

RESOLUTION NO. PC 7-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, APPROVING SITE PLAN REVIEW #1-19, VARIANCE #1-20 AND TENTATIVE TRACT MAP #1-19 FOR THE CONSTRUCTION OF A MIXED-USE CONDOMINIUM COMMUNITY CONSISTING OF 113 DWELLING UNITS LOCATED ON A 5.46 ACRE PROPERTY IN THE GENERAL COMMERCIAL (C-3) ZONE WITH A MIXED-USE OVERLAY (MUO) AND APPROVING A MITIGATED NEGATIVE DECLARATION AND A MITIGATED MONITORING AND REPORTING PROGRAM FOR THE SAME

(2101 AND 2129 ROSECRANS AVENUE; APN: 4061-028-018, 049)

THE PLANNING COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. GENERAL FINDINGS

The Planning Commission of the City of Gardena does hereby make the following findings:

- A. On, May 28, 2019, G3 Urban Inc., the applicant, submitted an application for a Site Plan Review and Vesting Tentative Map for an approximate 5.46 acre site located at 2101 and 2129 Rosecrans Avenue (the "Project Site");
- B. The original project was for development of a 5,080 square foot commercial building on 0.54 acres and 105 condominium units, including 14 live-work units, on the remaining 4.93 acres;
- C. On May 4, 2020, G3 Urban Inc. submitted a revised application, modifying the Site Plan and Tentative Tract Map to allow for development of 113 condominium units consisting of 41 single-family garden court units, 57 attached townhome style units, and 15 attached live-work units (the "Project");
- D. The application requires a Variance to install a front yard fence along the public sidewalk with no landscaping in between;
- E. The General Plan land use designation of the Project Site is General Commercial with a Mixed-Use Overlay and the zoning is similarly zoned as General Commercial (C-3) with a Mixed-Use Overlay (MUO);

- F. The Project Site is currently developed with three existing buildings totaling approximately 42,400 square feet of commercial space, relating to taxi operations. A large portion of the Project Site is vacant land;
- G. The Project Site is identified in the 2014-2020 Housing Element as part of an Opportunity Site on which 35 lower income units and 34 moderate/above-moderate income units could be placed;
- H. An Initial Study and Mitigated Negative Declaration (“IS/MND”) was prepared for the Project and the draft MND was circulated for a public review period between July 2, 2020 and July 21, 2020;
- I. On July 23, 2020, a virtual public hearing was duly noticed for the Planning and Environmental Quality Commission meeting for August 4, 2020 at 7:00 p.m. The notice and hearing included a site plan review, variance, and tentative tract map;
- J. On July 28, 2020, the City Council of the City of Gardena held a public hearing on Ordinance No. 1820 revising the development standards relating to residential developments and introduced said Ordinance. It is anticipated that the Ordinance will be approved upon second reading;
- K. On August 4, 2020, the Planning Commission held the virtual public hearing at which time it considered all material and evidence, whether written or oral; and
- L. In making the various findings set forth herein, the Planning Commission has considered all of the evidence presented by staff, the applicant, and the public, whether written or oral, and has considered the procedures and the standards required by the Gardena Municipal Code. All such evidence is incorporated by reference. The record of these proceedings can be found at the Community Development Department, Room 101, 1700 West 162nd Street, Gardena, California. The Director of Community Development is the custodian of such record.

SECTION 2. CEQA

The IS/MND attached hereto as Exhibit A and the Mitigation Monitoring and Reporting Program (“MMRP”) attached hereto as Exhibit B and the Response to Comments Memo attached hereto as Exhibit C are hereby approved and 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. The approvals are based on the following:

- A. The City retained Kimley-Horn to prepare the IS/MND.

- 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 a number of topics. However, the mitigation measures included in the Mitigation Monitoring and Reporting Program attached hereto as Exhibit B will mitigate the impacts relating to Biological Resources (Nesting Migratory Birds); Transportation (hazards due to design feature); and Cultural Resources/Tribal Cultural Resources to below a level of significance.
- E. The City received a request for consultation from the Gabrieleno Band of Mission Indians – Kizh Nation under AB 52. 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, which is part of the Mitigation Monitoring and Reporting Program.
- F. On July 21, 2020 the City received a comment letter from the Los Angeles County Sanitation Districts (“LACSD”) that the average wastewater flow from the project site was slightly lower than stated in the IS/MND.
- G. After the IS/MND was made available for the public review period, it was determined that a variance would be required for the front-yard fence.
- H. After the close of the public comment period the City also received an email from the neighboring property owner to the north expressing concerns about soil contamination and noise, as well as a letter from the Los Angeles County Fire Department.
- I. Kimley-Horn submitted a Response to Comments memorandum dated July 30, 2020 providing that none of the comment letters nor the addition of the variance to allow a wrought-iron fence on the property line along Rosecrans Avenue impacts the analysis contained in the IS/MND.
- J. The IS/MND and Response to Comments memorandum were all independently reviewed by City staff and the Planning Commission. In making all of the findings herein, the Planning Commission has exercised its independent judgment.
- K. 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 3. CONSISTENCY WITH THE GENERAL PLAN

The Planning Commission hereby finds that the Project is consistent with the Goals and Policies of the City's General Plan listed below and further finds that the Project will not adversely impact other goals and policies of the General Plan:

