessory dwelling units, low-barrier navigation centers, and supportive housing, and updates emergency homeless shelter regulations in accordance with State law and, therefore, "will carry out the purposes of the planning law of the state".
- c. The proposed Zoning Code amendment is not detrimental to the public health, safety or general welfare, as it is a simple text amendment, and does not propose any specific development project.

SECTION 4: Based on the foregoing findings, the Planning Commission of the City of Industry recommends that the City Council adopt an ordinance amending Title 17 (Zoning) of the City's Code, to amend Chapter 17.08 (Definitions), Chapter 17.18 (Institutional Zone), Chapter 17.22 (Housing Overlay Zone), and Chapter 17.26 (Recreation and Open Space Zone), to Implement the City's Housing Element, and making findings in support thereof, attached hereto as Exhibit A.

SECTION 5: The provisions of this Resolution are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts thereof of the Resolution of their applicability to other persons or circumstances.

SECTION 6: The Planning Commission Secretary shall certify to the adoption of this Resolution and the same shall be in full force and effect.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Industry at a special meeting held on February 27, 2024, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

EXHIBIT A

ZONING CODE AMENDMENT NO. 24-02, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO AMEND CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.18 (INSTITUTIONAL ZONE), CHAPTER 17.22 (HOUSING OVERLAY ZONE), CHAPTER 17.26 (RECREATION AND OPEN SPACE ZONE), AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME

ORDINANCE NO. 830

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO AMEND CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.18 (INSTITUTIONAL ZONE), CHAPTER 17.22 (HOUSING OVERLAY ZONE), AND CHAPTER 17.26 (RECREATION AND OPEN SPACE ZONE), TO IMPLEMENT THE CITY'S 2021-2029 HOUSING ELEMENT, AND ADOPT A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, State housing laws, including the Employee Housing Act (California Health and Safety Code Section 17000 *et seq.*), low barrier navigation center (California Government Code Section 65660 *et seq.*), supporting housing (California Government Code Section 65650 *et seq.*), manufactured housing and mobile homes (California Government Code Section 65852.3), impose an affirmative duty on local governments to allow use by right in their land use and zoning regulations and practices when necessary; and

WHEREAS, the California Department of Housing and Community Development ("HCD") encourages cities to amend their municipal codes with respect to zoning regulations in light of aforementioned laws and a city's affirmative duty to comply with various state housing laws; and

WHEREAS, Program 2 of the 2021-2029 Housing Element commits the City to define and permit employee housing serving six or fewer residents as a by-right use in accordance with Health and Safety Code § 17021.5 in the Recreation and Open Space Zone ("ROS") and Housing Overlay Zone ("HOZ"); define and permit manufactured and mobile homes and single-room occupancy as by-right uses in accordance with the Government Code § 65852.3 and § 65583(c)(1) in the HOZ; permit accessory dwelling units by-right on any lot that allows single- or multifamily housing per Government Code § 65852.2(a) in the ROS Zone and HOZ; and define and permit low-barrier navigation centers and supportive housing as by-right uses in zones allowing multifamily and mixed uses in accordance with the Government Codes § 65650 *et seq.* and § 65660 *et seq.* Additionally, Program 10 of the 2021-2029 Housing Element commits the City to amend the Code to permit emergency homeless shelter parking, supportive housing, and low barrier navigation centers in accordance with State law; and

WHEREAS, the City intends to comply with State laws and the adopted Housing Element by amending its Code to define and permit employee housing, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in accordance with State law; and

WHEREAS, the proposed ordinance is consistent with the goals and objectives of the City's General Plan because Program 2 (Zoning Code Amendments) and Program 10 (Homeless Services) of the 2021-2029 Housing Element commit the City to define and permit employee housing, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in accordance with State law; and

WHEREAS, based on Staff's review and assessment, the proposed Ordinance is exempt from the California Environmental Quality Act ("CEQA", Public Resources Code § 21000 et seq.) pursuant to the general rule in Section 15061(b)(3) of the CEQA Guidelines (Chapter 3, of Title 14, of the California Code of Regulations) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed amendment does not contemplate any specific project requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements; and

