



# PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

## Regular PEQC Meeting Notice and Agenda

Website: [www.cityofgardena.org](http://www.cityofgardena.org)

**Tuesday, February 20, 2024 – 7:00 PM**  
1700 W. 162nd Street, Gardena, California

If you would like to participate in this meeting, you can participate via the following options:

1. **PARTICIPATE BEFORE THE MEETING** by emailing the Gardena Board/Commission/Committee at [publiccomment@cityofgardena.org](mailto:publiccomment@cityofgardena.org) two (2) hours before the meeting starts on the day of the meeting and write "Public Comment" in the subject line.

2. **ATTEND THE MEETING IN PERSON**

**PUBLIC COMMENT:** The Gardena Board/Commission/Committee will hear from the public on any item on the agenda or any item of interest that is not on the agenda at the following times:

- Agenda Items: At the time the Board/Commission/Committee considers the item or during Public Comment
- If you wish to address the Gardena Board/Commission/Committee, please complete a "Speaker Request" form and present it to staff. You will be called upon when it is your turn to address the Board/Commission/Committee. The Board/Commission/Committee cannot legally take action on any item not scheduled on the Agenda. Such items may be referred for administrative action or scheduled on a future Agenda. Members of the public wishing to address the Board/Commission/Committee will be given three (3) minutes to speak.

The City of Gardena, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk's Office by phone (310) 217-9565 or email [cityclerk@cityofgardena.org](mailto:cityclerk@cityofgardena.org) at least 24 hours prior to the scheduled general meeting to ensure assistance is provided. Assistive listening devices are available.

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### STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS

- Treat everyone **courteously**;
- Listen to others **respectfully**;
- Exercise **self-control**;
- Give **open-minded** consideration to all viewpoints;
- Focus on the issues and **avoid personalizing debate**; and
- **Embrace respectful disagreement** and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions.

**Thank you for your attendance and cooperation.**

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1. **CALL MEETING TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

1. Steve Sherman
2. Deryl Henderson
3. Stephen Langley
4. Jules Kanhan
5. Ronald Wright-Scherr

4. **APPROVAL OF MINUTES**

4.A February 6, 2024 MEETING  
[24\\_02\\_06 PCMIN](#)

5. **ORAL COMMUNICATIONS**

This is the time where the public may address the Planning Commission on items that are not on the agenda, but within the Planning Commission's jurisdiction. Comments should be limited to three minutes.

6. **PUBLIC HEARING ITEMS**

6.A **Appeal of Revocation for Site Plan Review #4-15**

An appeal by The Tire House from the Community Development Director's Intent to Revoke Approval of Site Plan Review #4-15, pursuant to Gardena Municipal Code Section 18.44.070, discontinuing auto repair facility uses in the General Commercial (C-3) Zone, due to multiple violations of the conditions of approval imposed by the Planning and Environmental Quality Commission on August 26, 2015. The Commission will also consider a determination that the action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 21 exemption, pursuant to Guidelines Section 15321.

**CASE NAME:** Appeal of Community Development  
Director's Decision to Revoke Site Plan  
Review #4-15

**APPELLANT  
NAME:** The Tire House, Inc. (dba "The Tire  
House")

**REPRESENTATIVE:** John Mardirossian

**PROPERTY  
OWNERS:** Mr. Der L. Mu / Mr. John MU

[Staff Report for Appeal of Revocation.pdf](#)

[Attachment A - Letter and Conditions of Approval for Site Plan Review #4-15.pdf](#)

[Attachment B - Notice of Intent to Revoke from Community Development  
Director.pdf](#)

**6.B ZONE TEXT AMENDMENT #2-24**

Recommendation to City Council for adoption of Ordinance making changes to Gardena Municipal Code to implement the programs set forth in the City's 6th Cycle 2021-2029 Housing Element and changes required by state law and making findings that adoption of the Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3)

[Staff Report \(Housing Programs\).pdf](#)

[Resolution No. PC. 3-24 \(Housing Programs\).pdf](#)

[Draft Ordinance No.1866.pdf](#)

**7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

**8. PLANNING & ENVIRONMENTAL QUALITY COMMISSIONERS' REPORTS**

**9. ADJOURNMENT**

The Planning and Environmental Quality Commission will adjourn to the next meeting at 7:00PM on March 5, 2024.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted in the City Hall lobby not less than 72 hours prior to the meeting. A copy of said Agenda is available on our website at [www.CityofGardena.org](http://www.CityofGardena.org).

