

ORDINANCE NO. 1826

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GARDENA, CALIFORNIA APPROVING ZONE CHANGE #4-20
CHANGING THE ZONING OF THE PROPERTY LOCATED AT 1031
MAGNOLIA AVENUE FROM SINGLE-FAMILY RESIDENTIAL (R-1)
AND MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3) TO
MEDIUM DENSITY MULTIPLE-FAMILY RESIDENTIAL (R-3)
(ZC #4-20; APN: 6113-035-015)**

WHEREAS, on September 3, 2020 the applicant, Steve Stapakis (the "Developer"), filed an application for the construction of a six-unit townhome development on a 0.34 gross acre property located at 1031 Magnolia Avenue (the "Property"); and

WHEREAS, in order to develop the residential project, the following entitlements (collectively, the "Project") are required: General Plan Amendment (GPA #5-20) to change the land use designation from Low/Medium Residential to Medium Density Residential; Zone Change (ZC #4-20) to change the zoning from R-1 and R-3 (Single-Family and Medium Density Multiple-Family Residential) to R-3 (Medium Density Multiple-Family Residential); Site Plan Review (SPR #4-20) allowing the development of the six townhomes in four buildings; Tentative Tract Map (TM #3-20) subdividing the property for six condominium units; and a Variance (VAR #2-20) for reduced side yard setbacks; and

WHEREAS, on March 2, 2021, the Planning Commission held a public hearing; and

WHEREAS, there were only three Commissioners present at the March 2, 2021 meeting and a motion was made to approve the General Plan Amendment, but failed to pass; and

WHEREAS, a new public hearing was held on April 20, 2021 and all members of the Planning Commission were present; and

WHEREAS, the Planning Commission considered all material and evidence presented, whether written or oral from both meetings; and

WHEREAS, at the close of the public hearing on April 20, 2021, the Planning Commission adopted PC Resolution No. 3-21 which approved the Site Plan Review # 4-20, Tentative Tract # 3-20, and Variance #2-20, and recommended that the City Council approve the General Plan Amendment #5-20 and Zone Change #4-20; at the same time the Planning Commission directed staff to file notice of exemption for the Site Plan Review, Tentative Tract Map and Variance, and recommended a notice of exemption be filed for the General Plan Amendment and Zone Change; and

WHEREAS, on _____, 2021, the City Council held a duly noticed public hearing on the 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 Ordinance the City Council adopted Resolution No. 6501 approving the General Plan Amendment and Zone Change;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY ORDAIN 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 a split of Single Family Residential (R-1) and Medium Density Multiple-Family Residential (R-3) to all Medium Density Multiple-Family Residential 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 in a predominantly residential area. There is a mix of multiple-family and single-family residential to the east and west of the Property; single-family residential to the north; and multiple-family residential to the south, across Magnolia Avenue. Magnolia Avenue is a Local street designed to provide vehicular, pedestrian and bicycle access to individuals parcels throughout the City.

2. The Property has two different zoning designations on a single parcel. The front of the Property is designated as Medium Density Multiple-Family Residential (R-3) and the rear of the Property is designated as Single-Family Residential (R-1).

3. The only access to the Property is from Magnolia Avenue, meaning the single-family portion can be accessed only through the multiple-family portion of the Property and it would be difficult, at best, to legally divide the lot. Additionally, there is currently no legal description or other explanation as to where on the lot the zoning changes from medium- to single-family residential.

4. Having split land use designations and zoning on one property is poor land use practice because zoning is used to determine development rights. When there are two zones that apply to a single parcel, it causes issues in each stage of a development that can lead to properties being undevelopable or not developable to its highest and best use, and where there is no specific delineation of the divide other than a line drawn on a map, it could expose the City, as arbiter of zoning, to legal liability.

5. The dual zoning limits the property’s potential to provide a high-quality residential development as intended by the Goals and Policies of the Land Use

Plan of the City's General Plan.

6. This development will add six single-family residences to the City's overall housing stock. The zoning and the Project which will be built thereunder, is consistent with the following goals and policies of the General Plan: LU Goal1, LU Policy 1.2, DS Goal 2, DS Policy 2.3, DS Policy 2.11, OS Goal 1, Housing Goal 4, Housing Policies 4.1 and 4.4.

7. The change in zoning is consistent with the General Plan Amendment that was concurrently processed for this project.

SECTION 3. RECORD.

Each and every one of the findings and determinations in this Ordinance 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, is Gregg McClain, Interim Community Development Director, City of Gardena, 1700 W. 162nd Street, Gardena, California 90247. Mr. McClain's email is gmcclain@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. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. The zone change which will allow the construction of a six-unit townhome development, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15303(b) - New Construction or Conversion of Small Structures. The project consists of the construction of six new residential condominium units and is located in an urbanized area. As the construction itself is exempt from CEQA, the amendment to the City's General Plan is also exempt under this section and to Guidelines section 15061(b)(3) which states CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA.

