

RESOLUTION NO. PC 13-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT #9-23, SITE PLAN REVIEW #5-23, AND VARIANCE #1-23 TO ALLOW OPERATIONS OF A NEW PUBLIC UTILITY FACILITY BY THE LOS ANGELES COUNTY SANITATION DISTRICTS IN THE GENERAL COMMERCIAL (C-3) ZONE

**LOCATION: 1919, 1923, 1931 W. ARTESIA BOULEVARD
(APNs: 4094-007-903, 906, 905)**

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

SECTION 1. RECITALS.

A. On July 29, 2023, an application for a conditional use permit and site plan review was submitted to allow the construction of new public utility facility by the Los Angeles County Sanitation Districts (“LACSD”), located at 1919, 1923, and 1931 West Artesia Boulevard (the “Property”).

B. The filed application included a request of approval for a conditional use permit to allow for the relocation of a public utility facility by the Los Angeles County Sanitation District, within the C-3 zone; a site plan approval for the construction of a new wastewater plant within a new 4,000 square foot (-sf) building with a height of 35-feet, and related mechanical equipment; and variances requests from minimum landscape setback, increase in fence height within front yard setback, and variance on roof-top equipment screening (the “Project”).

C. The General Plan land use is Commercial, and the zoning designation of the Property is General Commercial (C-3).

D. The subject Property is bounded by C-3 to the west, north and east, and W. Artesia Boulevard to the south which is within the jurisdiction of the City of Torrance.

E. On May 21, 2024, the Planning Commission of the City of Gardena held a duly, noticed public hearing on the Project at which time it considered all evidence presented, both written and oral.

F. The Planning Commission hereby finds that all the recitals, facts, findings, and conclusions set forth above in the preamble of this Resolution are true and correct.

SECTION 2. CONDITIONAL USE PERMIT.

Conditional Use Permit (#9-23) to allow for the relocation of a public utility facility by the Los Angeles County Sanitation District, within the C-3 zone, is hereby *approved* based

on the following findings and subject to the conditions attached hereto as Exhibit A and the plans being approved, attached hereto as Exhibit B.

A. That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by GMC Chapter 18.46.

Pursuant to GMC section 18.46.030.C.8, a conditional use permit is required for public utility structures and installations in any zone. The application filed by LACSD for a conditional use permit is deemed proper and authorizes the new wastewater pumping plant on the Property which falls under the C-3 zoning district.

B. That such use is necessary or desirable for the development of the community and is compatible with the surrounding uses; is in harmony with the general plan; is not detrimental to the surrounding properties, existing uses or to uses specifically permitted in the zone in which the proposed use is to be located; and will not be detrimental to the public health, safety or welfare.

The area surrounding the Property predominantly consists of industrial and commercial uses. The Project is consistent with the land use goals and policies set forth in the General Plan. The General Plan designates the Property as Commercial land use, which covers a wide variety of land uses and is implemented by the C-3 zone. The Project is consistent with the following goals and policies of the City's Land Use Plan of the Community Development Element:

- *LU Goal 4 Provide the highest quality of public facilities possible to meet the needs of the City's residents and businesses and promote the City's image and cultural heritage.*
- *LU 4.7: Provide adequate public facilities and services for the convenience and safety of each neighborhood.*

The operation of the new pumping station will enhance the quality of public facilities by addressing the needs of both the city's residents and businesses. By providing increased sewer system reliability, the pumping station can accommodate the city's growth and development. The Project would serve the same function as the existing Gardena Pumping Plant and would continue to accept wastewater flows. Further, the pumping station will adhere to regulatory standards and environmental guidelines.

C. That the site for the intended use is adequate in size and shape to accommodate such use and all of the yards, setbacks, walls, fences,

landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the neighborhood.

The new location for the pumping plant is a rectangular lot that measures 100 feet wide and 155 feet deep. The new location for the pumping plant will enable the construction of a larger facility capable of meeting the increased demand for local wastewater flow. The proposed structures comply with the minimum setback regulations of the C-3 zoning designation. Additionally, perimeter fencing surrounding the property is positioned along the property lines to ensure ample clearance for all necessary equipment.

D. That the site for the proposed use relates to streets and highways properly designed and improved so as to carry the type and quantity of traffic generated or to be generated by the proposed use.

Vehicle access to the Property is by way of two (2) driveway entrances: along West Artesia Boulevard. The site provides approximately four parking spaces for maintenance vehicles along the south and east sides of the structure for routine maintenance access.

The Circulation Plan, which is part of the Community Development Element of the Gardena General Plan designates West Artesia Boulevard as an arterial roadway. Arterial roadways are designed to carry larger volumes of traffic and serve as the principal urban thoroughfares connecting activity centers with adjacent communities, as described in the Circulation Plan. The relocation of the existing pumping facility is not expected to attract excess traffic that would ultimately affect the circulation in the area

E. That the conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

The conditions of approval for Conditional Use Permit #9-23 will ensure that the pumping plant will be compatible with, and not detrimental to, ensuring the public health, safety, and general welfare of the surrounding uses, residents, and businesses in the vicinity.