A. Land Use Plan and Community Plan Policies:

- LU 1.2: Promote sound housing and attractive and safe residential neighborhoods
- LU 1.5: Provide adequate residential amenities such as open space, recreation, off-street parking and pedestrian features in multi-family residential developments.
- LU 1.9: Allow well designed and attractive residential mixed-use development to occur on existing underutilized commercial/industrial blocks designated as Mixed-Use Overlay
- DS 2.3: Encourage a variety of architectural styles, massing, floor plans, color schemes, building materials, façade treatments, elevation and wall articulations.
- DS 2.11: Incorporate quality residential amenities such as private and communal open spaces into multi-unit development projects in order to improve the quality of the project and to create more attractive and livable spaces for residents to enjoy.
- DS 2.13: Encourage lot consolidation for multi-family development projects in order to produce larger sites with greater project amenities.

The Project Site consolidates two parcels which are underutilized commercial parcels with a mixed-use overlay. The Project will create a new 113-unit residential condominium project with three different types of housing (garden court, attached townhomes, and attached live-work units) with a variety of floor plans for the townhomes and live-work units. The buildings are well-articulated and incorporate a variety of building materials, textures, and colors. Except for the live-work units which will be open to the public, the other housing will be gated. The project provides common open space in the form of an outdoor kitchen/barbeque area and over 40,000 square feet of paseos and terraces with shade structures and grass lawn areas. Private open space includes decks and yards. The landscaping is varied. Parking meets the City's requirements with a total of 295 spaces being provided, including guest spaces.

B. Public Safety Plan Policies

- PS 2.3: Require compliance with seismic safety standards in the Unified [sic] Building Code
- PS 2.4: Require geotechnical studies for all new development projects located in an Alquist-Priolo Earthquake Fault Zone or areas subject to liquefaction.

A geotechnical study was prepared for the Project and construction will be required to comply with the recommendations of the study. Construction of the Project will be required to comply with the most current edition of the California Building Code as adopted by the City.

SECTION 4. SITE PLAN REVIEW

Site Plan Review (#1-19) for the construction of the 113-unit condominium project consisting of 41 single-family garden court units, 57 townhomes, and 13 live-work townhomes, is hereby approved based on the following findings and subject to the conditions attached hereto as Exhibit D. The plans being approved are those dated, April 29, 2020, and attached hereto as Exhibit E, as the same may be modified by the conditions of approval.

A. *The proposed development, including the uses and physical design, is consistent with the intent and general purpose of the general plan and provisions of the municipal code.*

1. The General Plan land use designation for the Project Site is General Commercial/Mixed Use Overlay and zoning is General Commercial, with a Mixed-Use Overlay (C-3/MU). As specified in the General Plan, the Mixed Use Overlay permits residential development on selected areas designated for Commercial and Industrial land uses. The purpose of this land use designation is to allow greater flexibility of development alternatives, especially attractive higher density residential development in appropriate areas that are experiencing both physical and economic blight.
2. For the reasons set forth in Section 3 above, the Project is consistent with the intent and purpose of the general plan.
3. Developer submitted the applications prior to the Municipal Code being amended relating to residential standards and may therefore continue to comply with the standards in effect at the time of his application or take advantage of the changed standards if desired. As demonstrated in the staff report, the Project is consistent as to the front yard setback allowed at the time of project application and with the provisions of the municipal code, as amended by Ordinance No. 1820. Except for the placement of the fence on the property line, for which a variance is granted below, the Project meets all of the applicable development standards. A condition has been imposed on the Project to provide that the approvals granted herein are of no further force and effect if Ordinance No. 1820 does not take effect.

B. *The proposed development will not adversely affect the orderly and harmonious development of the area and the general welfare of the city.*

As set forth above and in the staff report, the proposed site plan meets all of the development requirements, and the proposal, as conditioned, will be compatible with, and not detrimental to, the surrounding land uses and general welfare of the City.

SECTION 5. TENTATIVE TRACT MAP NO. (#1-19)

Vesting Tentative Tract Map No. 82667 (TTM #1-19), dated May 1, 2020, and shown on Exhibit F, dividing the property into 113 condominium units is hereby approved, subject to the conditions of approval attached as Exhibit D, based on the fact that none of the findings which would prohibit the approval of a map are present and the map satisfies all of the requirements of the Gardena Municipal Code Chapter 17.08 and Government Codes 66474, 66473.1, and 66473.5.

- A. *The map and design and improvement of the proposed subdivision is consistent with applicable general and specific plan (Government Code § 66474; § 66473.5).*

The Land Use Plan and the zoning map currently designate the project site as General Commercial; Mixed Use Overlay (C-3/MUO), respectively. The proposed project will involve 113 condominium units and will be consistent with the Land Use Plan of the Community Development Element of the General Plan. There are no applicable Specific Plans.

- B. *The site is physically suitable for the type or density of development (Government Code § 66474).*

The site is 5.46 acres, flat, and serviced by all necessary utilities. The Project Site has been previously developed and the size and topography of the Project Site allows for the proposed development while adhering to Gardena Municipal Code standards, subject to the variance approval below. Furthermore, the zoning allows for 30 units per acre and the applicant is proposing 20.7 units per acre. The site also provides adequate ingress and egress. Therefore, the site is physically suitable for the type and density of the proposed development.

