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## PLANNING COMMISSION

### CITY OF INDUSTRY

SPECIAL MEETING AGENDA  
JANUARY 21, 2025  
11:30 A.M.



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

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

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#### **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](http://www.microsoft.com/microsoft-teams/join-a-meeting)

Meeting ID: 299 250 355 441

Meeting Passcode: Z8No2eb6

#### **Or call in (audio only)**

+1 657-204-3264, United States

Phone Conference ID: 807 342 313#

#### **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. Presentation

6. **PUBLIC HEARING ITEMS**

- 6.1 Consideration of Resolution No. PC 2024-23, Recommending that the City Council Adopt Zoning Code Amendment No. 24-08, amending Section 17.04.010 (Zones-Classifications) of Chapter 17.04 (General Provisions) of Title 17 (Zoning); and amending Chapter 17.22 (Housing Overlay Zone) of Title 17 (Zoning); and adding Chapter 17.72 (Affordable Housing Density Bonus), to 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 Make Findings In Support Thereof

*RECOMMENDED ACTION:*  
2024-23

*Adopt Resolution No. PC*

7. **CITY MANAGER REPORTS**

8. **AB 1234 REPORTS**

9. **COMMISSIONER COMMUNICATIONS**

10. Adjournment. Next regular meeting will be held on Tuesday, February 11, 2025, at 11:30 a.m.

*PLANNING COMMISSION*

ITEM NO. 6.1



# CITY OF INDUSTRY

## MEMORANDUM

**TO:** Planning Commission

**FROM:** Joshua Nelson, City Manager

**STAFF:** Bing Hyun, Assistant City Manager  
Kathy Tai, Development Services Manager  
Troy Helling, Special Projects Manager

**DATE:** January 21, 2025

**SUBJECT:** Consideration of Resolution No. PC 2024-23, Recommending that the City Council Adopt Zoning Code Amendment No. 24-08, amending Section 17.04.010 (Zones-Classifications) of Chapter 17.04 (General Provisions) of Title 17 (Zoning); and amending Chapter 17.22 (Housing Overlay Zone) of Title 17 (Zoning); and adding Chapter 17.72 (Affordable Housing Density Bonus), to 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 Make Findings In Support Thereof

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### **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 the objectives of Program 5 by adopting development and design standards, density bonus provisions in accordance with California Government Code Sections 65915-65918 ("State Density Bonus Law"), and a minor exception process.

The City wishes to continue complying with State regulations and maintain its Housing Element certification by amending the City's Code.

### **Discussion:**

The proposed ordinance amends Section 17.04.010 (Zones-Classification) to add the Housing Overlay Zone ("HOZ") to eliminate inconsistencies, amends Chapter 17.22 (Housing Overlay Zone) to add development and design standards, and adds Chapter 17.72 (Affordable Housing Density Bonus) to comply with State Density Bonus Law, of Title 17 (Zoning). A red-line version of the ordinance is included (Attachment C) for reference.

## **Staff Analysis:**

Staff recommends that the Planning Commission adopt Resolution No. PC 2024-23, recommending that the City Council adopt Zoning Code Amendment No. 24-08, amending Title 17 (Zoning) of the City's Code, amending Section 17.04.010 (Zones–Classification), amending Chapter 17.22 (Housing Overlay Zone), and adding Chapter 17.72 (Affordable Housing Density Bonus), 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 5 of the 2021-2029 Housing Element provides that the City will prepare residential development standards for new housing, including setbacks, yard standards, building height/story limits, architecture, parking requirements, and design features. Design standards will be needed to ensure new housing is consistent with land uses in the neighborhood and contributes to the aesthetic quality of that area. Development and design standards must be objective for multiple-family projects as consistent with state law. In addition, the City will need to prepare a density bonus ordinance for residential projects. The City will also expand its minor exception to allow minor variations from development standards, allowing the City to be flexible and obtain the housing product most suited to the site without a variance in the City's Code, thereby implementing 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 Program 5 of the adopted housing element. The proposed ordinance creates residential development standards for new housing, and adds a density bonus 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. 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 January 10, 2025, and was posted at City Hall, Fire Station 118, City Hall, Council Chambers, and the City's webpage on January 10, 2025.

