

ORDINANCE NO. 1824

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA APPROVING ZONE CHANGE #3-20 REZONING THE PROPERTY LOCATED AT 1108 W. 141st STREET FROM MEDIUM (R-3) AND HIGH (R-4) DENSITY MULTIPLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL (C-3) WITH A MIXED USE OVERLAY (MUO)
(ZC #3-20; APN: 6115-0155-023)**

WHEREAS, on or about May 14, 2020, the applicant, Gardena LF, LLC, filed an application to change the land use designation and zoning on an approximate 4.5 acre parcel located at the northeast corner of Rosecrans and Budlong Avenues from Medium and High Density Residential to General Commercial with a Mixed-Use Overlay (GPA #4-20) and similarly change the zoning from Medium Density Multiple-Family Residential (R-3) and High Density Multiple-Family Residential (R-4) to General Commercial (C-3) with a Mixed Use Overlay (MUO) (ZC #3-20) (hereafter “the Flynt Project”); and

WHEREAS, a Mitigated Negative Declaration (“MND”) was prepared for the Flynt Project and the draft MND was circulated for public review between October 12, 2020 and November 2, 2020; and

WHEREAS, on November 17, 2020, the Planning Commission of the City of Gardena held a duly noticed public hearing on the IS/MND and the approvals required for the Flynt Project at which time it considered all evidence, both written and oral; and

WHEREAS, at the close of the public hearing, the Planning Commission adopted Resolution No. PC 12-20 which recommended that the City Council approve the MND and adopt the Mitigation Monitoring and Reporting Program for the General Plan Amendment and Zone Change and approve the General Plan Amendment and Zone Change; and

WHEREAS, on December 15, 2020, the City Council held a duly noticed public hearing on the Flynt Project at which time it considered all evidence, both written and oral; and

WHEREAS, after the close of the public hearing and prior to adopting this Resolution the City Council adopted Resolution No. 6486 approving the Mitigated Negative Declaration and Mitigation Monitoring Program for the General Plan Amendment and Zone Change and adopted Resolution No. 6487 amending the General Plan for this property to General Commercial.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. APPROVAL AND FINDINGS – ZONE CHANGE

A. Section 18.52.010 of the Gardena Municipal Code provides that the land use and zoning of property may be amended “[w]henEVER the public necessity, convenience, general welfare, or good land use and zoning practices require. . .” The City Council hereby approves the

zone change for the Property from High Density Multiple-Family Residential (R-4) to General Commercial (C-3) with a Mixed Use Overlay (MUO) as shown on Exhibit A, attached hereto.

B. In taking this action, the City Council finds that the change is in the best interests of the general welfare and represents good land use planning practices, including, but not limited to the following reasons:

1. The property is located adjacent to the Lucky Lady Casino and provides an opportunity for a commercial development that would have synergy with the Casino, provide jobs and improve the City's tax base. This is consistent with Land Use Goal 2 and Economic Development Goal 1 which state as follows:

- **LU Goal 2** Develop and preserve high quality commercial centers and clean industrial uses that benefit the City's tax base, create jobs and provide a full range of services to the residents and businesses.
- **ED Goal 1** Promote a growing and diverse business community that provides jobs, goods and services for the local and regional market, and maintains a sound tax base for the City.

2. The property is located in a High Quality Transit Area which will allow employees and users of a commercial development to take advantage of public transportation and reduce reliance on the use of private vehicles. This is consistent with State policies which encourage the use of alternative modes of transportation to reduce greenhouse gas impacts.

3. The property is subject to an economic assistance agreement which anticipated commercial development on the property allowing the City to provide funds to the Lucky Lady Casino from anticipated revenue. Allowing the change in land use will assist in fulfilling the economic assistance agreement. Development of the site for commercial purposes will provide the City with revenue to continue providing high-quality services to its residents.

4. The property is located along an arterial route where commercial development would be consistent with other development in the area.

5. Gardena currently has a jobs/housing imbalance in that there is more housing than jobs in the City. The change in use allows additional jobs to be created without actually impacting the availability of housing for the reasons set forth in Section 2 below.

6. By including a Mixed Use Overlay zone, the property may still be developed for residential development if the opportunity arises.

C. Any development built on this property shall be subject to the Mitigation Measures adopted by Resolution No. 6486 as well as the following conditions of approval:

- * COA CUL-1 If previously unidentified cultural resources are encountered during ground disturbing activities, construction activities shall cease in the immediate vicinity and

construction activities shall be diverted away from the find (50-foot buffer around the find) and a qualified archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, the treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and PRC Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes. In the event that an identified cultural resource is of Native American origin, the qualified archaeologist shall consult with the Project owner and City of Gardena to implement Native American consultation procedures.