WHEREAS, on February 17, 2024, notice of the Planning Commission's February 27, 2024 public hearing on the amendment was published in the San Gabriel Tribune, and was posted City Hall, City's Council Chambers, Fire Station 118, and on the City's website; was also mailed to the property owners of the affected properties; and was also mailed to service providers whose ability to provide facilities and services may be significantly affected; and

WHEREAS, on February 27, 2024, the Planning Commission of the City of Industry conducted a duly noticed public hearing on Zoning Code Amendment No. ZA 24-02, and considered all testimony written and oral, and adopted Resolution No. PC 2024-02, recommending the City Council adopt the Ordinance; and

WHEREAS, on [DATE], notice of the City Council's [DATE], public hearing on Ordinance No. 830 was published in the San Gabriel Valley Tribune, in compliance with the City's Municipal Code and Government Code Section 65090; and

WHEREAS, on [DATE], notice of the City Council's [DATE], public hearing on Ordinance No. 830 was posted at City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and was also mailed to the property owners of the affected properties; and was also mailed to service providers whose ability to provide facilities and services may be significantly affected; and

WHEREAS, on [DATE], the City Council of the City of Industry conducted a duly noticed public hearing on Ordinance No. 830, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds that based upon substantial evidence presented to the City Council during the [DATE] public hearing, including public testimony and oral staff reports, that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

SECTION 2. CEQA Findings.

Based upon substantial evidence presented to the City Council during the [DATE] public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and any documents provided by the public to the City Council at the [DATE] public hearing, the City Council finds as follows:

The proposed Municipal Code amendment has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (“CEQA”). The City Council has determined that the text amendment does not have the potential for creating a significant effect on the environment and is therefore exempt from further review under CEQA pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that adoption of the ordinance has no possibility of having a significant effect on the environment. The proposed amendment does not contemplate any specific project requiring discretionary review. Any future project that requires discretionary review will be analyzed at the appropriate time in accordance with any applicable CEQA requirements. This amendment enacts a procedure as required by state law and does not change the density, intensity, or allowed uses or have other effects on the environment. Based on the foregoing, the City Council approves and adopts the Notice of Exemption. The City Council further directs Staff to file the Notice of Exemption, as authorized by law.

SECTION 3. Zoning Code Text Amendment Findings.

Based upon substantial evidence presented to the City Council during the DATE public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City’s Code, and any documents provided by the public to the City Council at the DATE, public hearing, the City Council finds as follows:

- a. The proposed ordinance is in conformity with the goals and policies of the City’s General Plan because Program 2 of the 2021-2029 Housing Element provides that the City “[d]efine and permit employee housing serving 6 or fewer residents as a by-right use in accordance with Health and Safety Code §§17021.5 and 17021.6 in the ROS Zone and HOZ”, “[d]efine and permit manufactured/mobile homes and single-room occupancy as by-right uses in accordance with the Government Code § 65852.3 and § 65583(c)(2) in the HOZ”, “permit accessory dwelling units by-right on any lot that allows single- or multifamily housing in accordance with Gov’t Code § 65852.2(a) in the ROS and HOZ”, and “[d]efine & permit low-barrier navigation centers and supportive housing as by-right uses in zones allowing multifamily and mixed uses (Gov’t Codes 65650 and § 65660 *et seq.*)” Additionally, Program 10 of the 2021-2029 Housing Element commits the City to “[a]mend [the City’s] Municipal Code for emergency shelter parking,

supportive housing, and low barrier navigation centers in accordance with state law.” The purpose of the proposed Zoning Code Amendment No. 23-02 is to define and permit employee housing serving six or few residents, manufactured housing, mobile homes, and single room occupancy housing, low-barrier navigation centers, and supportive housing; permit accessory dwelling units and junior dwelling units; and update emergency homeless shelter regulations in the City’s Code, thereby implementing five specific objectives of the City’s General Plan.