**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 2024-23, recommending that the City Council adopt Zoning Code Amendment No. 24-08, amending Title 17 (Zoning) of the City of Industry Municipal Code, amending Section 17.04.010 (Zones–Classifications), amending Chapter 17.22 (Housing Overlay Zone), and adding Chapter 17.72 (Affordable Housing Density Bonus), to implement the City's 2021-2029 Housing Element, and adopt a Notice of Exemption regarding same, and making findings in support thereof.

**Attachments:**

- A. Resolution No. PC 2024-23, Recommending that the City Council Adopt Zoning Code Amendment No. 24-08, Amending Title 17 (Zoning) of the City of Industry Municipal Code, to Amend Chapter 17.04.010 (Zones–Classifications), Amend Chapter 17.22 (Housing Overlay Zone), add Chapter 17.72 (Affordable Housing Density Bonus), adopting a Notice of Exemption regarding same, and Making Findings In Support Thereof
- B. Notice of Public Hearing
- C. Proposed Tracked Changes

## RESOLUTION NO. PC 2024-23

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ZONING CODE AMENDMENT NO. 24-08, AMENDING SECTION 17.04.010 (ZONES-CLASSIFICATIONS) OF CHAPTER 17.04 (GENERAL PROVISIONS) OF TITLE 17 (ZONING); AND AMENDING CHAPTER 17.22 (HOUSING OVERLAY ZONE) OF TITLE 17 (ZONING); AND ADDING CHAPTER 17.72 (AFFORDABLE HOUSING DENSITY BONUS) TO 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 MAKE FINDINGS IN SUPPORT THEREOF**

## RECITALS

**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 5 of the City's 2021-2029 Housing Element commits the City to prepare residential development standards for new housing, including setbacks, yard standards, building height/story limits, architecture, parking requirements, and design features. Design standards are necessary to ensure new housing is consistent with land uses in the neighborhood and contributes to the aesthetic quality of that area. Development and design standards must be objective for multiple-family projects as consistent with state law. In addition, the City is required to prepare a density bonus ordinance for residential projects. The City will also expand its minor exception regulations to allow minor variations from development standards, allowing the City to be flexible and obtain the housing product most suited to the site without a variance; and

**WHEREAS**, the proposed ordinance is consistent with the goals and objectives of the City's General Plan because Program 5 (Development Regulations and Process) of the 2021-2029 Housing Element commits the City to prepare residential development standards, density bonus and Minor Exception process for new housing; 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 January 10, 2025, notice of the Planning Commission's January 21, 2025, public hearing on Resolution No. PC 2024-23 was published in the San Gabriel Valley Tribune, in compliance with the City's Municipal Code and Government Code Section 65090; and

**WHEREAS**, on January 10, 2025, notice of the Planning Commission's January 21, 2025, public hearing on Resolution No. PC 2024-23 was posted at City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and

**WHEREAS**, on January 21, 2025, the Planning Commission of the City of Industry conducted a duly noticed public hearing to consider the proposed Zoning Code Amendment No. 24-08, 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 January 21, 2025 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 January 21, 2025 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. 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 January 21, 2025 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 January 21, 2025 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 5 of the 2021-2029 Housing Element provides that the City will prepare residential development standards for new housing, including setbacks, yard standards, building height/story limits, architecture, parking requirements, and design features. Design standards are necessary to ensure new housing is consistent with land uses in the neighborhood and contributes to the

aesthetic quality of that area. Development and design standards must be objective for multiple-family projects as consistent with state law. In addition, the City is required to prepare a density bonus ordinance for residential projects. The City will also expand its minor exception to allow minor variations from the development standards, allowing the City to be flexible and obtain the housing product most suited to the site without a variance in the City's Code, thereby implementing 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 Program 5 of the adopted Housing Element. The proposed ordinance creates residential development standards for new housing, density bonuses 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 Chapters 17.04 (General Provisions) and 17.22 (Housing Overlay Zone), and adding Chapter 17.72 (Affordable Housing Density Bonus) to Title 17 (Zoning) of the City of Industry Municipal Code, attached hereto as Exhibit A, and incorporated herein by reference, to implement the City's Housing Element, and making findings in support thereof.

