

RESOLUTION NO. PC 3-21

A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A GENERAL PLAN AMENDMENT AND ZONE CHANGE; AND APPROVING A SITE PLAN REVIEW, TENTATIVE TRACT MAP, AND VARIANCE ALL RELATED TO THE DEVELOPMENT OF A SIX-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON A 0.34 GROSS ACRE PARCEL AT 1031 MAGNOLIA AVENUE

(EA #9-20; SPR #4-20; GPA #5-20; ZC #4-20; TM #3-20 (83100); VAR #2-20)

(APN: 6113-035-015)

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

SECTION 1. RECITALS

- A. 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”);
- B. 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 Multi-Family Residential Zone) 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;
- C. On February 18, 2021, a public hearing was duly noticed for the Planning and Environmental Quality Commission meeting for March 2, 2021;
- D. On March 2, 2021, the Planning Commission held the public hearing at which time it considered all material and evidence presented, whether written or oral;
- E. 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;
- F. A new public hearing was held on April 20, 2021, and all members of the Planning Commission were present;

- G. The Planning Commission considered all material and evidence presented, whether written or oral from both meetings; and

In making the various findings set forth herein, the Planning Commission considered all of the evidence presented by staff, the applicant, and the public, whether written or oral, and considered the procedures and the standards required by the Gardena Municipal Code. 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. GENERAL PLAN AND ZONING RECOMMENDATION

The Planning Commission hereby recommends that the City Council: adopt the Resolution attached hereto as Attachment A, changing the General Plan land use designation for the Property from Low/Medium Residential to Medium Density Residential; and adopt the Ordinance attached hereto as Attachment B changing the zoning on the Property from R-1 and R-3 (Single-Family and Medium Multi-Family Residential Zone) to R-3 (Medium Density Multiple-Family Residential). In making these recommendations the Planning Commission incorporates the findings set forth in those Attachments.

SECTION 3. SITE PLAN REVIEW APPROVAL

Site Plan Review (#4-20) for the construction of six new townhomes, is hereby approved based on the following findings and subject to the conditions attached hereto as Attachment E. The plans being approved are dated August 17, 2020, and attached hereto as Attachment C, as the same may be modified by the conditions of approval.

- 1. 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.***

As part of the Project, Developer sought approval of a General Plan Amendment and Zone Change, changing the land use and zoning designation for the Property from Low/Medium Residential and R-1/R-3 to Medium Density Residential and R-3. The Zone Change and General Plan Amendment will allow a quality residential development within an underutilized parcel of land that will assist the City in reaching its regional housing goals as well as providing much needed revenue from fees, property taxes, and utility user tax. Allowing the six-unit townhome project would be consistent with various goals and policies of the General Plan including the following:

- LU Goal 1: Preserve and protect existing single-family and low/medium-density residential neighborhoods while promoting the development of additional high quality housing types in the City.
- LU Policy 1.2: Protect existing sound residential neighborhoods from incompatible uses and development.

- DS Goal 2: Enhance the aesthetic quality of the residential neighborhoods in the City.
- DS Policy 2.3: Encourage a variety of architectural styles, massing, floor plans, color schemes, building materials, façade treatments, elevation and wall articulations.
- DS Policy 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.
- OS Goal 1: Maintain and upgrade the existing parks and recreation facilities to meet the needs of all residents.
- Housing Plan Goal 4: Provide adequate residential sites through appropriate land use and zoning to accommodate the City's share of regional housing needs
- Housing Policy 4.1: Implement land use policies that allow for a range of residential densities.
- Housing Policy 4.4: Encourage development at maximum attainable densities and encourage use of density bonuses for inclusion of affordable units.

The applicant's original design was for all structures to include three-story units. However, the back two structures were redesigned to lower the height of the rear two units in order to address concerns from the surrounding single-family home properties. By reducing the height of these units, as well creating space between the units above the first floor in the middle two buildings, the applicant maintained the intent and feel of the R-1 zone for the area of the site that abuts the R-1 properties. The project features a modern architectural style that incorporates a variety of building materials, textures, and colors.

