

**CITY OF GARDENA  
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION**

STAFF REPORT  
RESOLUTION NO. PC 3-21  
EA #9-20; SPR #4-20; GPA #5-20; ZC #4-20; TM #3-20 (83100);  
VAR #2-20  
APNS: 6113-035-015  
AGENDA ITEM #5.A

DATE: April 20, 2021

TO: Chair Jackson and Members of the Planning and Environmental Quality Commission

FROM: Gregg McClain, Interim Community Development Director

CASE PLANNER: Amanda Acuna, Senior Planner

APPLICANT: Steve Stapakis

LOCATION: 1031 Magnolia Avenue  
(APN: 6113-035-015)

REQUEST: The applicant requests the following entitlements for the construction of a six-unit townhome development on a 0.34 gross acre property:

- 1) General Plan Amendment (GPA #5-20) to change the land use designation of the property from Low/Medium Density Residential to Medium Density Residential;
- 2) Zone Change (ZC #4-20) changing the zoning from R-1/R-3 (Single-Family and Medium Multi-Family Residential Zone) to R-3 (Medium Multi-Family Residential Zone);
- 3) Tentative Tract Map (TM #3-20) subdividing the property for six condominium units; and a
- 4) Site Plan Review (SPR #4-20) allowing the development of the six townhomes in four buildings;
- 5) Variance (VAR #2-19) for a reduced side yard setbacks.

## **BACKGROUND**

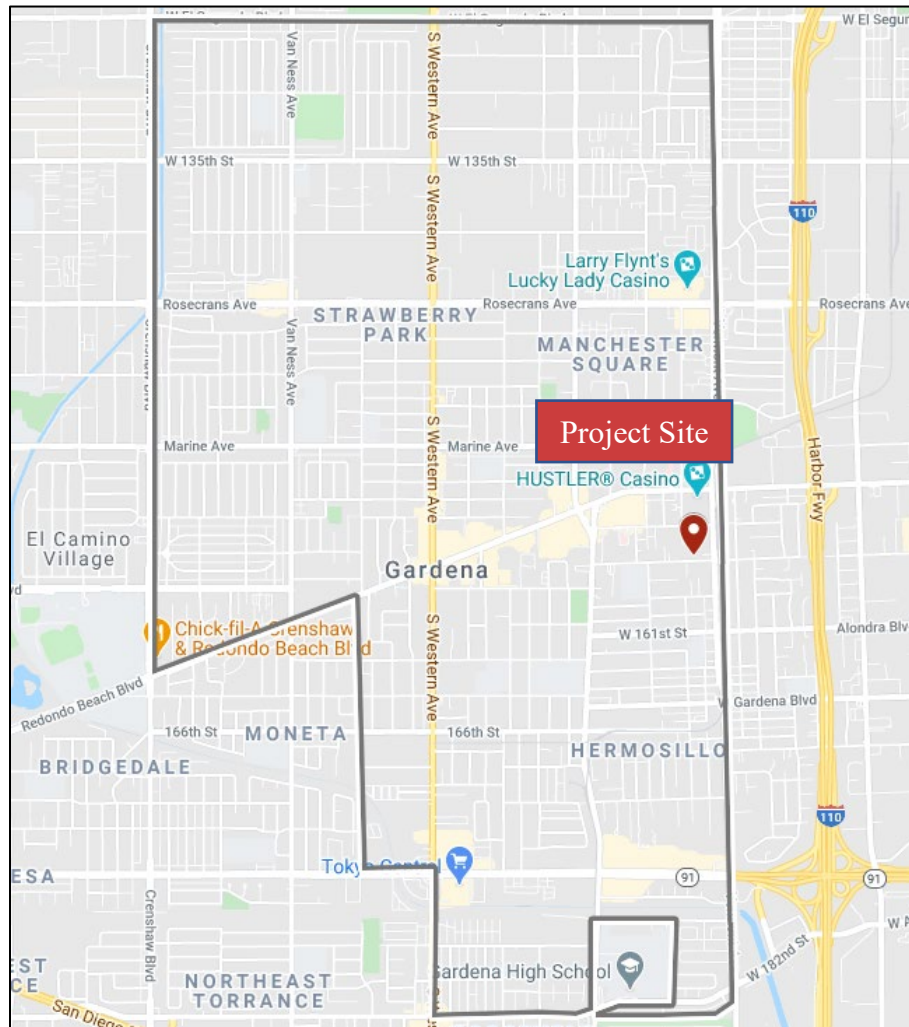
On March 2, 2021, the Planning Commission held a public hearing to consider a General Plan Amendment, Zone Change, Tentative Tract Map, Site Plan Review and Variance all in relation to the development of a six-unit townhome style residential development at the property located at 1031 Magnolia Avenue.