**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 January 21, 2025 by the following vote:

<b>AYES:</b>	<b>COMMISSIONERS:</b>
<b>NOES:</b>	<b>COMMISSIONERS:</b>
<b>ABSTAIN:</b>	<b>COMMISSIONERS:</b>
<b>ABSENT:</b>	<b>COMMISSIONERS:</b>

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**Jacob Cortez, Chairman**

**ATTEST:**

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**Julie Gutierrez-Robles, Secretary**

**ORDINANCE NO. 834**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING SECTION 17.04.010 (ZONES-CLASSIFICATIONS) OF CHAPTER 17.04 (GENERAL PROVISIONS) OF TITLE 17 (ZONING); AND AMENDING CHAPTER 17.22 (HOUSING OVERLAY ZONE) OF TITLE 17 (ZONING); AND ADDING CHAPTER 17.72 (AFFORDABLE HOUSING DENSITY BONUS) TO 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**, 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 5 of the City's 2021-2029 Housing Element commits the City to prepare residential development standards for new housing, including setbacks, yard standards, building height/story limits, architecture, parking requirements, and design features. Design standards are necessary to ensure new housing is consistent with land uses in the neighborhood and contributes to the aesthetic quality of that area. Development and design standards must be objective for multiple-family projects as consistent with state law. In addition, the City is required to prepare a density bonus ordinance for residential projects. The City will also expand its minor exception regulations to allow minor variations from development standards, allowing the City to be flexible and obtain the housing product most suited to the site without a variance; and

**WHEREAS**, the proposed ordinance is consistent with the goals and objectives of the City's General Plan because Program 5 (Development Regulations and Process) of the 2021-2029 Housing Element commits the City to prepare residential development standards, density bonus and Minor Exception process for new housing; 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 January 10, 2025, notice of the Planning Commission's January 21, 2025 public hearing on the amendment was published in the San Gabriel Valley Tribune, in compliance with the City's Municipal Code and Government Code Section 65090, and was posted at City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and

**WHEREAS**, on January 21, 2025, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the proposed Zoning Code Amendment and considered all testimony written and oral, and adopted Resolution No. PC 2024-23, recommending the City Council adopt the Ordinance; and

**WHEREAS**, on DATE, notice of the City Council's DATE, public hearing on Ordinance No. 834 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. 834 was posted at the 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. 834, 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. Based on the foregoing, the City Council approves and adopts the Notice of Exemption for this project, and directs Staff to file same as required 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 5 of the 2021-2029 Housing Element provides that the City will prepare residential development standards for new housing, including setbacks, yard standards, building height/story limits, architecture, parking requirements, and design features. Design standards are necessary to ensure new housing is consistent with land uses in the neighborhood and contributes to the aesthetic quality of that area. Development and design standards must be objective for multiple-family projects as consistent with state law. In addition, the City is required to prepare a density bonus ordinance for residential projects. The City will also expand its minor exception to allow minor variations from the development standards, allowing the City to be flexible and obtain the housing product most suited to the site without a variance in the City's Code, thereby implementing 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 Program 5 of the adopted Housing Element. The proposed ordinance creates residential development standards for new housing, density bonuses 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 17.04.010 (Zones—Classifications) of Chapter 17.04 (General Provisions) of Title 17 (Zoning) of the City of Industry Municipal Code, is hereby amended to include the following:

- I. HOZ Overlay – Housing Overlay Zone.

**SECTION 5. Municipal Code Amendment.**

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:

**Chapter 17.22 (HOUSING OVERLAY ZONE)**

- 17.22.010 Intent and purpose.**
- 17.22.020 Changes of zone**
- 17.22.020 Permitted uses.**
- 17.22.040 Application.**
- 17.22.050 Development standards.**
- 17.22.060 Conditions of Approval.**
- 17.22.070 Density Bonus.**
- 17.22.080 Minor Exceptions.**

**17.22.010 Intent and purpose.**

It is the intent and purpose of the housing overlay zone (hereinafter "HOZ") to facilitate housing development consistent with the city's adopted housing element and ensure that housing will be compatible with surrounding land uses.

