

RESOLUTION NO. 6405

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION FOR GENERAL PLAN AMENDMENT #2-18 AND ZONE CHANGE #3-18 CHANGING THE LAND USE DESIGNATION AND ZONING OF PROPERTY LOCATED AT 1515 WEST 178TH STREET FROM INDUSTRIAL WITH A MIXED USE OVERLAY TO HIGH DENSITY RESIDENTIAL AND APPROVING A MITIGATED NEGATIVE DECLARATION ON MITIGATION MONITORING PROGRAM FOR A TRACT MAP AND SITE PLAN FOR 114 UNITS

(GPA #2-18; ZC #3-18; APNS: 6106-013-040 and 6106-013-041)

WHEREAS, on December 5, 2018, the applicant, Melia Homes, filed an application to develop a 114-unit residential condominium project consisting of attached three-story townhome style condominiums in 22 buildings on the 5.63 acre property located at 1515 West 178th Street (the "Property"); and

WHEREAS, in order to develop the residential project, the following entitlements (collectively, the "Project") are required: General Plan amendment changing the land use designation from Industrial with a Mixed Use Overlay to High Density Residential (GPA #2-18); Zone Change to change the zoning from General Industrial (M-2) with a Mixed-Use Overlay (MU) to High Density Residential (R-4); Tract Map to create 114 lots (VTTM 82390); and Site Plan Review for the proposed Project (SPR #11-18); and

WHEREAS, a Mitigated Negative Declaration ("MND") was prepared for the Project and the draft MND was circulated for a 20-day public review period between August 15, 2019, and September 3, 2019; and

WHEREAS, on September 17, 2019, the Planning and Environmental Quality Commission ("Planning Commission") of the City of Gardena held a duly noticed public hearing on the draft IS/MND and the approvals required for the 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 PC Resolution No. 16-19, which approved the MND and adopted the Mitigation Monitoring Reporting Program ("MMRP") for the Tentative Tract Map and Site Plan Review and recommended that the City Council approve the MND and adopt the MMRP for the General Plan Amendment and Zone Change; and adopted PC Resolution No. 17-19 which approved the Tentative Tract Map and Site Plan Review with direction to the applicant to work with the City to create more usable open space on the project site, and recommended that the City Council approve the General Plan Amendment and Zone Change; and

WHEREAS, on September 24, 2019 the City received an email from a resident indicating that they wanted to appeal the Planning Commission's decision primarily based on traffic and parking impacts ("Haase Appeal"); and

WHEREAS, during the September 24, 2019, City Council Meeting, prior to the resident being able to perfect the appeal, Council Member Henderson called the Planning Commission's item for review; and

WHEREAS, after the Planning Commission's September 17, 2019, hearing, the applicant submitted a revised Open Space Enlargement Plan dated October 2, 2019, modifying the open space to be more usable; and

WHEREAS, on October 22, 2019, the City Council held a duly noticed public hearing on all portions of the Project at which time it considered all evidence, both written and oral;

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

SECTION 1. CEQA FINDINGS.

A. The City retained Kimley-Horn, an environmental consultant, to prepare the IS/MND, a copy of which is attached hereto as Exhibit A.

B. The IS/MND was prepared and noticed in accordance with all requirements of the California Environmental Quality Act (Public Resources Code § 21000 *et seq.*) and the CEQA Guidelines (14 Cal. Code of Regs. § 15000 *et seq.*) (collectively, "CEQA").

C. The IS/MND adequately assesses the impacts of the Project.

D. The IS/MND determined that there were potentially significant impacts with regard to the following topics: Biological Resources (Nesting Migratory Birds); Cultural Resources (Archaeological Resource); Hazards and Hazardous Materials (Release of Hazardous Materials); and Tribal Cultural Resources.

1. Following compliance with the conditions of approval that will be imposed on the project for Geology and Soils (Paleontological Resources), Hydrology and Water Quality (Water Standards or Waste Discharge Requirements), and Recreation, potential impacts will be reduced to less than significant and no mitigation is required.