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. The entire project was re-noticed for a new public hearing for April 20, 2021. This staff report contains updated and corrected information.

## **PROJECT DESCRIPTION/SETTING**

The subject property is located at 1031 Magnolia Avenue which sits on the north side of Magnolia Avenue, just east of Vermont Avenue (Figure 1 – Vicinity Map). The property consists of one parcel that measures 48.92 feet in width and 300 feet in depth, with a total lot size of 14,676 square feet. The site currently contains a residential duplex building, and the remaining area is vacant. The project site is bounded by single-family homes to the north, multifamily homes to the south across Magnolia Avenue, and both single family homes and multifamily homes to the west and east of the project site.

**FIGURE 1: VICINITY MAP**



The applicant proposal includes demolition of the existing structure and construction of four townhome-style buildings with a total of six-units. Two of the buildings in the middle part of the lot will contain two attached condominium units. The other two buildings are detached units; one located in the front of the development and the other at the rear of property. Each unit will have their own two-car garage with overhead storage space.

The property has two different General Plan land use and zoning designations on a single parcel. The front of the property is designated and zoned for Medium Density Multiple-Family Residential (R-3) and the rear of the property is designated and zoned for Single-Family Residential (R-1). There is no indication as to where the actual change in land use designation and zoning takes place other than a line on the maps.

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.

In order to develop the project, changes to the General Plan Land Use Map and Zoning Map are required.

During the review process of the project, the applicant heard concerns from neighboring residents concerning potential impacts of the originally proposed project that consisted of all three-story units. To address these concerns the applicant resubmitted revised plans that maintained the intent of the R-1 for the residential units located on the rear end of the property. In order to address these concerns while still allowing a home of sufficient size to be built the applicant reduced the units in height but requires a variance to have a reduction in the side yard setbacks.

The Planning Commission is being asked to take the following actions:

- 1) Recommend that the City Council adopt the General Plan Amendment and Zone Change (the "Legislative Actions");
- 2) Approve the Site Plan Review, for the construction of six residential townhome units, subject to City Council approval of the Legislative Actions;
- 3) Approve the Tentative Tract Map, to create the six condominium lots, subject to City Council approval of the Legislative Actions; and
- 4) Approve the Variance, to allow for a reduced side yard setbacks, subject to City Council approval of the Legislative Actions.

## **ANALYSIS**

### ***GENERAL PLAN AMENDMENT #5-20; ZONE CHANGE #4-20***

Per GMC Section 18.52.010, whenever the public necessity, convenience, general welfare, or good land use and zoning practices require, the Council may amend, supplement or change the land use designation, regulations, zone boundaries or classifications of property in accordance with the procedures of the California Government Code, as supplemented by the provisions of the GMC.

The property has two different land use and zoning designations on a single parcel as described above. The only access to the property is from Magnolia Avenue, meaning the R-1 portion can be accessed only through the R-3 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 land use changes from medium to low density. Having two different land use and zoning designations causes issues that can lead to properties being underdeveloped, such as this property.

The subject site currently has a single-story residential duplex building on the southern end of the property and the remaining area is vacant land. The applicant is proposing to construct a residential development with a density of 17 units per the acre, which would be consistent with the development standards of the R-3 zone.

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 residential condominium project is consistent with various goals and policies of the General Plan Land Use Plan (LU), Community Design Plan (DS), Open Space Plan (OS), and Housing Element 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 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.

#### ***SITE PLAN REVIEW - DEVELOPMENT STANDARDS***

The proposed project has been reviewed for compliance with the development standards of the R-3 zone.