**17.22.020 Changes of zone.**

Any change of zone to include an HOZ shall be made with an existing or proposed underlying base zone and comply with the provisions of Chapter 17.28.

**17.22.030 Permitted uses.**

- A. All uses permitted in the underlying zone are permitted, notwithstanding the application of an HOZ overlay zone on the same property.
- B. The following uses are permitted by right:
  - 1. Accessory dwelling units and junior accessory dwelling units;
  - 2. Employee housing;
  - 3. Licensed residential care facilities serving seven or more clients;
  - 4. Low-barrier navigation centers that meets the requirements of Government Code Section 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. Section 5401 et seq.) and is on a foundation system, pursuant to Health and Safety Code Section 18551;
7. Mobile homes;
8. Multifamily 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.

**17.22.040. Application.**

- 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).

**17.22.050. Development standards.**

Design Review. Approval of a development plan is required for new or expanded structures on properties in the HOZ pursuant to Chapter 17.36. Development is subject to the following standards:

- A. Lot area:
  - 1. Single Family: Every lot used for single family shall have at least 5,000 square feet.
  - 2. Multi-family: Every project site used for multi-family shall have at least 35,000 square feet.
  
- B. Setbacks:
  - 1. Front setback shall not be less than 20 feet from property line.
  - 2. Side setback shall not be less than five feet from property line, plus one foot for each story over two stories.
  - 3. Rear setback shall not be less than 20 feet from property line.
  
- C. Lot coverage: Maximum of 30 percent of lot area may be covered by buildings or structures.
  
- D. Density: A minimum of 16 units per site and maximum of 20 units per acre are permitted.
  
- E. Height: No building or structure shall exceed three stories or 35 feet in height.
  
- F. Parking requirements:
  - 1. Minimum of one two-car garage, with interior dimensions of not less than 20 feet in width and 20 feet in depth, shall be provided for each dwelling unit.
  - 2. Minimum of 0.5 additional spaces, not less than 9 feet in width and 19 feet in depth, shall be provided for each bedroom over two.
  - 3. Minimum of one guest parking space, not less than 9 feet in width and 19 feet in depth, shall be provided at the ratio of one parking space for each four dwelling units, or portion thereof.
  - 4. For purposes of subsection F, all calculations resulting in fractional units shall be rounded up to the next whole number.
  
- G. Landscaping: All front setback areas shall be landscaped, except for driveways and walkways.
  
- H. Design and architectural features: Any new structures or alterations to an existing structure shall maintain design and architectural features consistent with improvements both on the subject property and surrounding neighborhood, subject to all requirements of Chapter 17.36.

**17.22.060 Conditions of Approval.**

The project shall include standard conditions of approval per Section 17.36.080.A.

**17.22.070 Density Bonus.**

Density. For residential development, a minimum of sixteen units per site and twenty dwelling units per acre are permitted. A density bonus may be granted per Chapter 17.72, and in accordance with Government Code Sections 65915 et seq.

**17.22.080 Minor Exceptions.**

A minor exception may be granted per Section 17.40.040.

**SECTION 6. Municipal Code Amendment.**

Chapter 17.72 (Affordable Housing Density Bonus), is hereby added to Title 17 (Zoning) of the City of Industry Municipal Code, to read in its entirety as follows:

**Chapter 17.72 AFFORDABLE HOUSING DENSITY BONUS**

- 17.72.010 Intent and purpose.**
- 17.72.020 Definitions.**
- 17.72.030 Application requirements.**
- 17.72.040 Review process.**
- 17.72.050 Density bonus agreement.**
- 17.72.060 Density bonus housing calculations.**
- 17.72.070 Development standards.**
- 17.72.080 Density bonus for commercial development.**

**17.72.010. Intent and purpose.**

In accordance with California Government Code Section 65915 et seq. (State Density Bonus Law), this Chapter specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this Chapter is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low-, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of land, and for other housing types as provided by state law. In enacting this Chapter, it is also the intent of the City of Industry to implement the goals, objectives, and policies of the city's Housing Element of the General Plan.