/s/ GREG TSUJIUCHI

GREG TSUJIUCHI, Secretary

Planning and Environmental Quality Commission



# PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

## Regular PEQC Meeting Notice and Agenda

Website: [www.cityofgardena.org](http://www.cityofgardena.org)

**Tuesday, February 6, 2024 – 7:00 PM**

1700 W. 162nd Street, Gardena, California

1. **CALL MEETING TO ORDER**

The meeting was called to order at 7:10 PM

2. **PLEDGE OF ALLEGIANCE**

Chair Henderson led the Pledge of Allegiance

3. **ROLL CALL**

Present: Chair Henderson; Vice Chair Langley, Commissioner Steve Sherman;  
Commissioner Jules Kanhan; Commissioner Ronald Wright-Scherr

4. **APPROVAL OF MINUTES**

4.A January 16, 2024 MEETING

[24\\_1\\_16 PCMIN](#)

A motion was made by Vice Chair Langley and seconded by Commissioner Wright-Scherr to approve the minutes of the meeting on January 16, 2024.

The motion was passed by the following roll call vote:

Ayes: Langley, Wright-Scherr, Sherman, Kanhan, Henderson

Noes:

5. **ORAL COMMUNICATIONS**

No members of the public wished to speak to the Planning Commission at this time.

6. **PUBLIC HEARING ITEMS**

6.A **CONDITIONAL USE PERMIT #10-23, ENVIRONMENTAL ASSESSMENT #19-23** A

request for a conditional use permit, per section 18.32.030.B of the Gardena Municipal Code, to allow the sale of beer and wine for off-site consumption in a new retail market located in the General Commercial (C-3) zone with a Mixed-Use Overlay (MUO), make a determination of public convenience or necessity and direct staff to file a Notice of Exemption as an existing facilities project.

LOCATION: 1322 W. Rosecrans Avenue

APPLICANT: Khoushnaf Nasrou

[Staff Report \(CUP #10-23\)](#)

[Resolution \(CUP #10-23\)](#)

[COA \(CUP #10-23\)](#)

Planning Assistant, Kevin La, presented Conditional Use Permit #10-23 to the Planning Commission.

Chair Henderson opened the public hearing.

Vice Chair Langley wanted to know more information about the applicant.

Mr. La answered that the applicant currently owns the mini-market and the next tenant space down. The tenant space next door that the applicant owns is also a new Middle Eastern restaurant.

Chair Henderson followed up asking if this is the first alcohol license the applicant has requested.

Mr. La stated that this is the applicant's first time requesting the approval of a conditional use permit for the sale of alcohol within the city.

Chair Henderson closed the public hearing.

MOTION: It was moved by Commissioner Wright-Scherr and seconded by Commissioner Kanhan to approve Resolution No. PC 2-24, approving Conditional Use Permit #10-23, subject to the attached conditions of approval determined public convenience and necessity for W Minimarket located at 1332 W Rosecrans Ave., and directing staff to file a notice of exemption.

The motion was passed by the following roll call vote:

Ayes: Wright-Scherr, Kanhan, Sherman, Langley, Henderson

Noes:

## **7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Mr. Tsujiuchi informed the Commission of upcoming events and programs. Planning Commissioner's Academy on March 6-8, 2024, at Long Beach; a Q & A candidate forum for local elections on February 7, 2024 starting at 6:30 pm at the Nakaoka Center; Love you to Pizzas Dance on February 16, 2024, from 6:30 pm to 9:00 pm at the Nakaoka Center; Mardi Gras Candlelight Dinner on February 22, 2024, from 5:00 pm to 7:00 pm at the Nakaoka Center; the 48<sup>th</sup> Annual Koi Show from March 16-17, 2024 at the City Hall Complex; the State of the City will be on March 21, 2024 at the Nakaoka Center in the evening; and the Wall that Heals from April 4-7, 2024 at Arthur Johnson Park.

Mr. Tsujiuchi also mentioned that the next Planning Commission meeting on March 5, 2024, will be tentatively canceled due to the election day happening that same day.

Senior Planner, Amanda Acuna, stated to the Commission and the public that the draft environmental impact report was made available for public comment relating to the Housing Element that was adopted last year for the 2021-2029 planning period. The documents were made available to the public to view on the Planning Projects' webpage, at the local library, and at the Community Development counter. This item will come

before the Planning Commission for consideration and recommendation to the City Council at a later date.