SECTION 3. SITE PLAN REVIEW.

Site Plan Review #5-23 for the construction of a new wastewater plant within a new 4,000 square foot (-sf) building with a height of 35-feet, is hereby *approved* based on the

following findings and subject to the conditions attached hereto as Exhibit A and the plans being approved, attached hereto as Exhibit B.

- A. *The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards.***

The Property is located in the C-3 zone. As shown in the staff report, which is incorporated by reference, the Project complies with the development standards of the C-3 zone, except for those development standards the applicant is requesting a variance for, as described in Section 4, of this Resolution.

- B. *The development is consistent with the intent and general purpose of the general plan and provisions of this code.***

As stated in Section 2 of this Resolution, the Project is consistent with Land Use Goal 4 and Land Use Policy 4.7 of the City General Plan as it will provide a high quality public facility that will assist in meeting the needs of the City's residents and businesses.

- C. *Subject to the approval of the site plan review and the issuance of the conditions of approval, the proposed use will be consistent with the General Plan and Gardena Municipal Code, compatible with the surrounding area, and will not be detrimental to the public health, safety, or welfare. The health and safety services (police and fire) and public infrastructure are sufficient to accommodate the new development.***

The Project involves upgrades to an existing wastewater pumping plant to address existing safety, reliability, and maintenance issues. The same operations that presently occur at the project site would continue upon completion of construction, and no additional operations or maintenance employees would be required. Therefore, the existing health and safety services are sufficient for the project.

- D. *The project is compatible with the surrounding sites and neighborhoods.***

The area surrounding the Property predominantly consists of industrial and commercial uses. All adjacent parcels to the Project are zoned C-3 commercial. Additionally, the pumping plant will only receive occasional visits from staff, minimizing its impact on the surrounding properties.

- E. The project has been determined to be exempt from the California Environmental Quality Act or the appropriate environmental document has been completed and required findings have been made.**

In accordance with the California Environmental Quality Act (CEQA), LACSD prepared and adopted an Initial Study/Mitigated Negative Declaration in June 2019 along with a Mitigation Monitoring and Reporting Program (“MMRP”). In March 2023, an Addendum was prepared for changes to the project. As part of the preparation of the IS/MND and Addendum the City is a Responsible Agency. The Planning Commission will therefore consider the environmental effects set forth in the MND/Addendum. Further information on this matter is explained in Section 5 of this Resolution.

SECTION 4. VARIANCE.

Variance #1-23 for minimum landscape setback, increase in fence height within front yard setback, and variance on roof-top equipment screening, is hereby *approved* based on the following findings and subject to the conditions attached hereto as Exhibit A and the plans being approved, attached hereto as Exhibit B.

- A. 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.**

Variance on Landscaping along Street Frontage

The existing LACSD pumping plant in Gardena is a critical piece of infrastructure, and its operation cannot be interrupted. Because the existing plant must be continually in operation, the new plant must be constructed adjacent to it. The physical size of the Property constrains the development of the Project, and in order to put in the necessary infrastructure with the necessary protection, the Project cannot meet this minimum development standard.

Incorporating a 10-foot landscaping setback at the street frontage would reduce the turning radius available for equipment and vehicles that will be needed in the future for maintenance purposes. Additionally, the 10-foot setback would decrease accessibility to the proposed bypass vaults, manholes and lift station located on the southern portion of the Property. These structures cannot be relocated due to minimum clearance requirements from electrical components and other structures.

Variance on Fence Height

The existing LACSD pumping plant in Gardena is a critical piece of infrastructure, and its operation cannot be interrupted. Because the existing plant must be continually in operation, the new plant must be constructed adjacent to it. The physical size of the Property constrains the development of the Project, and in order to put in the necessary infrastructure with the necessary protection, the Project cannot meet this minimum development standard.

Within the first ten feet of the Property the maximum height of any wall or fence allowed is 3.5-feet. The Zoning Code allows for 8-foot-high walls and fences, past the 10-foot front yard setback. For the same reasons described above, the Project is unable to place the 8-foot-high fence ten feet into the Property. An 8-foot-high fence is necessary to protect essential public infrastructure. The necessity for a taller fence is to ensure the protection of a critical public facility.

Variance on Roof-top Equipment Screening

On top of the building, there is roof-mounted equipment that will have a height of 76 inches, whereas the parapet of the building is 42 inches. As shown in the Exhibit B, the roof-mounted equipment would be situated toward the rear of a 35-foot-tall structure and would unlikely be visible from the public right-of-way. Due to the maximum allowed height for roof parapets set forth by the Los Angeles County Fire Department, the applicant cannot construct a parapet wall that would be 76 inches high along the roof top. Meeting this safety requirement makes it impossible for the applicant to comply with the development standard.