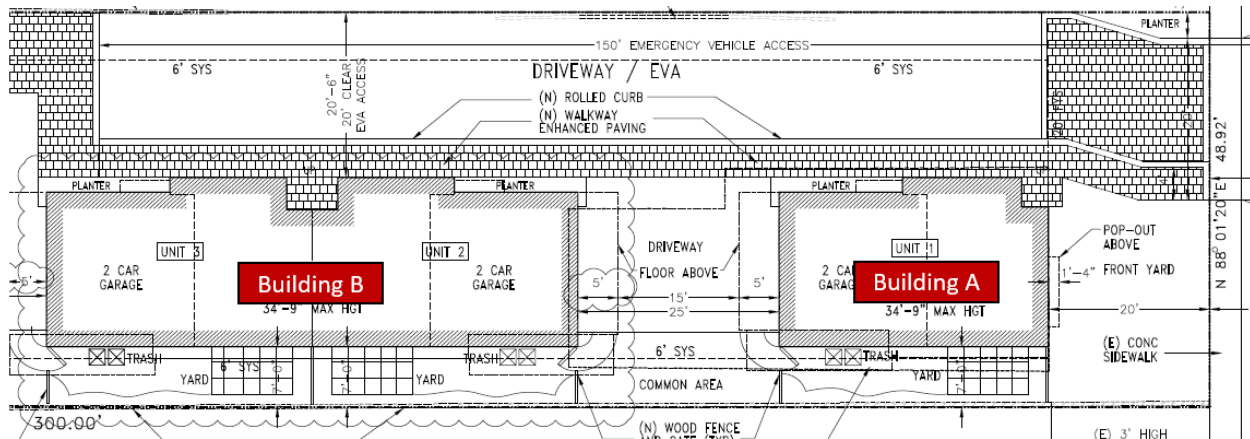
TABLE 1: DEVELOPMENT STANDARDS FOR THE R-3 ZONE - UPDATED

<i>Standard</i>	<b>Development Standard Comparison</b>		<i>Compliant</i>
	<i>R-3 Zone</i>	<i>Project</i>	
<b>Lot Area (square feet)</b>	5,000	14,676	Yes
<b>Min. Lot Width</b>	50 ft	48.92	No (legal nonconforming)
<b>Min. Lot Depth</b>	80	300	Yes
<b>Max. Density</b>	6 units	6	Yes
<b>Max. Height</b>	35 ft	30 – 35	Yes
<b>Setback</b>			
▪ <b>Front</b>	20	20	Yes
▪ <b>Side—Bldgs. A&amp;B</b>	7.5	7 (west)/ 20.5 (east)	<b>Variance required</b>
<b>Side – Bldg. C</b>	10 (adj. R-1)	8 (west)/ 10 (east)	
<b>Side – Bldg. D</b>	10 (adj. R-1)	5 (west)/ 5 (east)	
▪ <b>Rear</b>	10	10	Yes
<b>Min. Parking</b>			
2 spaces per unit	12 spaces	12	Yes
Guest Parking – ½ space per unit	3	3	Yes
<b>Min. Open Space</b>			
600 SF/DU	3,600 sf	3,970	Yes
<b>Max. Fences</b>			
Front Yard Setback	3.5 ft	3	Yes
Rear and Side Yards	7	6	Yes
<b>Refuse areas</b>	Two bins in garage	Two bins in side yards	Yes
<b>Min. Storage Area (cubic feet per unit)</b>	120	200	Yes

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 prior to the first Planning Commission hearing. Since that time, the applicant has made further revisions to the rear buildings. The decks of the two rear buildings were relocated to the middle of the units and windows on the sides were eliminated or raised above eye level to address privacy concerns. By reducing the height of these units, as well creating space between

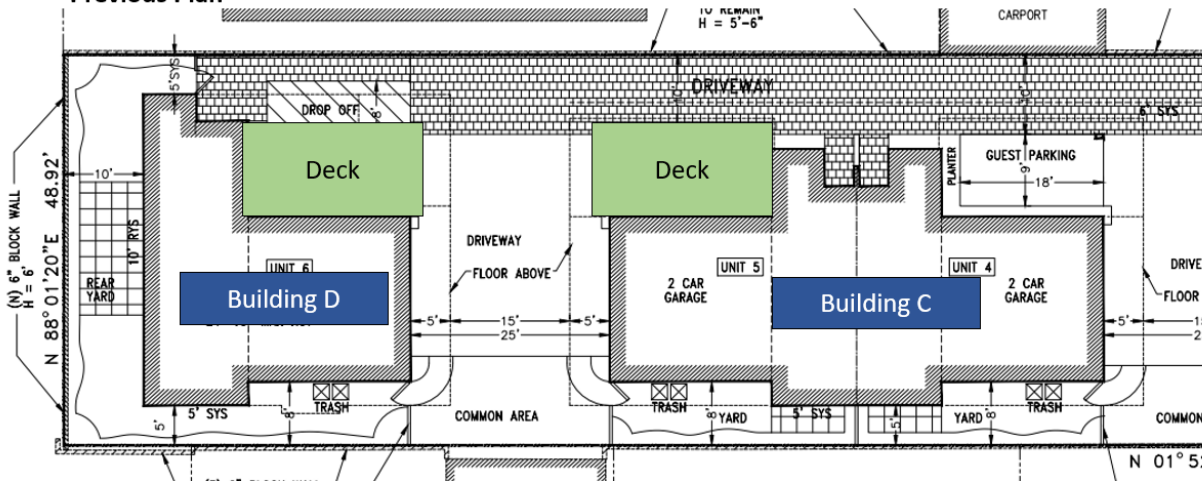
the units above the first floor in the middle two buildings, the applicant maintained the intent and feel of the R-1 zone for the area of the site that abuts the R-1 properties. Additionally, the applicant has redesigned Building C on the east side in order to increase the setback from 5 feet to 8 feet.