**17.72.020. Definitions.**

The definitions found in State Density Bonus Law or elsewhere in Title 17 of the Code shall apply to the terms contained in this chapter. "Incentives" include "concessions" as defined in State Density Bonus Law. If the definition of a term found in Title 17 conflicts with the definition of the same term found in State Density Bonus Law, then the definition in State Density Bonus Law shall prevail.

**17.72.030. Application requirements.**

- A. An applicant for a “housing development” as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915(b), (c), (f), (g), (h) and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.
- B. The granting of a density bonus, incentive, or concession, pursuant to this Chapter, shall not be interpreted, in and of itself, to require a general plan amendment, zoning code amendment, zone change, or other discretionary approval.
- C. All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the planning director, or designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.
- D. The application shall include the required fee and the following minimum information:
  - 1. **Requested density bonus:**
    - a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
    - b. Provision of State Density Bonus Law under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that provision.
    - c. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
    - d. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
    - e. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity’s valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
    - f. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.

- g. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.
  - h. A density bonus housing plan describing how the development proponent intends to market the affordable units in the housing development project and the proposed mechanism by which the development proponent will fund ongoing monitoring and compliance with the affordability requirements for the affordable units in the housing development project throughout the term of affordability. Notwithstanding the foregoing, a 100-percent affordable housing development project that meets the criteria outlined in Government Code 65915.3(b) need not comply with (ii).
2. **Requested incentives.** Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law. The application shall include the following minimum information for each incentive requested, shown on a site plan (if appropriate):
- a. Provision of Density Bonus Law that entitles the applicant to the requested number of incentives.
  - b. The city's usual regulation and the requested regulatory incentive or concession.
  - c. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
  - d. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.
3. **Requested waivers.** For each waiver requested, the applicant shall include, shown on a site plan and in a table, and shown for each existing or proposed parcel (if applicable), the city's required development standard and the requested development standard.
4. **Parking reductions.** If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on-site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (2) and (3) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, paragraph under Government Code Section 65915(p) or other statute under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.

5. **Density bonus or incentive for a child care facility in a housing development.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
6. **Density bonus or incentive for a condominium conversion.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

**17.72.040. Review process.**

- A. All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed, and acted upon concurrently with the planning application by the approval body with authority to approve the development, within the timelines prescribed by Government Code Section 65950 et seq. or other statute. Appeals of the planning application in accordance with the requirements of Section 17.44.040 or Section 17.48.070, as applicable, shall include all requests under State Density Bonus Law if appeals are authorized for the discretionary or ministerial permit applied for.
- B. The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
  1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
  2. The proposed incentive would be contrary to state or federal law; or
  3. The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
- C. The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
  1. The proposed waiver would be contrary to state or federal law; or
  2. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or

3. The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
- D. If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the city already has adequate child care facilities.
  - E. A request for minor modification of an approved density bonus housing plan may be granted by the city manager, or their designee, if the modification substantially complies with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

**17.72.050. Density bonus housing agreement.**

- A. If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this Chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the city, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures compliance with all of the provisions of this Chapter. The agreement will also establish specific compliance standards and remedies available to the city upon failure by the applicant to comply with State Density Bonus Law, this chapter, or the affordable housing agreement.
- B. For rental projects, the applicant shall enter into an affordable housing agreement with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market-rate units; and shall contain other relevant provisions approved by the city attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.
- C. For for-sale projects, the applicant shall enter into an affordable housing agreement with the city, running with the land, in a form approved by the city

attorney, to be executed by the city manager, or their designee. The affordable housing agreement shall require that the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the city attorney. The affordable housing agreement shall require the continued affordability of the for-sale units for 45 years and for rent units for 55 years.

- D. Where a density bonus, waiver or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.
- E. The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.

#### **17.72.060. Density bonus calculations.**

- A. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.
- B. When calculating the number of affordable units needed to qualify for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.
- C. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v) or other provision of Density Bonus Law, each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

- D. In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations.
- E. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than that authorized under State Density Bonus Law.
- F. Nothing in this Chapter requires the provision of direct financial incentives from the city for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.