- b. The adoption of the ordinance is consistent with the City’s Zoning Code because the purpose of adopting the ordinance is to comply with State laws. Additionally, pursuant to Section 17.22.010 of the City’s Code, “the intent and purpose of the Housing Overlay Zone (hereinafter “HOZ”) [is] to facilitate housing development consistent with the City’s adopted housing element and ensure that housing will be compatible with surrounding land uses”, the proposed regulations will implement Programs 2 and 10 of the adopted housing element. The proposed ordinance facilitates employee housing serving six or fewer residents, permits manufactured housing, mobile homes, single-room occupancy housing, accessory dwelling units, low-barrier navigation centers, and supportive housing, and updates emergency homeless shelter regulations in accordance with State law and, therefore, “will carry out the purposes of the planning law of the state”.
- c. The proposed Zoning Code amendment is not detrimental to the public health, safety or general welfare, as it is a simple text amendment, and does not propose any specific development project.

SECTION 4. Municipal Code Amendment.

Section 17.08.083 (Emergency homeless shelter), Section 17.08.084 (Employee housing), Section 17.08.096 (Low-barrier navigation center), Section 17.08.097 (Manufactured housing), Section 17.08.099 (Mobile homes), and Section 17.08.141 (Single Room Occupancy Unit) are hereby added to Chapter 17.08 (Definitions), of Title 17 (Zoning) of the City of Industry Municipal Code, to read in their entirety as follows:

17.08.083 Emergency homeless shelter.

“Emergency homeless shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. For purposes of this Chapter, “Emergency shelter” shall include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

17.08.084 Employee housing.

“Employee housing” means housing that provided for six or fewer employees and meets the requirements of Health and Safety Code Section 17008.

17.08.096 Low-barrier navigation center.

“Low-barrier navigation center” means a Housing First, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

17.08.097 Manufactured housing.

“Manufactured housing” means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

17.08.099 Mobile home.

“Mobile home” means a structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Mobilehome” includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobilehomes in effect at the time of construction. “Mobilehome” does not include a commercial modular, as defined in state of California Health and Safety Code Section 18001.8, factory-built housing, as defined in state of California Health and Safety Code Section 19971, a manufactured home, as defined in state of California Health and Safety Code Section 18007, a multifamily manufactured home, as defined in state of California Health and Safety Code Section 18008.7, or a recreational vehicle, as defined in state of California Health and Safety Code Section 18010.

17.08.141 Single Room Occupancy Housing.

“Single Room Occupancy Housing” means an efficiency unit with a minimum floor area of one hundred fifty (150) square feet and a maximum floor area of four hundred (400) square feet located in a residential hotel, as that term is defined in accordance with California Health and Safety Code Section 50519, that is offered for occupancy by tenants for at least thirty consecutive days.

SECTION 5. Municipal Code Amendment.

Section 17.08.152 (Supportive housing) of Chapter 17.08 (Definitions), of Title 17 (Zoning) of the City of Industry Municipal Code, is hereby amended to read in its entirety as follows:

17.08.152 Supportive housing.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. The “target population” is as defined in Government Code Section 65582(i).

SECTION 6. Municipal Code Amendment.

Section 17.18.050 (Emergency homeless shelters) of Chapter 17.18 (Institutional Zone), of Title 17 (Zoning) of the City of Industry Municipal Code, is hereby amended to read in its entirety as follows:

17.18.050 Emergency homeless shelters.

In addition to the development standards noted in Section 17.18.040, emergency homeless shelters must comply with the following standards:

A. No person may reside at an emergency homeless shelter for a period longer than six months in a three hundred sixty-five-day period.

B. The facility may not contain more than five beds or serve more than five homeless persons at any one time.

C. A management and security plan must be submitted to the planning director for review and approval along with the application.

D. The following must be provided in each emergency homeless shelter:

1. Adequate external lighting for security purposes. The lighting must be stationary, directed away from adjacent properties and public rights-of-way, and positioned to maximize security at entries, parking areas, and common areas.

2. On-site client intake and waiting area in a location not adjacent to the public right-of-way, fully screened from public view, and a minimum area of five square feet per bed.