- B. *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.***

Given the unique circumstances of needing to accommodate a necessary public facility and physical constraints of the Property, the Project cannot fully comply with the city's standards of the C-3 zone. However, conditions of the project will assure the adjustments do not grant a special privilege inconsistent with the limitations upon other properties in the vicinity. It should be noted that several properties nearby currently do not adhere to these standards. Nonetheless, the Project includes design features aimed at meeting the intent of development standards.

The fence in the front yard setback will not be setback by landscaping to enhance the view of the public realm, however, the fencing and gates along the front property line will be of high quality design featuring wrought iron panels interspersed with brick that would be similar in color, height, and appearance to fences on nearby properties. Many of the buildings within the vicinity of the Property are industrial in nature and do not provide proper screening of equipment for public vantage points. The applicant has carefully evaluated the placement of the roof-top equipment, opting to position it towards the northern end of the building, furthest away from the public right-of-way.

Granting this variance would not be inconsistent with the limitations placed upon other properties in the vicinity nor with adjacent properties within the C-3 zone.

C. *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 granting of the variances would not be materially detrimental to public health, safety, convenience and welfare or injurious to property and improvements in the same vicinity. On the contrary, the Project will benefit the public welfare and adjacent properties by providing increased sewer system reliability and the ability to construct and maintain essential public infrastructure in a safe and secure manner.

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

Granting the variance will not adversely affect or be in conflict with the City's General Plan. The Project is consistent with Land Use Goal 4 and Land Use Policy 4.7 of the City General Plan to provide the highest quality public facilities to meet the needs of the City's residents and businesses.

SECTION 5. ENVIRONMENTAL ASSESSMENT.

- A. LACSD adopted an Initial Study/Mitigated Negative Declaration ("IS/MND") on June 19, 2019 along with a Mitigation Monitoring and Reporting Program ("MMRP") in accordance with the provisions of the California Environmental Quality Act ("CEQA"), which evaluated the environmental impacts associated with the Project, and is hereby attached as Exhibit C.

- B. The IS/MND adequately assesses the impacts of the Project.
- C. In March of 2023 an Addendum was prepared for changes to the Project involving the additional construction work for a below-grade wet and dry well and above grade electrical room, and vehicle access and parking for approximately four maintenance vehicles for routine maintenance access. The Addendum is hereby attached as Exhibit D.
- D. The analysis conducted under the prepared Addendum provided sufficient evidence that the modified project did not preset a substantial change from the previously project evaluation, that no substantial change occurred with respect to the circumstances under which the modified project was undertaken, and that the modifications to the project have not introduced new information of substantial importance which was not known and could not have been know at the time the MND was certified.
- E. The MND and Addendum were all independently reviewed by City staff.
- F. The Planning Commission hereby certifies that it also reviewed and considered the MND and Addendum for the Project and determines that the documents adequately assess the impacts of the Project.
- G. Staff is hereby directed to file a Notice of Determination to this effect.

SECTION 6. APPEAL.

The approvals granted by this Resolution may be appealed within 10 calendar days from the 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. The City Council may also call this matter for review within the same time period.

SECTION 7. RECORD.

Each and every one of the findings and determinations in this Resolution is 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 8. CUSTODIAN OF RECORD.

The Custodian of Record for the proceedings relating to the Project is Greg Tsujiuchi, Community Development Director, City of Gardena, 1700 West 162nd Street, Gardena, California 90247. Mr. Tsujiuchi's email is gtsujiuchi@cityofgardena.org and his phone number is (310) 217-9530.

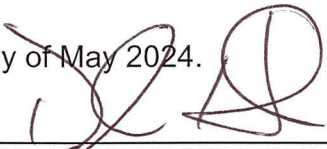
SECTION 9. EFFECTIVE DATE.

This Resolution shall take effect immediately.

SECTION 10. CERTIFICATION.


The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 21st day of May 2024.



DERYL HENDERSON, CHAIR
PLANNING AND ENVIRONMENTAL
QUALITY COMMISSION

ATTEST:



AMANDA ACUNA, SECRETARY
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF GARDENA

I, Amanda Acuna, Planning and Environmental Quality Commission Secretary of the City of Gardena, do hereby certify 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 on the 21st day of May 2024, by the following vote:

AYES: Langley, Wright-Scherr, Sherman, Kanhan and Henderson
NOES: None
ABSENT: None

Exhibit A – Draft Conditions of Approval
Exhibit B – Project Plans
Exhibit C – Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Reporting Program dated May 2019
Exhibit D – Addendum to IS/MD dated May 2023