- C. *The design of the subdivision and the proposed improvements will not cause serious public health problems, substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Government Code § 66474).*

The property has previously been developed. There is no substantial natural environment, fish, or wildlife in the area which will be harmed by the proposed project. Furthermore, the subdivision has been designed to provide adequate access for pedestrians and vehicles, guests and residents, and emergency access. The condominiums, including live-work units are a mixed-use development in a commercial area, adjacent to commercial and industrial land uses, and are not expected to create environmental damage or public health problems.

- D. *The design of the subdivision or type of improvements will not conflict with public access easements (Government Code § 66474).*

The design of the subdivision will not be in conflict with any public access easements.

- E. *The design of the subdivision provides for, to the extent feasible, future passive or natural heating and cooling opportunities (Government Code § 66473.1).*

During winter, a north/south alignment of parcels provides for southern exposure to the winter path of the Sun. During the summer, prevailing winds are west southwest from the north (Los Angeles International Airport) and west from the south (Torrance Airport). The general direction of these prevailing winds can be expected to allow the development to benefit from natural and passive cooling opportunities in the summer. Windows and doors can be opened to allow for natural ventilation. Windows will meet building requirements for energy ratings to allow for proper insulation. The building is also designed to meet the most recent CalGreen standards with regard to the units being constructed to be ready for solar panels. Therefore, the design of the proposed subdivision provides for the configuration structures to provide for future passive or natural heating and cooling opportunities.

There are no grounds upon which to deny the map. Therefore, with the conditions of approval, the subdivision and subdivision design will be consistent with the General Plan and State Subdivision Map Act as supplemented by Title 17 of the Gardena Municipal Code.

SECTION 6. VARIANCE

The Planning Commission of the City of Gardena does hereby approve Variance # 1-20 to allow a tubular steel (or similar) fence of seven feet in height with pilasters to be located on the property line based on the following findings and subject to the conditions set forth in Exhibit D:

- A. *That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this title would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications.*

The Project is located in an area that is surrounded by commercial and industrial development along Rosecrans Avenue which is identified in the City's General Plan as an arterial roadway. Arterial roadways are principal urban thoroughfares designed to carry 40,000 to 60,000 vehicles a day. In order to provide the required security to the development, it is necessary to allow a seven-foot fence along the back of the sidewalk on Rosecrans Avenue. Other residential uses on arterial roadways have been allowed to have fences which exceed the allowed 3 ½ feet in height. Additionally, because this development is required to have a minimum density of 20 units/acre, it cannot eliminate units in order to achieve the required landscaping setback without completely changing the nature of the project.

- B. *That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.*

The project shall be required to provide landscaping and tubular steel or similar type of fencing in order that the landscaping be visible from the public right-of-way.

- C. *That the granting of the variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to property and improvements in the same vicinity and zone in which the subject property is situated.*

Contrary to being detrimental to the public health, safety, convenience and welfare, the variance accomplishes the opposite by protecting the public health, safety, and welfare. Allowing for the variance: provides additional security to the residents of the Project; reduces the opportunities for graffiti; reduces the opportunities for criminal activities. Additionally, the landscaping that will be provided behind the fence will be an aesthetic improvement to what currently exists along that portion of Rosecrans Avenue. The MUO zone specifically provides that walls, fences and gates should be used to provide needed privacy and security.

- D. *That the granting of such variance will not adversely affect or be in conflict with the policies of the General Plan of the city.*

As set forth in Section 3 above, there will not be any conflict with the policies of the City's General Plan.

SECTION 7. NO NET LOSS

- A. Government Code section 65583 requires each city's housing element to include an inventory of land suitable and available for residential development to meet the locality's housing need for each of the designated income levels of the assigned regional housing need.
- B. Appendix C of the City's 2014-2021 housing element is a list of 26 sites for potential lot consolidation; these sites identify the number of housing units which could be built on the various parcels for lower income and for moderate/above moderate income.
- C. One of the parcels that comprises the Project Site is identified as being developed with 35 lower income units and 34 upper income units.
- D. Government Code section 65589.5 prohibits the City from rejecting a development proposal that complies with the City's objective standards.
- E. Government Code section 65863 provides that if the City allows development of any parcel with fewer units by income category than identified in the housing element for that parcel, the City must make written findings supported by substantial evidence as to whether there are remaining sites identified in the housing element to accommodate the City's share of

regional housing needs, including a quantification of the remaining unmet need for each income level.

- F. The City's 2014-2021 housing element identified a total regional housing needs of 397 units broken down as follows: extremely low-income – 49 units; very low-income – 49 units; low-income – 60 units; moderate-income – 66 units; and above moderate-income – 173 units.
- G. The City has met its housing obligation for above moderate-income units and has not met its need for any other income category.
- H. Appendix C showed that the individual lots could support 398 lower income units and 687 moderate/upper income units; with consolidation of lots the numbers increase to 722 lower income units and 565 moderate/upper income units.
- I. Based on development that has been constructed, been approved, or is likely to occur since the housing element was adopted, there is still room for the construction of 250 lower income and 513 moderate income units without lot consolidation and 524 and 393 units with lot consolidation.
- J. The Planning Commission hereby finds that based on the above, there are sufficient remaining sites that are identified in the housing element to accommodate the City's share of regional housing needs as identified in the 2014 – 2021 housing element.

