

ORDINANCE NO. 2423

**AN ORDINANCE OF THE CITY OF MONTEBELLO, CALIFORNIA
AMENDING TITLE 17 (ZONING CODE) OF THE MONTEBELLO
MUNICIPAL CODE ADDING CHAPTER 17.47 ENTITLED HOUSING
OPPORTUNITY OVERLAY ZONE AND SECTION 17.34.030 RELATING
TO EMERGENCY SHELTERS**

WHEREAS, the State Legislature has declared that the lack of housing, including providing for a variety of housing types of all income levels and special need groups, is a critical problem that threatens the economic, environmental, and social quality of life in California; and

WHEREAS, Government Code Sections 65580 through 65589.8 require that all local governments prepare and maintain housing elements to identify planning strategies to conserve, rehabilitate, and provide housing to meet the existing and future needs of the community; and

WHEREAS, the last update to the City's Housing Element was approved and adopted by City Council on December 10, 2014; and

WHEREAS, the California Housing and Community Development Department (HCD) is in charge of establishing the total number of housing units that each city and community must plan for within an eight-year (8-year) planning period known as the Regional Housing Needs Allocation (RHNA); and

WHEREAS, after review of the current City's Housing Element, it was determined that an amendment to the City's Zoning Code establishing a housing overlay zone would encourage the development of housing in the City and meet the City's State-mandated RHNA numbers to accommodate the shortfall carryover of adequately zoned sites from the 4th Cycle planning period (2006-2013) and a shortfall of adequately zoned sites for the 5th Cycle planning period (2014-2021); and

WHEREAS, to further that effort, the City of Montebello ("City") hereby creates a Housing Opportunity Overlay Zone in order to accommodate the City's RHNA 4th cycle and 5th cycle General Plan Housing Element planning periods as required by state law; and

WHEREAS, the Housing Opportunity Overlay Zone will be established to facilitate the development of housing "by-right" on underutilized sites and applied to properties that are currently zoned high density residential, commercial, and/or manufacturing uses to recycle to residential development;

WHEREAS, the Housing Opportunity Overlay Zone is further intended to serve as an implementation tool for the City's Housing Element of the General Plan by facilitating residential development on identified "housing opportunity sites;"

WHEREAS, the City further desires to amend the City's Emergency Shelters regulations to be in compliance with the State Housing Laws.

NOW, THEREFORE, the City Council of the City of Montebello does ordain as follows:

SECTION 1. RECITALS. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. FINDINGS. As a matter of state law (California Government Code Section 65300 *et seq.*), the proposed amendment to the Montebello Municipal Code ("Code") is consistent with City's general plan in that: (i) it will not create conditions materially detrimental to the public health, safety, and general welfare; (ii) it is internally consistent with those goals, objectives, and policies of the general plan which include, but is not limited to, the City's Housing Element by establishing conditions and development standards that promote and furthers the City's goals of providing an array of residential housing to meet the needs and demands of the City and State as well as providing opportunities to encourage housing development; (iii) new designation is compatible with the designations on nearby properties; and; (iv) the new designation is suitable for the location, access, visual character and topography of the subject property. Further, it is declared that the proposed amendment is authorized, appropriate, and required as a matter of public interest, convenience and necessity per Montebello Municipal Code, Title 17 - Zoning, Chapter 17.76, Zone Changes and Amendments.

SECTION 3. A new Chapter 17.47 entitled "Housing Opportunity Overlay Zone" is hereby added to the Montebello Municipal Code, to read in its entirety as follows:

17.47.010 – Purpose.

- A. The Housing Opportunity Overlay ("HOO") zone is established to facilitate the development of housing "by-right" on underutilized sites. The HOO zone is intended to be applied to properties that are currently zoned high density residential, commercial, and/or manufacturing uses to recycle to residential development. The HOO is further intended to serve as an implementation tool of the city's housing elements of the general plan by facilitation residential development on identified "housing opportunity sites."
- B. The HOO has the following major objectives:
1. Create "by-right" opportunities for residential development on underutilized high density residential, commercial and/or manufacturing sites.
 2. Implement state laws that require cities to demonstrate available land capacity and zoning tools to accommodate the city's projected need for housing.
 3. Provide a mix of housing types.
 4. Facilitate well-designed new mixed-use development projects that combine residential and non-residential uses (i.e., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) to promote a better balance of jobs and housing.
 5. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces.
 6. Provide additional property rights while preserving existing property rights. This intent is achieved by providing additional development rights in compliance with this chapter, which property owners may exercise under certain conditions, while retaining all development rights conferred by the underlying zone to property owners in the HOO zone. Incentives and advantages may include, but is not limited to, allowing a greater range and mix of uses and specifying more permissive dimensional specifications (i.e., greater floor area ratio, lot coverage ratio, height, reduced setbacks, etc.).