2. The Mitigation Measures listed in the Mitigation Monitoring and Reporting Program ("MMRP"), attached hereto as Exhibit B, relating to Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources, will mitigate those impacts below a level of significance.

E. The City sent notices to the Native American tribes provided by the National American Heritage Commission. The City received one request for consultation from the Gabrielino Band of Mission Indians – Kizh Nation. After consultation, the City imposed Mitigation Measures TCR-1 regarding retaining a Native American monitor/consultant and TCR-2 regarding unanticipated discovery of tribal cultural and archaeological resources.

F. In addition to the letter received from the Kizh Nation, additional comment letters on the IS/MND were received from the Los Angeles Unified School District, and the Sanitation District of Los Angeles County. Kimley-Horn prepared a response to comments, which is attached hereto as Exhibit C, and none of the comments require recirculation of the MND.

G. The Haase Appeal raised the issues of cut-through traffic in the residential neighborhoods as well as parking impacts and General Plan consistency. As a result of this Appeal, Kimley-Horn prepared an additional Traffic Distribution Analysis ("Analysis") to confirm that there were no traffic impacts. The Analysis confirms that there will not be a traffic impact on local streets from the Project. The Analysis is attached hereto as Exhibit D.

H. Parking impacts are not a topic for CEQA analysis unless there are environmental impacts from deficient parking. The Project complies with the City's parking standards and provides more guest parking than is required by statute. The conditions of approval require that the CC&Rs for the Project include provisions that parking garages must be kept available for parking. Additionally, there is parking on 178th Street which is currently being utilized by both trucks and passenger vehicles related to the trucking use which will become available.

I. The Haase Appeal arguments do not create a fair argument that there may be a significant impact as they are based on sheer speculation and are not supported by the studies and technical data.

J. With regard to General Plan consistency, the current General Plan designation and the zoning are Industrial with a Mixed-Use Overlay allows for up to 30 units per acre on this site. The Mixed-Use Overlay requires a component of a project to be commercial. Because commercial use is not a viable use in this location, the developer requested a General Plan Amendment and zone change to high-density residential, which also allows a maximum of 30 units per acre. In order to comply with a previous Housing Element requirement and the applicable zoning, the minimum required density is 20 units per acre. This Project is 20.36 units per acre. As this density was contemplated by the General Plan and zoning, the Project is consistent with both.

K. The Initial Study, Mitigated Negative Declaration, Comment Memo, Analysis, and Mitigation Monitoring Program were all independently reviewed by City staff and the Planning Commission, as well as by the City Council. In making all of the findings herein, the City Council has exercised its independent judgment.

L. The Custodian of Record for the proceedings relating to the Project, including the MND and MMRP, is Raymond Barragan, Community Development Manager, 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 2. APPROVAL.

Based on the findings set forth above as well as the record of proceedings, the City Council hereby approves the Mitigated Negative Declaration for General Plan Amendment #2-18 and Zone Change #3-18 and approves the Mitigated Negative Declaration and Mitigation Monitoring Program for Tract Map # 82390 and Site Plan Review #11-18. The City Council directs that the Comment Memo and Analysis be filed with the MND. As adopted, the MND consists of the draft IS/MND dated August 2019 as revised by the Comment Memo dated September 9, 2019 and the Analysis dated October 14, 2019. Staff is directed to file a Notice of Determination.

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. EFFECTIVE DATE. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, AND ADOPTED this 22nd day of October, 2019.




TASHA CERDA, Mayor

ATTEST:


MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


PETER L. WALLIN, City Attorney

Attachments:

Exhibit A – IS/MND

Exhibit B – Mitigation Monitoring Program

Exhibit C – Comment Memo

Exhibit D – Traffic Distribution Analysis

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 Resolution, being **Resolution No. 6405** 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 regular meeting of said City Council held on the **22nd** day of **October, 2019**, and that the same was so passed and adopted by the following roll call vote:

AYES: MAYOR PRO TEM KASKANIAN, COUNCIL MEMBERS TANAKA, MEDINA,
 AND COUNCIL MEMBER HENDERSON AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

Bucky Romero
for _____
City Clerk of the City of Gardena, California

(SEAL)