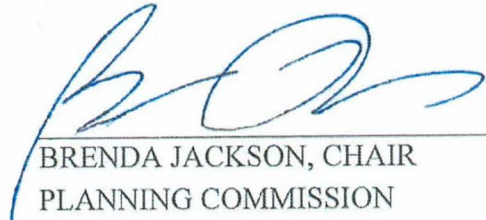
SECTION 8. EFFECTIVE DATE/APPEAL.

- A. This Resolution shall be effective immediately. However, no permit shall be issued under the approvals granted herein until such time as Ordinance No. 1820 becomes effective. Should Ordinance No. 1820 fail to go into effect, then the approvals granted hereunder shall be null and void. This section shall not prohibit issuance of any permit required for remediation of the property under the Response Plan approved by DTSC.
- B. The time to file an appeal pursuant to Titles 17 and 18 of the Gardena Municipal Code is ten days from the date of adoption of this Resolution. Failure to file an appeal constitutes a failure to exhaust administrative remedies.

SECTION 9. CUSTODIAN OF RECORD.

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.

PASSED, APPROVED, AND ADOPTED this 4th day of August, 2020.



BRENDA JACKSON, CHAIR
PLANNING COMMISSION

ATTEST:



RAYMOND BARRAGAN, SECRETARY
PLANNING COMMISSION

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF GARDENA

AYES: Langley, Henderson, Pierce, Sherman, Jackson

NOES:

ABSENT:

Attachments:

- Exhibit A – Initial Study
- Exhibit B – Mitigation Monitoring and Reporting Program
- Exhibit C – Response to Comments Memo
- Exhibit D – Conditions of Approval
- Exhibit E – Development Plans
- Exhibit F – VTTM 82667

CITY OF GARDENA

**CONDITIONS OF APPROVAL FOR SITE PLAN REVIEW #1-19, VARIANCE #1-20;
and VESTING TENTATIVE TRACT MAP NO. 82667 (#1-19)**

GENERAL CONDITIONS

- GC 1. Applicant accepts all of the conditions of approval set forth in this document and shall sign the acknowledgement. A copy of the signed document shall be submitted to the Community Development Department prior to issuance of any construction permit.
- GC 2. Development of this site shall comply with the requirements and regulations of Title 15 (Building and Construction), Title 17 (Subdivisions) and Title 18 (Zoning) of the Gardena Municipal Code.
- GC 3. Applicant shall comply with all written policies, resolutions, ordinances, and all applicable laws in effect at time of approval. The conditions of approval shall supersede all conflicting notations, specifications, and dimensions which may be shown on the project development plans.
- GC 4. Applicant shall provide the City with a copy of the Covenants, Conditions and Restrictions (CC&Rs) which shall apply to the townhomes for review and approval prior to approval of the final map or issuance of a certificate of occupancy, not including model homes. The CC&Rs shall include all items listed in these conditions which are required to be included in the CC&Rs or items for which the HOA is responsible. At a minimum, the following provisions shall be included, as may be further detailed. The failure to include a condition on the list below does not relieve the responsibility to include it in the CC&Rs if otherwise provided herein.
- a. Any revisions to the CC&Rs shall require prior city approval.
 - b. Maintenance and repair obligations of all private streets/driveways.
 - c. Maintenance and repair obligations of all open spaces and common areas.
 - d. Prohibition against outdoor storage.
 - e. Prohibition against alterations to architectural treatments, including colors and materials. Colors and materials as shown on the development plans as presented to the Planning Commission on August 4, 2020, are approved. Deviation from colors and materials shall not be made unless approved by the Community Development Director.
 - f. All garage spaces shall be maintained in such a manner as to be able to be used for parking of two cars.

- g. Prohibition against parking in driveways areas and in front of garages.
- h. A requirement that trash cans shall be kept in the garage or out of public view.
- i. Parking shall be prohibited in the driveway areas and in front of the garages.
- j. Residents' vehicles shall be stored in the garages at all times while on the site.
- k. Residents shall not be allowed to use guest parking for their own vehicles.
- l. The entire site, all walls and fencing, and all building walls shall be maintained at all times free and clear of litter, rubbish, debris, weeds and graffiti. Graffiti shall be removed within 24 hours and if paint is used to cover the graffiti, it shall be of the same color and texture as the building wall.
- m. The Security Gates shall be maintained, in good condition, by the Home Owners Association.
- n. Install one surveillance camera at the entrance of the development. Surveillance cameras shall be maintained by the homeowners association and recordings should be kept for a minimum of 30 days.
- o. The homeowner's association shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.
- p. The CC&Rs for the HOA shall include language assigning the HOA the responsibility to enforce the land use covenant restrictions, comply with the soil management plan set forth in the Response Plan, conduct and submit the annual inspection reports required by the response plan, and maintain copies of property owner certifications. When any property is sold or resold, the original developer or the HOA shall require the new property owner to acknowledge in writing that they have read the land use restriction covenant. The acknowledgement shall provide that the owner understands that the restrictions are to prevent PCBs that remain on the property and understands and agrees to the property restrictions. Each owner is required to sign such acknowledgement.