**17.72.070. Development standards.**

- A. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units.
- B. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the city.
- C. To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

**17.72.080. Density bonus for commercial development.**

A commercial development may request and receive a development bonus pursuant to the provisions of Government Code Section 65915.7.

**SECTION 7. 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 8. 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 9. 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 10. 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: COUNCILMEMBER:**

**NOES: COUNCILMEMBER:**

**ABSTAIN: COUNCILMEMBER:**

**ABSENT: COUNCILMEMBER:**

\_\_\_\_\_  
Cory C. Moss, Mayor

**ATTEST:**

\_\_\_\_\_  
Julie Gutierrez-Robles, City Clerk



# CITY OF INDUSTRY

## NOTICE OF PUBLIC HEARING ZONING ORDINANCE AMENDMENT NO. 24-08 (HOUSING OVERLAY ZONE)

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**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Industry will hold a public hearing on January 21, 2025 at 11:30 a.m., or as soon thereafter as the matter may be heard, in the Council Chambers, located at 15651 Mayor Dave Way, City of Industry, California, to consider the following matter:

**Project Description:** Consideration of:

Resolution No. PC2024-23, Recommending that the City Council Adopt Zoning Code Amendment No. 24-08, amending Section 17.04.010 (Zones-Classifications) of Chapter 17.04 (General Provisions) of Title 17 (Zoning); and amending Chapter 17.22 (Housing Overlay Zone) of Title 17 (Zoning); and adding Chapter 17.72 (Affordable Housing Density Bonus), to 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 Make Findings In Support Thereof.

**Project Location:** Citywide

A copy of all relevant material, including the Housing Element, Zoning Ordinance, and Notice of Exemption are on file in the City's Administrative Offices, 15625 Mayor Dave Way, Suite 100, City of Industry, California 91744 or via the City of Industry's website at [www.cityofindustry.org](http://www.cityofindustry.org). Please contact Troy Helling, Special Projects Manager, at the City of Industry at 626-613-3970, or by email at [thelling@cityofindustry.org](mailto:thelling@cityofindustry.org) if you have questions.

The time, date and place of such hearing shall be as follows:

Time: 11:30 a.m.  
Date: January 21, 2025  
Place: City Council Chambers  
15651 Mayor Dave Way  
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date and place. Written comments may be sent via U.S. Mail or by hand delivery to the City of Industry, at 15625 Mayor Dave Way, Suite 100, City of Industry, CA 91744 or via email to the email address listed above. All comments must be



# CITY OF INDUSTRY

received at, or prior to, the date and time of the hearing listed above.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.



**Julie Gutierrez-Robles, City Clerk**

## Title 17 Zoning

**17.04.010. Zones—Classifications.**

In order to classify land uses and to restrict the location of trades, industries and buildings designed for various uses, and the use of area and premises within the city, the area within the city may be divided into zones as follows:

- A. C—Commercial;
- B. M—Manufacturing;
- C. M-A—Manufacturing-Agricultural;
- D. Inst—Institutional;
- E. ROS—Recreation and Open Space;
- F. M-C Overlay—Manufacturing-Commercial Overlay;
- G. P-D Overlay—Planned-Development Overlay;
- H. A-B Overlay—Adult Business Overlay;
- I. HOZ Overlay—Housing Overlay Zone.

## Chapter 17.22

## Housing Overlay Zone

**17.22.010 Intent and purpose.**

**17.22.020 Changes of zone.**

**17.22.030 Permitted uses.**

**17.22.040 Application.**

**17.22.050 Development standards.**

**17.22.060 Conditions of Approval.**

**17.22.070 Density Bonus.**

**17.22.080 Minor Exceptions.**

**17.22.010 Intent and purpose.**

It is the intent and purpose of the housing overlay zone (hereinafter "HOZ") to facilitate housing development consistent with the city's adopted housing element and ensure that housing will be compatible with surrounding land uses.

**17.22.020 Changes of zone.**

Any change of zone to include an HOZ shall be made with an existing or proposed underlying base zone and comply with the provisions of Chapter 17.28.