- * COA GEO-1: Prior to commencement of ground-disturbing activities a qualified vertebrate paleontologist (as defined by the Society for vertebrate Paleontology) shall develop Worker Awareness and Environmental Program (WEAP) Training for construction personnel. This training shall be presented to construction personnel and include what fossil remains may be found within the Project area and policies and procedures that must be followed in case of a discovery. Verification of the WEAP Training shall be provided to the Gardena Community Development Department.
- * COA GEO-2: If fossils or fossil bearing deposits are encountered during ground-disturbing activities, work within a 25-foot radius of the find shall halt and a professional vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be contacted immediately to evaluate the find. The paleontologist shall have the authority to stop or divert construction, as necessary. Documentation and treatment of the discovery shall occur in accordance with Society of Vertebrate Paleontology standards. The significance of the find shall be evaluated pursuant to the State CEQA Guidelines. If the discovery proves to be significant, before construction activities resume at the location of the find, additional work such as data recovery excavation may be warranted, as deemed necessary by the paleontologist.
- * COA N-1: Prior to approval of grading plans and/or prior to issuance of demolition, grading, and building permits, the following noise reduction techniques shall be included in the construction plans or specifications:
 - Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

- The Project Applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods shall be used where feasible, including shutting off idling equipment.
- During construction, equipment staging areas shall be located such that the greatest distance is between the staging area noise sources and noise-sensitive receptors.
- Per Gardena Municipal Code Section 8.36.080, construction activities shall not occur during the hours of 6:00 p.m. and 7:00 a.m. on weekdays; between the hours of 6:00 p.m. and 9:00 a.m. on Saturday; or any time on Sunday or a Federal holiday.

These mitigation measures and conditions are in addition to any other measures or conditions that may be imposed upon development of the Property.

SECTION 2. NO NET LOSS

A. Government Code section 66300 was recently enacted to provide that a city may only change a land use designation or zoning ordinance to a less intensive residential use if it concurrently makes changes to other parcels within the city to ensure there is no net loss in residential capacity.

B. The subject property is immediately adjacent to the Lucky Lady Casino and a portion of the property is needed for Casino parking. There is a conditional use permit on the property for parking purposes.

C. Because of the parking need, the applicant is only planning on developing approximately 2.0 acres of the property, as evidenced by the Offering Memorandum of the applicant. During the past several years, the City has developed a number of properties on R-4 and Mixed-Use Overlay zones that both allow up to 30 units per acre on parcels which are at least one-acre in size; however, the density that has been achieved by these projects has not been above 25 units per acre and most projects have been developed at approximately 21 units per acre. Based on existing development patterns, the developable portion of the subject property would have yielded approximately 50 units and development of the entire property would have yielded approximately 108 units.

D. At the same time that the City was processing the Flynt Project to change the General Plan Amendment and zoning on this site, the City was also processing an application from Melia Homes, Inc. for a General Plan Amendment and zone change, as well as other administrative entitlements to develop 4.23 acres on South Vermont Avenue in the City for an 84-unit condominium project. The Melia Evergreen Residential Project involved a General Plan Amendment and Zone Change re-designating the property from commercial to residential land uses. The City Council held a public hearing on the Melia Evergreen Residential Project on November 10, 2020, adopted Resolution No. 6480 changing the General Plan designation from General Commercial to High Density Residential that same night, and adopted Ordinance No. 1822 changing the zoning of the property from General Commercial (C-3) to High Density Residential (R-4) prior to adopting this Resolution on December 15, 2020.

E. Additionally, at the same time the City was also processing this Project to change the General Plan Amendment and zoning on this site, the City was also processing an application from The Olson Company for a General Plan Amendment and zone change, as well as other administrative approvals to develop 2.02 acres on West 141st Street with a 50-unit condominium project. The Olson project involved a General Plan Amendment and Zone Change re-designating the property to higher density residential uses. The City Council held a public hearing on the Olson Homes project on November 10, 2020, adopted Resolution No. 6482 changing the General Plan designation from Low and Medium Residential to High Density Residential that same night, and adopted Ordinance No. 1823 changing the zoning of the property from Low (R-1) and Medium Density Residential (R-3) to High Density Multiple-Family Residential (R-4) prior to adopting this Resolution on December 15, 2020. The changes allowed an additional 36 units to be built on the property over the previous land use designation and zoning.

F. Based on the above, the City Council finds:

1. Only 2.0 of the 4.59 acre parcel could be developed for housing and the subject property would have yielded development of 50 homes;
2. The Melia Homes project constitutes a concurrent change which ensures that there is no net loss in residential capacity; and
3. Even if all 4.59 acres could be developed for housing, the Melia Homes project and The Olson Company project constitute concurrent changes which ensures that there is no net loss in residential capacity.

SECTION 3. RECORD

Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 4. CUSTODIAN OF RECORD

The Custodian of Record for the proceedings relating to the Project, including the MND and MMRP, is Raymond Barragan, Acting Community Development Director, City of Gardena, 1700 W. 162nd Street, Gardena, California 90247. Mr. Barragan's email is rbarragan@cityofgardena.org and his phone number is 310/217-9546.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect on the thirty-first day after passage.