When the draft is provided to the City for review, it shall be accompanied by a table specifying where each condition required by this document can be found in the CC&Rs.

- GC 5. Applicant shall pay a multiple-unit residential development impact fee of \$1,000/unit for a total of \$113,000 prior to building permit issuance. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications,

reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees, are not included under this noticing requirement. The applicant has ninety (90) days from the date of adoption of this Resolution to protest the impositions described above. The applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions must be filed, and that timely filing of a protest within the 90-day period is a prerequisite.

- GC 6. Prior to commencement of work, the contractor/developer shall schedule a pre-job meeting with the City's engineering and building inspectors to minimize construction noise levels, including sound-reduction equipment as deemed necessary by the City. Prior to the issuance of demolition or construction permits, the contractor/developer shall prepare and implement a construction management plan, approved by the City, which includes procedures to minimize off-site transportation of heavy construction equipment.
- GC 7. The site layout and physical appearance of the structures shall be in accordance with the plans presented to and approved by the Planning and Environmental Quality Commission, and modified by these conditions of approval. The final completed project shall be in substantial compliance with the plans upon which the Commission based its decision, as modified by such decision. Minor modifications or alterations to the design, style, colors, and materials shall be subject to the review and approval of the Community Development Director. Substantial modifications will require review and approval by the Planning Commission.
- GC 8. Grading and construction activities on the project site shall adhere to the requirements of Chapter 8.36 of the Gardena Municipal Code, which limits construction activities to the hours of 7 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 6 p.m. on Saturdays. Construction activities on Sundays and federal holidays are strictly prohibited.
- GC 9. Trash pick-up and other exterior facility cleaning activities shall be restricted to the hours of 7 a.m. to 10 p.m., seven days a week. These activities shall be prohibited during peak traffic hours.
- GC 10. Any and all roof-mounted equipment, devices or materials shall be totally screened from public view. The screen enclosures shall be constructed of the same or similar materials, colors and texture of the building.
- GC 11. The applicant shall reimburse the City for all attorney's fees spent in processing the project application, including review of all documents required by these conditions of approval.
- GC 12. Applicant/developer shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding, damages, costs

(including, without limitation, attorney's fees), injuries, or liability against the City or its agents, officers, or employees arising out of the City's approval of Site Plan Review #1-19, Variance # 1-20, Vesting Tentative Tract Map #1-19 (VTTM No. 82667) and the subsequent Notices of Determination. The City shall promptly notify the applicant/developer of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant/developer of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant/developer shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Although the applicant/developer is the real party in interest in an action, the City may, at its sole discretion, participate in the defense of any action with the attorneys of its own choosing, but such participation shall not relieve the applicant/developer of any obligation under this condition, including the payment of attorney's fees.

PLANNING

- PL1. Site Plan Review #1-19 and Variance #1-20 shall be utilized within a period not to exceed twelve (12) months from the date of approval, unless an extension is granted in accordance with Section 18.46.040 of the Gardena Municipal Code. Utilization shall mean the issuance of building permits.
- PL2. The approved Resolution, including the Conditions of Approval contained herein and the signed acknowledgement of acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including revisions and the final working drawings.
- PL3. A security and lighting plan shall be submitted for review and approval by the Community Development Director or designee prior to issuance of a building permit that shows surveillance camera locations and outdoor lighting for all public/common areas. The lighting plan shall meet the requirements of GMC Section 18.42.150. All light fixtures shall be designed and located in a manner that does not allow spillover onto adjacent properties. Additionally, the exterior lighting fixtures shall be architecturally consistent with the design of the building, as reviewed and approved by the Community Development Director or designee.
- PL4. Perimeter side and rear walls abutting non-residential parking lots shall be 8 feet in height. Otherwise, perimeter side and rear walls may be 7 feet when immediately adjacent to non-residential buildings.
- PL5. The fence along Rosecrans Avenue for which a variance was granted shall be made up of tubular steel or a similar material which allows visibility into the development and

no more than seven feet in height. Decorative pilasters shall be interspersed throughout the fence to the satisfaction of the Planning Division.

- PL6. No permit shall be issued under these approvals until Ordinance No. 1820 becomes effective. This shall not prohibit issuance of any permit required for remediation of the property under the Response Plan approved by DTSC or the issuance of any demolition permits.
- PL7. The City's Building Official shall review and approve the Final Geotechnical Investigation for the Project. Applicant shall comply with all recommendations set forth in the Geotechnical Report unless otherwise indicated by the Building Official.
- PL8. Applicant shall comply with the Final Response Plan as required by DTSC and EPA and no permits shall be issued for the Project until the measures have been implemented. This does not prevent the City from issuing any permits required for remediation of the property under the Response Plan approved by DTSC.
- PL9. Applicant shall monitor the groundwater well network as required by DTSC.
- PL10. Applicant shall record a land use restriction covenant with the Los Angeles County Recorder's office prior to issue of a building permit. Applicant shall provide the City with written proof that the condition as drafted has been approved by the USEPA. The restriction shall:
- a. Prohibit any alteration of the concrete caps within the backyards of the residential and live/work properties;
 - b. Prohibit any soil disturbances within the landscaped common areas that are not authorized in the approved Soil Management Plan;
 - c. Prohibit any alteration, disturbance or degradation of the asphalt caps that are not authorized in the approved Soil Management Plan;
 - d. Include language referencing the annual Inspection, Repair, and Maintenance Plan and Soil Management Plan requirements to be submitted to the USEPA;
 - e. Include a diagram showing the areas that are subject to restrictions and inspections;
 - f. Require owners of all parcels to acknowledge and agree to the property restrictions in writing.
- PL11. Applicant shall comply with NPDES program's Construction General Permit requirements including implementation of a SWPP and monitoring plan and sediment-control BMPs.