**17.22.030 Permitted uses.**

A. All uses permitted in the underlying zone are permitted ~~pursuant to Chapter 17.16~~, notwithstanding the application of an HOZ overlay zone on the same property.

B. The following uses are permitted by right:

1. Accessory dwelling units and junior accessory dwelling units;
2. Employee housing;
3. Licensed residential care facilities serving seven or more clients;
4. Low-barrier navigation centers that meets the requirements of Government Code Section 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. Section 5401 et seq.) and is on a foundation system, pursuant to Health and Safety Code Section 18551;
7. Mobile homes;
8. Multifamily 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.

**17.22.040 Application.**

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).

#### **17.22.050 Development standards.**

~~A. Density. For residential development, a minimum of sixteen units per site and twenty dwelling units per acre are permitted.~~

~~B. Design Review. Development shall follow the underlying zoning district development standards until replaced with specific standards for the HOZ overlay zone, subject to all requirements of Chapter 17.36.~~

Design Review. Approval of a development plan is required for new or expanded structures on properties in the HOZ pursuant to Chapter 17.36. Development is subject to the following standards:

A. Lot area:

1. Single Family: Every lot used for single family shall have at least 5,000 square feet.
2. Multi-family: Every project site used for multi-family shall have at least 35,000 square feet.

B. Setbacks:

1. Front setback shall not be less than 20 feet from property line.
2. Side setback shall not be less than five feet from property line, plus one foot for each story over two stories.
3. Rear setback shall not be less than 20 feet from property line.

- C. Lot coverage: Maximum of 30 percent of lot area may be covered by buildings or structures.
- D. Density: A minimum of 16 units per site and maximum of 20 units per acre are permitted.
- E. Height: No building or structure shall exceed three stories or 35 feet in height.
- F. Parking requirements:
1. Minimum of one two-car garage, with interior dimensions of not less than 20 feet in width and 20 feet in depth, shall be provided for each dwelling unit.
  2. Minimum of 0.5 additional spaces, not less than 9 feet in width and 19 feet in depth, shall be provided for each bedroom over two.
  3. Minimum of one guest parking space, not less than 9 feet in width and 19 feet in depth, shall be provided at the ratio of one parking space for each four dwelling units, or portion thereof.
  4. For purposes of subsection F, all calculations resulting in fractional units shall be rounded up to the next whole number.
- G. Landscaping: All front setback areas shall be landscaped, except for driveways and walkways.
- H. Design and architectural features: Any new structures or alterations to an existing structure shall maintain design and architectural features consistent with improvements both on the subject property and surrounding neighborhood, subject to all requirements of Chapter 17.36.

#### **17.22.060 Conditions of Approval.**

The project shall include standard conditions of approval per Section 17.36.080.A.

#### **17.22.070 Density Bonus.**

Density. For residential development, a minimum of sixteen units per site and twenty dwelling units per acre are permitted. A density bonus may be granted per Chapter 17.72, and in accordance with Government Code Sections 65915 et seq.

#### **17.22.080 Minor Exceptions.**

A minor exception may be granted per Section 17.40.040.

## Chapter 17.72 AFFORDABLE HOUSING DENSITY BONUS

### 17.72.010 Intent and purpose.

### 17.72.020 Definitions.

### 17.72.030 Application requirements.

### 17.72.040 Review process.

### 17.72.050 Density bonus agreement.

### 17.72.060 Density bonus housing calculations.

### 17.72.070 Development standards.

### 17.72.080 Density bonus for commercial development.

#### 17.72.010. Intent and purpose.

In accordance with California Government Code Section 65915 et seq. (State Density Bonus Law), this Chapter specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this Chapter is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low-, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of land, and for other housing types as provided by state law. In enacting this Chapter, it is also the intent of the City of Industry to implement the goals, objectives, and policies of the city's Housing Element of the General Plan.

#### 17.72.020. Definitions.

The definitions found in State Density Bonus Law or elsewhere in Title 17 of the Code shall apply to the terms contained in this chapter. "Incentives" include "concessions" as defined in State Density Bonus Law. If the definition of a term found in Title 17 conflicts with the definition of the same term found in State Density Bonus Law, then the definition in State Density Bonus Law shall prevail.