3. On-site parking must be provided at the ratio of one space per staff member, plus one space for every six beds.

SECTION 7. Municipal Code Amendment.

Subsection 17.22.030.B (Permitted uses) of Chapter 17.22 (Housing Overlay Zone) of Title 17 (Zoning) of the City of Industry Municipal Code, is hereby amended to read in its entirety as follows:

B. The following uses are permitted by right:

1. Accessory dwelling units and junior accessory dwelling units;

2. Employee housing that complies with Health and Safety Code Sections 17000 et seq.;
3. Licensed residential care facilities serving seven or more clients;
4. Low-barrier navigation centers that meets the requirements of Government Code Sections 65660 et seq.
5. Supportive housing that meets the requirements of Government Code Section 65650 et seq.;
6. Manufactured housing that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et seq.) and is on a foundation system, pursuant to Health and Safety Code Section 18551;
7. Mobile homes;
8. Multi-family dwellings;
9. Single-family dwellings;
10. Single-room occupancy housing that includes multiple single room dwelling units, where each unit is for occupancy by one individual and contains food preparation or sanitary facilities, or both;
11. Transitional housing.

SECTION 8. Municipal Code Amendment.

Subsection 17.22.040 (Application) of Chapter 17.22 (Housing Overlay Zone) of Title 17 (Zoning) of the City of Industry Municipal Code, is hereby amended to read in its entirety as follows:

A. Procedure. A proposed development or improvement for occupancy by any of the uses listed in Section 17.22.030(B) shall be subject to an administrative design review process unless otherwise exempt. A proposed development or improvement that complies with the requirements of this chapter is permitted by right and shall be approved by the planning director, or their authorized designee.

B. Form of Application. An application for a proposed development or improvement shall be completed on a form provided by the planning department.

C. Review Procedures. Additional application review procedure requirements for specified development types are as follows:

1. Accessory dwelling units and junior accessory dwelling units shall be reviewed consistent with the provisions in Section 17.80.020.
2. Low-barrier navigation centers shall be reviewed consistent with Government Code Section 65664.
3. Supportive housing shall be reviewed consistent with Government Code Section 65653(b).

SECTION 9. Municipal Code Amendment.

Subsection 17.26.020.A (Uses permitted) of Chapter 17.26 (Recreation and Open Space Zone) of Title 17 (Zoning) of the City of Industry Municipal Code, is hereby amended to read in its entirety as follows:

A. Property zoned ROS may be used for the following uses subject to the issuance of a conditional use permit pursuant to Chapter 17.48, Conditional Use Permits/Exceptions:

1. Golf courses, driving ranges, course maintenance facilities, golf club houses;
2. Parks, public and private;
3. Resorts, including spas, dining facilities, restaurants, gyms, pro-shops, conference facilities, recreational amenities, and other similar uses;
4. Equestrian facilities;
5. Indoor and outdoor recreational facilities;
6. Exposition centers;
7. Commercial nurseries;
8. Interpretive centers;
9. Reservoir;
10. Manufactured housing;
11. Mobile homes;
12. Single-room occupancy housing that includes multiple single room dwelling units, where each unit is for occupancy by one individual and contains food preparation or sanitary facilities, or both;
13. Employee Housing serving six or fewer employees that complies with Health and Safety Code Sections 17000 et seq.;
14. Accessory dwelling units.

SECTION 10. Clerical Errors.

The City Council directs the City Clerk to correct any clerical errors found in this Chapter, including, but not limited to, typographical errors, irregular numbering, and incorrect section references.

SECTION 11. Severability.

Should any section, subsection, clause, or provisions of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity of unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid, unenforceable, or unconstitutional.

SECTION 12. Effective Date.

In accordance with California Government Code § 36937, this Ordinance shall take effect and be in force thirty (30) days from passage and adoption.

SECTION 13. Publication.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published and posted as required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Industry, California, at a regular meeting held on [DATE], by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

Cory C. Moss, Mayor

ATTEST:

Julie Gutierrez-Robles, City Clerk