- PL12. Applicant shall comply with Los Angeles County's Low Impact Development (LID) Ordinance.
- PL13. Applicant shall comply with the City's Standard Urban Stormwater Mitigation program which requires implementation of BMPs through the Standard Urban Stormwater Mitigation Plan (SUSMP) as follows:
- PL14. Applicant shall comply with the construction hours set forth in the Gardena Municipal Code which are 7:00 AM to 6:00 PM on weekdays and 9:00 AM to 6:00 PM on Saturdays. No construction may take place at any time on Sundays or federal holidays.
- PL15. All motorized equipment used in construction shall be equipped with functioning mufflers as mandated by the State.
- PL16. Applicant shall pay \$1,130,000 in in-lieu park fees in accordance with Chapter 17.20 of the Gardena Municipal Code.
- PL17. Applicant shall pay \$113,000 in development fees in accordance with Chapter 15.48 of the Gardena Municipal Code.
- PL18. Applicant shall pay school impact fees to the Los Angeles Unified School District and provide proof of payment prior to issuance of building permits.
- PL19. Restaurant use is prohibited for any live-work unit due to insufficient parking for food and beverage establishments. Specifically, food and beverage establishments are required to have one space per 100 square feet of gross floor area.
- PL20. Uses permitted for the live-work units shall be comply with those described in Section 18.19.030 and 18.19.040 of the Gardena Municipal Code, with exception to restaurant use as discussed above.
- PL21. Any signage shall comply with the provisions of Chapter 18.58 of the Gardena Municipal Code.
- PL22. Decorative colored concrete shall be provided at the main vehicular entrance along Rosecrans Avenue and at the vehicular gate underneath the trellis to the satisfaction of the Planning Division. Plans shall be revised to show this prior to issuance of a building permit.
- PL23. Applicant shall provide the Planning Division with the following information prior to issuance of a building permit:
- a. Mailbox locations
 - b. Bike rack or parking locations

- c. Detailed plans of the barbecue area including an enlarged site plan, elevations of any buildings, cross sections, a conceptual rendering, and photo examples of amenities (e.g., benches, tables, trash cans, etc.).
- d. Fence/wall plan of all fencing. Indicate materials, texture, colors, height.
 - i. Perimeter fencing along the sides and rear shall be decorative solid block with an eight-foot height to buffer from adjacent commercial and industrial uses. No fencing shall be required where the project wall would be adjacent to the wall on the eastern property line; the wall of the building would serve as the wall for the project. [Added by PEOC at 8/4/20 mtg.]
 - ii. The front fence shall be wrought iron or tubular steel and interspersed with stone, brick, stucco, or decorative block.

PL24. Applicant shall submit a Final Geotechnical Investigation for City review/approval and comply with its recommendations and any revisions deemed necessary by the City's Building Official. The Gardena Building Services Division will review construction plans to verify compliance with standard engineering practices, the GMC/CBSC, and the Geotechnical Investigation's recommendations.

PL25. Applicant shall record a notice and advise potential buyers of the units along the northern property line that the units lie adjacent to industrial uses to the north and may have noise impacts. A copy of the notice shall be provided to the City before recordation.

ENVIRONMENTAL

EN1. The applicant shall comply with all mitigation measures set forth in the Mitigation Monitoring and Reporting Program which are set forth below.

EN2. **MM BIO-1 Nesting Migratory Birds.** During construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (i.e., typically March 15 through September 1), if possible. If construction activities cannot be conducted outside the nesting season, a Pre-Construction Nesting Bird Survey within and adjacent to the Project site shall be conducted by a qualified biologist within three days prior to initiating construction activities. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity.

EN3. **MM TCR-1 Retain a Native American Monitor/Consultant:** Prior to any ground disturbance, the Project Applicant shall retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and listed under the NAHC's Tribal Contact list for the Project area. This list is provided by the NAHC. The monitor/consultant shall only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant shall complete daily monitoring logs that provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

EN4. **MM TCR-2 Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Upon discovery of any archaeological resources, upon discovery of any tribal cultural or archaeological resources, construction activities shall cease in the find's immediate vicinity until the find can be assessed. All tribal cultural and archaeological resources unearthed by Project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request preservation in place or recovery for educational purposes. Work may continue on other parts of the Project while evaluation and, if necessary, additional protective mitigation takes place (State CEQA Guidelines §15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource," time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with State CEQA Guidelines §15064.5(f) for historical resources.