**Figure 2: Site Plan – Buildings A & B**

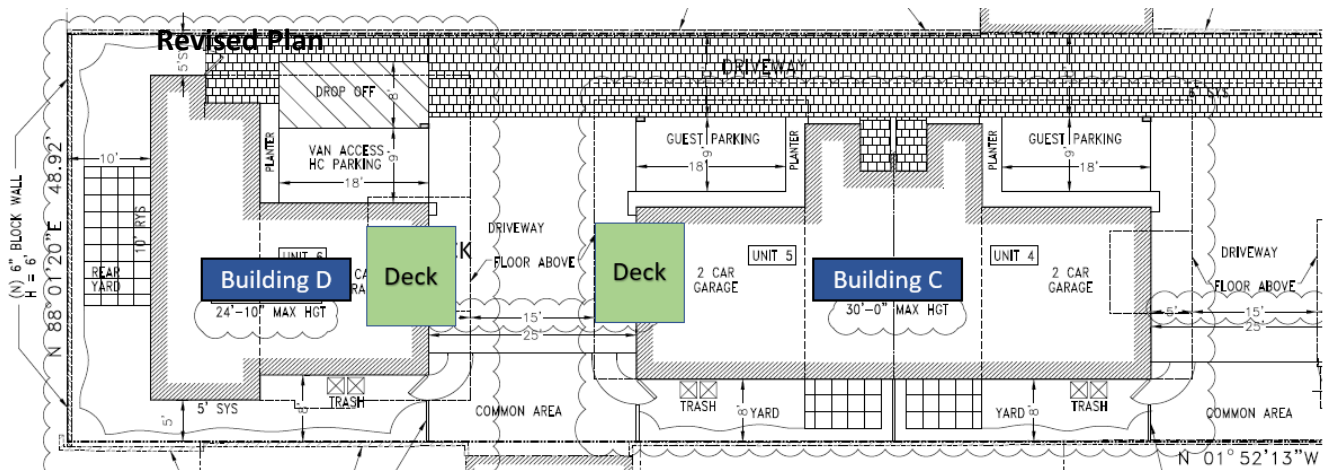


**Figure 3: Site Plan – Buildings C & D**

**Previous Plan**



**Revised Plan**



### **TENTATIVE TRACT MAP NO. 83100 (TM #3-20)**

The purpose of a tentative tract map review is to identify those conditions that should be applied to ensure that each parcel is designed so as to comply with the State Subdivision Map Act and good design practice. As stated above, the applicant proposes a Tentative Tract Map for the development of a six-unit condominium townhome project.

In accordance with the City of Gardena General Plan, including the Open Space Plan, and in accordance with the Subdivision Map Act, specifically Government Code Section 66477, the City of Gardena requires either the dedication of land, the payment of in-lieu fees, or a combination of both for the park or recreational purposes as a condition of the approval of a tentative or parcel map for residential subdivisions. The total parkland required for the subject project is 0.054 gross acres. The applicant has chosen to pay the in-lieu fee, which is \$10,000 per unit in accordance with Resolution No. 6433. Total in lieu park fee for this project is \$60,000 and shall be paid in full to the City prior to recordation of the final map.

The condominium development will be regulated by specific covenants, conditions and restrictions (CC&Rs) that are enforced by a Homeowners Association. The condominium owners will have mutual ownership of the common areas within the development, and individual ownership of the air space occupied by each unit. These areas will be delineated on a condominium plan, which will be filed with the Department of Real Estate.

The State Subdivision Map Act includes a list of grounds for denial; if any one of the findings is made, the map must be denied:

- ❖ *The map and design and improvement of the proposed subdivision is not consistent with applicable general and specific plan (§ 66474; § 66473.5)*
  - The concurrent approval of the General Plan Amendment and Zone Change ensure that the tentative map and intended development is consistent with the General Plan and zoning for the reasons described above.
- ❖ *The site is not physically suitable for the type or density of development (§ 66474)*
  - The site is 14,676 square feet and is essentially flat. The subject parcel can accommodate the six units within the four proposed buildings. The site also provides adequate vehicular access. Therefore, the site is physically suitable for the type and density of the proposed development.