SECTION 6. NOTICE OF DETERMINATION

Staff is hereby directed to file a Notice of Determination of the approvals granted herein with the County Recorder's office within five working days from the date of approval.

SECTION 7. CERTIFICATION

The City Clerk shall certify the passage of this resolution.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2021.


TASHA CERDA, Mayor

ATTEST:


for MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


Lisa Kranitz, Assistant City Attorney

Exhibit 1 – Zone Change Map

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1824** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a special meeting of said City Council held on the **12th day of January, 2021**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBER TANAKA, MAYOR PRO TEM HENDERSON, COUNCIL
 MEMBER FRANCIS AND MAYOR CERDA

NOES: NONE

ABSENT: COUNCIL MEMBER KASKANIAN

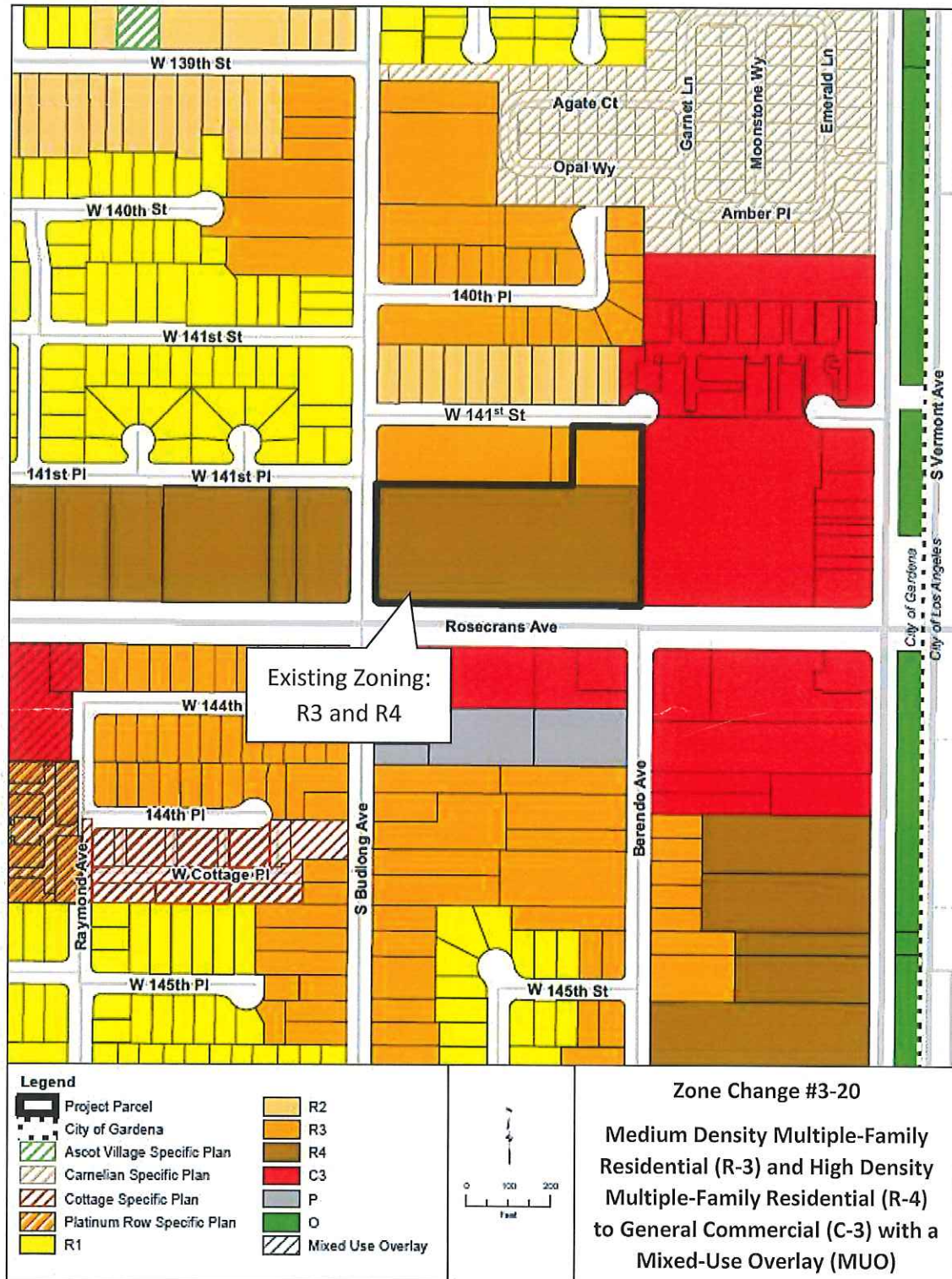
for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)



Exhibit 1

Zone Change #3-20



Adopted Zone Change #3-20