Public Resources Code §§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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin 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, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

EN5. **MM TR-1 Transportation Design Features.** Prior to Building Permit issuance and to the satisfaction of the City of Gardena Public Works Department:

- The existing raised median located on Rosecrans Avenue (directly in front of the Project site) shall be removed and replaced with two-way left-turn lane striping.
- The existing eastbound left-turn pocket (which provides exclusive access to the existing Project site) shall be removed as this driveway would be closed as part of the proposed Project. The existing raised median in this area would be modified accordingly to accommodate the left-turn pocket removal.
- Appropriate sight distances shall be provided at the proposed Project site driveways to minimize potential pedestrian and vehicle conflicts along the adjacent public sidewalk. Any proposed landscaping near the Project driveways shall be less than 36 inches in height to avoid obstructing the Rosecrans Avenue motorists' line of sight in accordance with City requirements.

TENTATIVE TRACT MAP

- TTM 1. The final tract map shall be recorded with the Los Angeles County Recorder's office within a period not to exceed twenty-four (24) months from the date of approval, unless an extension is granted in accordance with Gardena Municipal Code section 17.08.070 or by State law. If said map is not recorded within such time, the life of the map shall be deemed expired and said approval shall be considered null and void.
- TTM 2. The tentative tract map shall conform to the provisions of the State Subdivision Map Act and Title 17 of the Gardena Municipal Code (Subdivisions).
- TTM 3. In accordance with Section 17.08.170 of the Gardena Municipal Code, the applicant shall dedicate all necessary rights-of-way for public improvements, and shall construct such improvements at no cost to the City. Such improvements may include, but not be limited to, site grading and drainage, new sidewalk, curb and gutter, driveways, street trees, roadway paving, street lights, traffic control devices, gas mains, electric power lines, telephone and cable lines, all of which shall be installed in accordance with the specifications of the Public Works Department. All utilities shall be underground.
- TTM 4. Pursuant to Government Code § 66495, at least one exterior boundary line of the land being subdivided must be adequately monumented or referenced before the map is recorded.

- TTM 5. In accordance with Government Code § 66473.1, the design of the subdivision shall provide, to the extent feasible, for future passive/natural heating or cooling opportunities.
- TTM 6. Private driveways shall be indicated on the final map as “Private Driveway and Fire lane” with the widths clearly depicted and shall be maintained in accordance with the Fire Code. All required fire hydrants shall be installed, tested and accepted prior to construction.
- TTM 7. Prior to initial phase associated with building construction, all above-ground and underground infrastructure shall be installed.
- TTM 8. The developer shall pay in lieu park fees in accordance with Chapter 17.20 of the Gardena Municipal Code and Resolution No. 6433 which requires a payment of \$10,000 per unit. Total in lieu park fees due is \$1,130,000 and shall be paid in full to the City prior to final map.
- TTM 9. Model homes shall be permitted prior to final map recordation provided that all Fire Department requirements for health and safety are satisfied prior to issuance of a building permit.

BUILDING AND SAFETY

Commercial Development

- BS1. This project shall comply with all applicable portions of the Current Gardena Municipal Code and City Ordinances.
- BS2. This project shall comply with all applicable portions of the 2019 California Building Standards Code (Title 24, California Code of Regulations).
- BS3. Applicant shall comply with all conditions set forth by other Departments and Agencies. Including but not limited to Planning, Engineering and the Los Angeles County Fire Department.
- BS4. County of Los Angeles Department of Public Health Environmental Health Approvals Required for any proposed food service.
- BS5. The applicant shall obtain separate Building Division permits for Demolition, Grading, Building, Site Development, Electrical, Plumbing, Mechanical, Fences.
- BS6. The approval of plans and specifications does not permit the violation of any section of the State Building Code, City Ordinances, and/or State Law.
- BS7. Applicant shall provide documentation on methods of resolving the hazards identified in the environmental report. City of Gardena shall review and approve before any Construction shall begin.
- BS8. Address shall be on building and Curb, Both Street and Alley sides, per State Code and City standards.

- BS9. All Facilities shall be maintained in a clean, litter-free, odor-free, and pest-free condition on a daily basis.
- BS10. A solid roof covered trash enclosure shall be sized for all intended uses, Per the States' Cal-Recycle guidelines, Including Organic Waste, Recyclables, Used Oil Storage Bins and Rubbish, as per State Code and City standards.
- BS11. The Developer shall be responsible for the construction of all on-site drainage facilities. Provide a master plan for drainage. Include both commercial and residential portions of the project. This will include Low Impact Development (LID) referring to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of Stormwater in order to protect water quality and local aquatic habitat.
- BS12. All landscape shall be maintained in a healthy, well-kept, manner at all times.
- BS13. All pavement, stripping and markings shall be maintained in a good condition at all times.
- BS14. Sign permits shall be obtained for all signage. All Signage shall be maintained in a good condition at all times.
- BS15. Plans and specifications shall be signed by a California Licensed design professional per the California Business and Professions Code.
- BS16. All commercial space customers and employees shall have full access to the restroom facilities per CA Plumbing and Accessibility Codes.
- BS17. Conditions of approval shall be printed on the working drawings.