- ❖ *The design of the subdivision or the proposed improvements are likely to cause serious public health problems, substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (§ 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 proposed residential development, by its nature, is not expected to create environmental or public health problems.
- ❖ *The design of the subdivision or type of improvements will conflict with public access easements (§ 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.
- ❖ *The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating and cooling opportunities (§ 66474.5).*
  - 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.

With the conditions of approval and approval of the associated entitlements, the project and project design will be consistent with the General Plan and the State Subdivision Map Act as supplemented by Title 17 of the Gardena Municipal Code.

## VARIANCE

The subject lot has a dimension of 48.92 feet in width and 300 feet in depth. Additionally, to address concerns from the surrounding single-family home properties the back two structures were redesigned to lower the height of the rear two units, the decks were

relocated to the middle of the units, and windows on the sides were eliminated or raised above eye level. The applicant is proposing to have reduced side yard setbacks due to the challenges of the physical size of the lot and the intent to have less impact to surrounding single-family homes while still providing a quality design.

Although the applicant is proposing a reduced side yard setback, it will not be detrimental to the public health, safety or welfare as it will still provide adequate access and actually provide a more attractive design that is compatible with the surrounding area.

It is important to recognize that if this lot could be legally divided, presumably along the lines of adjacent R-1 property to the east, the property could still be developed with six units consisting of four condominium units on the front portion and a single-family residence and an accessory dwelling unit (ADU) on the rear portion. Required setbacks in the R-1 zone are only five feet for both rear and side yards lines and an ADU is only required to have four foot setbacks. The height limit in the R-1 zone is 25 feet for both the main structure and an ADU. Only 2 parking spaces would be required for the single-family dwelling and ADU as there is no provision for guest parking on single-family parcels and parking cannot be required for the ADU. So instead of providing 15 on-site parking spaces, the development would only be required to provide 12 spaces. As designed, the project exceeds what could be developed with R-1 zoning.

In accordance with GMC Section 18.48.020, a variance is allowed when certain findings can be made:

- *There are special circumstances, including size, shape, topography, location or surroundings which 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 7.5 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 one-half foot 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 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.

- *That the variance shall be subject to conditions to assure that the adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zone in which the property is located;*

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.

- *That granting 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 property is located;*

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.

- *That granting the variance will not adversely affect or be in conflict with the General Plan.*

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.

## ENVIRONMENTAL REVIEW

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15303(b), Class 3, New Construction or Conversion of Small Structures that exempts the construction and location of limited numbers of new, small facilities or structures. Specifically, in urbanized areas this exemption applies to apartments, duplexes, and similar structures designed for not more than six dwelling units. The proposed project consists of the construction four buildings for six new condominium units in the City of Gardena which is an incorporated city with a population of over 10,000 persons. These findings qualify the subject project for inclusion under Section 15303(b) of the CEQA Guidelines.

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. Therefore, the project is categorically exempt from CEQA.

In regard to General Plan Land Use map and zoning map for this parcel, the project would still qualify for an exemption 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 proposed project is still consistent with the intent of original land use designations to provide high quality single-family residential development. Staff requested the proposed changes to the General Plan Land Use map and zoning map due

to the fact that the property was never properly indicated as to which portions of the lot were to be designated under which zone or land use. This creates an inconsistency within the City's land use and zoning map. These legislative actions are seen more of a necessary clean-up.

As the project involves a General Plan Amendment and corresponding Zone Change, the City received a request for consultation from the Gabrieleno Band of Mission Indians-Kizh Nation under Senate Bill (SB) 18. As a result of the consultation, conditions have been added regarding retaining a Native American monitor/consultant and procedures regarding unanticipated discovery of tribal cultural and archaeological resources.

### RECOMMENDATION

Staff recommends the Planning Commission adopt Resolution No. PC 3-21 which does the following:

As the name indicates, the Resolution:

- 1) Recommends that the City Council adopt the General Plan Amendment #5-20, and Zone Change #4-20;
- 2) Approves the Site Plan Review #4-20, subject to the Legislative approvals;
- 3) Approves the Tentative Tract Map No. 83100 (TM#3-20), subject to the Legislative approvals;
- 4) Approves Variance #2-20, subject to City Council approval of the Legislative Actions;
- 5) Directs staff to file notice of exemption for the Site Plan Review, Tentative Tract Map and Variance; and
- 6) Recommends to the City Council that a notice of exemption be filed for the General Plan Amendment and Zone Change.

### 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

F – Public Comments