In accordance with GMC Title 17, the applicant will be providing a park in-lieu fee of \$60,000 to the City that will be dedicated towards future parks or towards maintaining and upgrading the existing parks and recreation facilities throughout the City.

The project adds six single-family residences to the City's overall housing stock. The residential development creates an attractive living environment for prospective homebuyers in this area of Gardena.

2. *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, which is incorporated by reference, the site plan meets all the development requirements with the exception of the side yard for which a variance has been granted, and the proposal, as conditioned, is

compatible with, and not detrimental to, the surrounding land uses and general welfare of the City.

SECTION 4. TENTATIVE TRACT MAP APPROVAL

Based on the fact that none of the findings which would prohibit the approval of a map are present, and the map satisfies all requirements of Gardena Municipal Code Chapter 17.08 and Government Code Sections 66474, 66473.1, and 66473.5, Tentative Tract Map No. 83100, as shown on Attachment D, creating six condominium lots is hereby approved, subject to conditions of approval (Attachment E).

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 have a split designation for the project site as both Low and Medium Density Residential and R-3/R-1, however, a General Plan Amendment and Zone Change are included in the proposed entitlements to maintain consistency with the multi-family residential use. The project is for six residential condominium units, which comply with the intent of the Medium Density Residential designation to provide quality multifamily living environments. Additionally, the project 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, and OS Goal 1. Housing Plan Goal 4 provides for adequate residential sites through appropriate land use and zoning to accommodate the City's share of regional housing needs. Policies for Goal 4 include implementing land use policies that allow for a range of residential densities (Policy 4.1) and encourage development at maximum attainable densities (Policy 4.4). The project provides a density of 17 dwelling units per acre, which is the maximum in the R-3 zone. Therefore, the project is consistent with the City's General Plan Land Use Plan and Housing Element Plan.

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

The site is 14,676 square feet and is essentially flat. The subject parcel can accommodate the six units within the four buildings. The site also provides adequate vehicular access. Therefore, the site is physically suitable for the type and density of the 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 is currently developed with a one-story residential duplex. There is no suitable habitat for fish, or wildlife in the area which will be harmed by the project. Furthermore, the subdivision was designed to provide adequate and safe access for pedestrians, and emergency vehicles. The residential development by its nature is not expected to create environmental 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 only public easements located on the property are for underground conveyance of water. The subdivision was designed to not interfere with any 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, the general direction of the prevailing winds can be expected to allow the development to benefit from natural and passive cooling opportunities in the summer. Therefore, the configuration of the subdivision lots provides for future passive or natural heating and cooling opportunities.

Additionally, all buildings will comply with Title 24 requirements, including Cal Green standards, as adopted by the City, which will require each unit to provide a right-sized photovoltaic system.

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

SECTION 5. VARIANCE APPROVAL

Variance # 2-20 to allow for the reduced side yard setbacks is hereby approved based on the following findings and the conditions set forth in Attachment E.

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 minimum width, in accordance with the Gardena Municipal Code, for a property in the R-3 zone is 50 feet. The width of the subject parcel is substandard by 1.02 feet, measuring 48.92 feet. The property was legally subdivided in this

manner and therefore the lot width is considered legal nonconforming. The side yard setbacks for buildings in the R-3 zone is 10 feet when the R-3 zone abuts the R-1 or R-2 zone and 7 ½ feet when the building is 3-stories and abuts other zones.

Part 1 – Reduced Side Yard Setback for Buildings A and B

Buildings A and B abut the R-3 zone and therefore require a 7 ½ foot setback. A variance of ½ foot is required for the west side of the property as the setback is only 7 feet. The substandard width creates a special circumstance justifying the reduction.