Residential Development

- BS18. This project shall comply with all applicable portions of the current Gardena Municipal Code and City ordinances.
- BS19. This project shall comply with all applicable portions of the 2016 California Building Standards Code (Title 24, California Code of Regulations).
- BS20. The applicant shall show all accessible features, newly constructed, condominiums with four (4) or more dwelling units shall be accessible. The first floor living spaces shall be accessible.
- BS21. Applicant shall comply with all conditions set forth by other departments and agencies, including but not limited to, Planning, Public Works and the Los Angeles County Fire Department.
- BS22. Separate building permits are required for Demolition, Grading, Building, Site Development, Electrical, Plumbing, Mechanical, Fences.
- BS23. The approval of plans and specifications does not permit the violation of any section of the State Building Code, City Ordinances, and/or State Law.

- BS24. Applicant shall provide documentation on methods of resolving the hazards identified in the environmental report. City of Gardena shall review and approve before any construction shall begin.
- BS25. Address shall be on building and curb, Street and alley sides, per State Code and City standards.
- BS26. The Developer shall be responsible for the construction of all on-site drainage facilities. Provide a master plan for drainage. Include both commercial and residential portions of the project. This will include Low Impact Development (LID) revering to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of Stormwater in order to protect water quality and local aquatic habitat. Plans shall be reviewed and Approved by the City Building Official or City engineer.
- BS27. The Developer shall identify parking restrictions, for emergency access, as a result of minimum widths of interior streets with project Covenants, Conditions and Restrictions.
- BS28. All pavement, stripping and markings shall be maintained in a good condition at all times.
- BS29. Security gate locks and devices shall be installed to the satisfaction of the Gardena Police and L.A. County Fire Departments. Knox boxes shall be provided at entry points.
- BS30.
- BS31. The Developer shall be responsible for the construction of all on-site drainage facilities.
- BS32. Plans and specifications shall be signed by a California Licensed design professional per the California Business and Professions Code.
- BS33. Conditions of approval shall be printed on the working drawings.

PUBLIC WORKS

- PW1. Applicant shall provide sewer cleaning, video and capacity analysis.
- PW2. Applicant shall pay \$15,820.00 sewer fee.
- PW3. Applicant shall remove and replace all sidewalk.
- PW4. Applicant shall remove and replace all curb and gutter.
- PW5. Applicant shall remove all abandoned driveways and replace with new curb, gutter and sidewalk.
- PW6. Applicant shall remove and replace all existing traffic signs
- PW7. Applicant shall remove/plant street trees per the Public Works Department.
- PW8. Applicant shall re-paint existing curbs and install new traffic signs per City of Gardena.
- PW9. Applicant shall show all sidewalk structures on plans (i.e. poles, hydrants and traffic signal conduit)

- PW10. Applicant shall provide traffic control plans per W.A.T.C.H. (Work Area Traffic Control Handbook) or California M.U.T.C.D.
- PW11. Applicant shall provide new street lights.
- PW12. Applicant shall provide street improvement plan showing all requirements. Street plans shall be designed and signed by a registered Civil Engineer.
- PW13. Applicant shall obtain Public Works Encroachment/Excavation permit for any work done in the public right-of-way.
- PW14. Requirements are based on preliminary review only.
- PW15. Additional requirements may be imposed upon full plan submittal and review.

GOLDEN STATE WATER COMPANY

- GS1. The applicant shall contact GSWC for review of the existing water main once LA County Fire Department has issued their fire protection requirements on the aforementioned project.
- GS2. The applicant shall contact GSWC to initiate application for new service installation.

LOS ANGELES COUNTY SANITATION DISTRICT

- SD1. The applicant shall pay a connection fee before a permit to connect to the sewer fee is issued. For more specific information regarding the connection fee application procedure and fees, please contact the Connection Fee Counter at (562) 908-4288, extension 2727.

LOS ANGELES COUNTY FIRE DEPARTMENT

- FD1. The applicant shall submit the plans to the Los Angeles County Fire Department for approval and shall comply with all applicable Los Angeles County Fire Department requirements.

G3 Urban certifies that it has read, understood, and agrees to the Project Conditions listed herein.

G3 Urban

By HERB GARDNER

Dated 8/13/2020

Please complete & return to

CITY OF GARDENA
Planning Division
1700 West 162nd Street
Gardena, California 90247



ACCEPTANCE FORM

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

Case Numbers: **SITE PLAN REVIEW #1-19, VARIANCE #1-20,
VESTING TENTATIVE TRACT MAP NO. 82667 (TTM #1-19)**

I, the undersigned state: I am aware of and accept all the conditions of approval for as stated in Resolution No 7-20 dated August 4, 2020.

I am the (applicant/owner) (applicant) of the real property described in the above-numbered case.

Executed this 13th day of AUGUST, 2020.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Applicant/Owner: Name HERB GARDNER
Address 15235 S. WESTERN AVE
City, State GARDENA CA 90249
Signature [Handwritten Signature]

Applicant: Name _____
Address _____
City, State _____
Signature _____

Signature(s) must be acknowledged by a notary public.

ACKNOWLEDGEMENT

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

State of California
County of Los Angeles
On August 14th, 2020 before me, Madison Rose Gardner, Notary Public
(here insert name and title of the officer)

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

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

WITNESS my hand and official seal
Signature [Handwritten Signature]