#### 17.72.030. Application requirements.

- A. An applicant for a "housing development" as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide

housing as specified in Government Code Section 65915(b), (c), (f), (g), (h) and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.

B. The granting of a density bonus, incentive, or concession, pursuant to this Chapter, shall not be interpreted, in and of itself, to require a general plan amendment, zoning code amendment, zone change, or other discretionary approval.

C. All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the planning director, or designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.

D. The application shall include the required fee and the following minimum information:

**1. Requested density bonus:**

a. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.

b. Provision of State Density Bonus Law under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that provision.

c. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.

d. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.

e. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.

f. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.

- g. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.
- h. A density bonus housing plan describing how the development proponent intends to market the affordable units in the housing development project and the proposed mechanism by which the development proponent will fund ongoing monitoring and compliance with the affordability requirements for the affordable units in the housing development project throughout the term of affordability. Notwithstanding the foregoing, a 100-percent affordable housing development project that meets the criteria outlined in Government Code 65915.3(b) need not comply with (ii).

**2. Requested incentives.** Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law. The application shall include the following minimum information for each incentive requested, shown on a site plan (if appropriate):

- a. Provision of Density Bonus Law that entitles the applicant to the requested number of incentives.
- b. The city's usual regulation and the requested regulatory incentive or concession.
- c. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
- d. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.

**3. Requested waivers.** For each waiver requested, the applicant shall include, shown on a site plan and in a table, and shown for each existing or proposed parcel (if applicable), the city's required development standard and the requested development standard.

**4. Parking reductions.** If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on-site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (2) and (3) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, paragraph under

Government Code Section 65915(p) or other statute under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.

5. **Density bonus or incentive for a child care facility in a housing development.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
6. **Density bonus or incentive for a condominium conversion.** The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

#### 17.72.040. Review process.

- A. All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed, and acted upon concurrently with the planning application by the approval body with authority to approve the development, within the timelines prescribed by California Government Code Section 65950 et seq. or other statute. Appeals of the planning application in accordance with the requirements of Section 17.44.040 or Section 17.48.070, as applicable, shall include all requests under State Density Bonus Law if appeals are authorized for the discretionary or ministerial permit applied for.
- B. The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
  1. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
  2. The proposed incentive would be contrary to state or federal law; or
  3. The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
- C. The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

1. The proposed waiver would be contrary to state or federal law; or
2. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
3. The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.

D. If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the city already has adequate child care facilities.

E. A request for minor modification of an approved density bonus housing plan may be granted by the city manager, or their designee, if the modification substantially complies with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

#### **17.72.050. Density bonus housing agreement.**

A. If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this Chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the city, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures compliance with all of the provisions of this Chapter. The agreement will also establish specific compliance standards and remedies available to the city upon failure by the applicant to comply with State Density Bonus Law, this chapter, or the affordable housing agreement.

B. For rental projects, the applicant shall enter into an affordable housing agreement with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market-rate units; and shall contain other relevant provisions

approved by the city attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.

C. For for-sale projects, the applicant shall enter into an affordable housing agreement with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, or their designee. The affordable housing agreement shall require that the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the city attorney. The affordable housing agreement shall require the continued affordability of the for-sale units for 45 years and for rent units for 55 years.

D. Where a density bonus, waiver or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the city, running with the land, in a form approved by the city attorney, to be executed by the city manager, or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

E. The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.

#### **17.72.060. Density bonus calculations.**

A. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.

B. When calculating the number of affordable units needed to qualify for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.

C. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v) or other provision of Density Bonus Law, each housing development is entitled to only one density bonus. If a housing

development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

- D. In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations.
- E. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than that authorized under State Density Bonus Law.
- F. Nothing in this Chapter requires the provision of direct financial incentives from the city for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city, at its sole discretion, may choose to provide such direct financial incentives.

#### **17.72.070. Development standards.**

- A. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units.
- B. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the city.
- C. To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

#### **17.72.080. Density bonus for commercial development.**

A commercial development may request and receive a development bonus pursuant to the provisions of Government Code Section 65915.7.