ADDRESS	PARCEL NO.	ZONING	TOTAL LOT AREA
244 George Hensel Dr.	6350-011-901	R3	160,546 sf (3.69 Acres)
236 George Hensel Dr.	6350-011-900	R3	33,039 sf (0.76 Acres)
1100 W. Olympic Blvd.	6350-011-021	C2	9,339 sf (0.21 Acres)
1112 W. Olympic Blvd.	6350-011-023	R3	44,503 sf (1.02 Acres)
113 N. Garfield	6343-014-031	C2	30,224 sf (0.69 Acres)

B. Relationship Between Base Zone Standards and Overlay Zone Standards. For properties within the HOO zone, the regulations in this chapter allow residential and mixed-use development as an alternative to the stand-alone high density residential, commercial and/or manufacturing base zones underlying the HOO.

C. Base Zone Standards.

1. The provisions in this chapter shall apply to specific, designated parcels (the HOO zone), but the provisions do not supersede the underlying base zone provisions until a property is developed in compliance with the provisions of this chapter. New projects may be developed in compliance with the existing underlying base zone, provided that all standards and requirements of the underlying base zone are met.
2. Regulations, development standards, and requirements in the underlying base zone shall continue to apply to those projects that are currently developed according to the existing standards.
3. For legal nonconforming uses (*i.e.*, uses that do not comply with the provisions of the base zone), the provisions in Chapter 17.54.040, "Nonconforming buildings and structures" of this code shall apply.

D. Options to Apply HOO Zone Standards. The owner or developer of any property within the HOO zone may choose to develop in compliance with the standards and procedures in this chapter or the standards and procedures applicable to the underlying zone.

E. Conversion of existing nonresidential structures into a residential use may be permitted subject to a conditional use permit pursuant to Chapter 17.70, "Conditional Use Permits" of this code.

F. After Completion of Development. Once a property is developed in compliance with the provisions of this chapter, the provisions of this chapter completely supersede the provisions of the underlying base zone. Whenever the requirements of the HOO zone imposes a more or less restrictive standard than the provisions of the underlying base zone, the requirements of the HOO zone shall govern.

17.47.030 – Affordable Housing Requirement.

At least twenty percent (20%) of the total number of residential units within the HOO zone, exclusive of units added by a density bonus awarded pursuant to state law, shall be provided at prices affordable to low-income or below households as defined in state law for a minimum of fifty-five (55) years.

17.47.020 – Applicability

A. Application to Area. The HOO zone is an overlay zone to be used in conjunction with the underlying zones. The HOO zone shall apply to the specific, designated parcels identified in table below.

ADDRESS	PARCEL NO.	ZONING	TOTAL LOT AREA
101 E. Whittier Blvd.	6348-001-014	C2	16,716 sf (0.38 Acres)
111 E. Whittier Blvd.	6348-001-015	C2	12,192 sf (0.28 Acres)
140 E Whittier Blvd.	6347-012-009	R3	102,823 sf (2.36 Acres)
501 S. Montebello Blvd.	6350-022-020	R3/M-1	92,227 sf (2.12 Acres)

17.47.040 – Use regulations.

A. The following uses are allowed in the HOO Zone:

1. All uses in the applicable underlying zone are allowed.
2. Multiple-family dwellings as defined under section 17.08.245 of this code.

B. For uses and activities not specifically identified in subsection (A) above, the Planning and Community Development Director shall have the authority to interpret chapter and permit uses that are similar to a permitted use. The decision of the Planning and Community Development Director may be appealed to the Planning Commission pursuant to Chapter 17.78, "Public Hearings, Notices and Appeals" of this code.

C. Any use or activity not identified in subsection (A) above, or any use or activity not interpreted by the Planning and Community Development Director, shall be prohibited.

17.47.050 – Density.

Properties within the HOO zone shall provide for a minimum density of twenty (20) residential units per acre and a maximum density of eighty (80) residential units per acre as designated in the zoning map. However, the minimum number of residential units per site shall be sixteen (16). Whenever any property on the zoning map which is zoned high density, residential, commercial and/or manufacturing has in addition to its zone designation the symbol "DD" (representing "designated density") followed by a numerical figure, the provisions hereof shall apply regarding the total number of residential units permitted on the property. The numerical figure following the letters "DD" indicates the maximum number of residential units permitted per acre. For example, R-3-DD-25 means multi-family, 25 residential units per acre. These density provisions shall supersede the density regulation in the underlying zone and shall be exclusive of units added by a density bonus awarded pursuant to state law.