Part 2 – Reduced Side Yard Setback for Buildings C and D

Buildings C and D abut the R-1 zone and therefore require a 10 foot setback on each side. Building C requires a 2 foot variance on the west side and Building D requires a 5 foot variance on both sides. A height of 35 feet and 3 stories is allowed for projects in the R-3 zone. In order to develop a project that is more compatible with the adjacent R-1 properties, the height of Building C has been reduced to 30 feet and 2 stories with a loft and the height of Building D has been reduced to approximately 25 feet and 2 stories, which is consistent with the R-1 standards. In order to reduce the height to be more compatible with the adjoining R-1 zoned properties, it was necessary to increase the footprint of the ground floor on these units to make up for the lost square footage on a third-floor. This change would not be required except for the fact that the special circumstances of this property being substandard in width, and being surrounded by R-1 properties on the northern portion of the property. Further, the rear building has been designed to meet R-1 standards.

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 subject property is the only R-3 parcel in area that has a substandard lot width. The other properties in the area that are developed with multifamily residential have an average lot width of 85 feet. The allowance of the reduction in the required side yard setbacks does not grant a special privilege for the subject property. Other properties have been allowed to reduce setbacks where the property is substandard in width. The variance does not create a special privilege as most other R-3 properties are not similarly burdened.

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.

The variance will not be detrimental to the public health, safety, convenience, and welfare or injurious to property and improvements in the same vicinity for the following reasons. The reduction in the side yard setbacks allows the Developer to comply with the minimum requirements of the Los Angeles County Fire Department fire lane dimensions and the Gardena Municipal Code minimum standards for two-car garages. Building D is being developed as a stand-alone unit and only to the height allowed in the R-1 zone. The R-1 zone only requires a five foot side yard setback which this building provides.

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.

Allowing the reduced side yard setbacks would not conflict with the City's General Plan. The variance allows the development to proceed, and the development advances the goal and policies of the General Plan as described in Section 3 above.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. The project, to construct a six-unit townhome development, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemption:
 - Class 3—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.
- 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. The project to amend the City's General Plan Land Use and zoning map is exempt from the provisions of CEQA, pursuant 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.

- The amendments to the City's General Plan Land Use and zoning map authorizes the development of the six residential units within four buildings, which qualifies for a categorical exemption from the provisions of CEQA. Therefore, the General Plan Amendment and Zone Change cannot have an impact because of the development of the Project is exempt.

D. Staff is hereby directed to file a Notice of Exemption for the Site Plan Review, Tentative Tract Map and Variance and recommends that the City Council direct staff to file a Notice of Exemption for the General Plan Amendment and Zone Change.

SECTION 7. APPEAL.

The approvals granted by this Resolution may be appealed within 10 calendar days from adoption of this resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 8. 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 9. 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 phone number is 310/217-9524.

SECTION 10. EFFECTIVE DATE.

This Resolution shall take effect immediately, but the approvals granted by this Resolution shall only become effective if the City Council approves the General Plan Amendment and Zone Change as recommended in Section 2 above.

PASSED, APPROVED, AND ADOPTED this 20th day of April, 2021.

BRENDA JACKSON, CHAIR
PLANNING COMMISSION

ATTEST:

GREGG MCCLAIN, SECRETARY
PLANNING COMMISSION

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF GARDENA

I, Gregg McClain, Planning and Environmental Quality Commission Secretary of the City of Gardena, do hereby certify the following:

1. That a copy of this Resolution and the draft conditions of approval (Attachment E) will be sent to the applicant and to the City Council as a report of the findings and action of the Planning and Environmental Quality Commission; and
2. That the foregoing Resolution was duly adopted by the Planning and Environmental Quality Commission of the City of Gardena at a regular meeting thereof, held the 20th day of April, 2021, by the following vote of the Planning Commission:

AYES:
NOES:
ABSENT:

Attachments:

A – Draft General Plan Amendment Resolution No. 6501

- Exhibit – General Plan Land Use Map change

B – Draft Ordinance No. 1826

- Exhibit – Zone Change Map

C – Development Plans

D – Tentative Tract Map

E – Conditions of Approval