B. The project is not subject to any of the exceptions for exemption under Section 15300.2 of the California Environmental Quality Act. The location of the project is predominantly urban and not considered a sensitive environment; therefore, the project will not result in any significant impacts that may otherwise occur in a sensitive environmental area. The cumulative impact of this project, and the approval of other

projects like it in the vicinity, is not expected to have any significant environmental impact. Not only would the project not have any significant effects, but there are no unusual circumstances applicable to this project site. The project is not located along any state designated scenic highway nor within any designated hazardous waste site. There are no historical resources which would be impacted. Staff does not expect any significant impacts or unusual circumstances related to the approval of this project.

C. Staff is hereby directed to file a Notice of Exemption.

SECTION 7. CERTIFICATION.

The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

TASHA CERDA, Mayor

ATTEST:

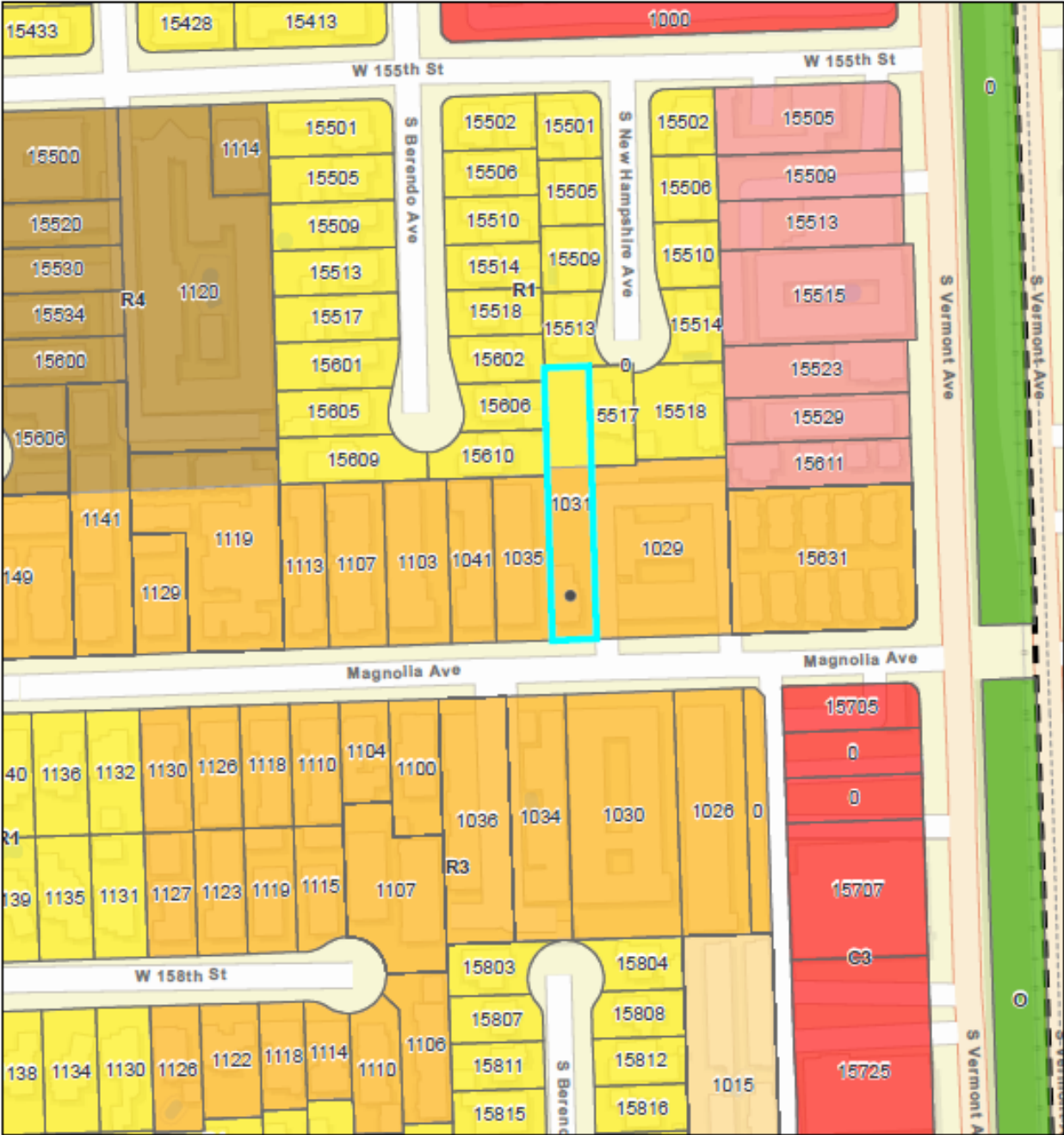
MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

LISA KRANITZ, Assistant City Attorney

Exh. A – Zoning Map

Exhibit A



2/25/2021, 8:15:44 AM

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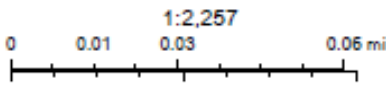


Exhibit A