17.47.060 - General Development Standards.

All development in the HOO zone shall conform to the development standards applicable to the R-4 Zone pursuant to Title 17 of this code.

17.47.070 – HOO Project Review

A. Administrative Review. Any proposed project that is determined to be in compliance with this section and all applicable development standards shall be subject to administrative review by the Director of Planning and Community Development to confirm consistency with the design guidelines set forth herein.

B. Review by the Planning Commission. Any proposed project that is determined not to be in compliance with the development standards set forth in this chapter shall be subject to a discretionary review of the planning commission.

17.47.080 - Regulatory Agreement

A legally binding agreement, in a form approved by the City Attorney, shall be executed and recorded against the property to ensure that the property complies with all

of the requirements of this article, including but not limited to, the requirement that affordable units shall be deed-restricted for a period of not less than fifty-five (55) years. The property owner shall record the regulatory agreement prior to recording any final map for the underlying property, or prior to the issuance of any building permit for the project, whichever comes first. The regulatory agreement shall be binding on all future owners and successors of interests of the project.

SECTION 3. Section 17.34.030 – Emergency Shelters is hereby amended in its entirety to read as follows:

17.34.030 - Emergency shelters.

1. Emergency shelters are permitted by right in the Emergency Shelter Overlay Zone. The Emergency Shelter Overlay Zone permits emergency shelters by right within the following designated geographic area. The geographic area where the overlay zone would be applicable is within the M-1 zone located to the North of Date Street, South of Washington Blvd, West of South Greenwood Ave and to the West City Boundary. The following requirements are applicable to the operation of emergency shelters:
 - a. The facility must comply with applicable state and local standards and requirements.
 - b. The facility must adhere to Federal, state, and local licensing as required for any program incidental to the operation of an emergency shelter.
 - c. The facility must comply with applicable state and local housing, building, and fire code requirements.
 - d. The facility shall have on-site security during all hours when the shelter is open.
 - e. The facility shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
 - f. The facility shall provide secure areas for personal property.
 - ~~g. If the emergency shelter is proposed in conjunction with a religious facility, the area utilized for emergency shelter facilities may not exceed fifty percent of the total floor area used for the religious facility.~~
 - gh. Each facility shall provide common kitchen and dining room area adequate for the number of residents serviced.
 - hi. Each facility shall provide bathroom with lavatory, toilet, and showers adequate for the number of residents serviced.
2. The facility's capacity shall not exceed forty beds.
3. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.
4. Parking. The emergency shelter shall provide on-site parking at a rate of one space per facility staff plus one space per six occupants allowed at the maximum capacity.
5. A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrates compliance with the physical standards of this chapter

SECTION 4. CEQA. The City Council of the City of Montebello has independently reviewed, analyzed, and considered the Addendum to the Negative Declaration dated April 1, 2020, in connection with the 2020 Housing Element Update and based on the foregoing, hereby finds that all environmental impacts of this Ordinance are below a level of significance and there is no substantial evidence that the Ordinance will have a significant effect on the environment and finds that the Addendum contains a complete and accurate reporting of the environmental impacts associated with the proposed 2020 Housing Element Update. Additionally, pursuant to Government Code Section 65863(h), an action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to Government Code 65863 creates no obligation under the California Environmental Quality Act to identify, analyze, or mitigate impacts of that subsequent action to identify and make available additional adequate sites as a reasonable foreseeable consequence of that action.

SECTION 5. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original ordinances of the City and shall cause the same to be published or posted according to law. This Ordinance shall go into effect thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED this 27TH day of May 2020.



Salvador Melendez, Mayor

APPROVED AS TO FORM

ATTEST

Arnold M. Alvarez-Glasman
City Attorney



Irma Barajas
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEBELLO)

I, Irma Barajas, City Clerk of the City of Montebello, do hereby certify that the foregoing Ordinance No. 2423 was introduced on May 13, 2020, and duly and regularly approved and adopted by the City Council of the City of Montebello at their meeting held on the 27th day of May, 2020, as approved by law by the following vote:

AYES: Cobos-Cawthorne, Jimenez, Torres, Hadjinian, Melendez
NOES: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City on the 27th day of May, 2020.

Irma Barajas for
IRMA BARAJAS, City Clerk