8. **PLANNING & ENVIRONMENTAL QUALITY COMMISSIONERS' REPORTS**

Vice Chair Langley and Commissioner Wright-Scherr stated they went on a tour at the Kaia Apartments, in Lomita.

Commissioner Kanhan stated that he talked to the representatives of the housing project at 15717 and 15725 Normandie Avenue to receive the status of the availability of the low-income units.

Ms. Acuna responded by confirming that the project is the G3 Normandie development known as Normandie Place. It is a 30-unit development project with three affordable units that were processed here by the city and are in the process of preparing for their sales of the affordable units. City staff is working with the applicants to release those applications and will inform the commission when those applications are made available.

Commissioner Wright-Scherr followed up with his previous request about the traffic situation at Raymond Ave and 170<sup>th</sup> St. He said that Officer Jose Zamudio of the Gardena Police Department will look into the area and see if there are frequent drivers not stopping at the stop sign.

9. **ADJOURNMENT**

Chair Henderson adjourned the meeting at 7:27 PM.

Respectfully submitted,

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GREG TSUJIUCHI, SECRETARY  
Planning and Environmental Quality Commission

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DERYL HENDERSON, CHAIR  
Planning and Environmental Quality Commission

**CITY OF GARDENA**  
**PLANNING AND ENVIRONMENTAL QUALITY COMMISSION**  
**STAFF REPORT**  
 An Appeal of  
 the Community Development Director’s Intent of Revocation  
 AGENDA ITEM 6.A

DATE: February 20, 2023  
 TO: Chair Henderson and Members of the Planning and Environmental Quality Commission  
 PREPARED BY: Amanda Acuna, Senior Planner  
 LOCATION: **1818 W. Redondo Beach Blvd**  
 REQUEST: An appeal by The Tire House from the Community Development Director’s Intent to Revoke Approval of Site Plan Review #4-15, pursuant to Gardena Municipal Code Section 18.44.070, discontinuing auto repair facility uses in the General Commercial (C-3) Zone, due to multiple violations of the conditions of approval imposed by the Planning and Environmental Quality Commission on August 26, 2015.

<b>CASE NAME:</b>	Appeal of Community Development Director’s Decision to Revoke Site Plan Review #4-15
<b>APPELLANT NAME:</b>	The Tire House, Inc. (dba “The Tire House”)
<b>REPRESENTATIVE:</b>	John Mardirossian
<b>PROPERTY OWNERS:</b>	Mr. Der L. Mu / Mr. John MU

**BACKGROUND**

In 2015 an application for a site plan review was filed with the City’s Community Development Department, for the request to improve a 5,236 square foot automotive repair facility located in the General Commercial zone, at 1818 W. Redondo Beach Boulevard. On August 26, 2015, Site Plan Review #4-15 was administratively approved by the Community Development Department, and subject to 27 conditions (Attachment A - Letter and Conditions of Approval). As detailed in the Director’s Findings below, the conditions of approval were violated repeatedly.

Pursuant to Section 18.44.070 of the Gardena Municipal Code (“GMC”), the Community Development Director (“Director”) is authorized to revoke any site plan review approval for noncompliance or for any violations of the conditions set forth in granting such approval. On January 19, 2024, a notice of intent to revoke Site Plan Review #4-15

(which would result in discontinuing auto repair facility uses in the General Commercial (C-3) Zone) was issued to the appellant by the Director. The letter listed the various violations of the conditions set forth in Site Plan Review #4-15 (Attachment B – Notice of Intent to Revoke).

In accordance with GMC Section 18.44.050 the decision of the Director to revoke the approval of a site plan review may be appealed to the Planning Commission. On January 23, 2024, John Mardirossian, representing the business, filed with the City Clerk's office a request for an appeal hearing before the Planning Commission (Attachment C – Appellant's Appeal Letter). The appeal fee was also paid by appellant to the City Treasury.

### **DIRECTOR'S FINDINGS**

On August 26, 2015, the City communicated by letter to the applicant that the city had approved Site Plan Review #4-15 subject to certain conditions, which, if not satisfied, would subject the approval of the site plan to a revocation process. Some of the relevant conditions are outlined below:

*General Condition Number 3: Applicant shall comply with all written policies, resolutions, ordinances, and all applicable laws in effect at time of approval. No final approval shall be given for the physical improvements to the site and no certificate of occupancy shall be issued until all conditions of approval have been met, and the applicant has paid all applicable fees required for issuance, whether imposed by the City or other entity with jurisdiction. The conditions of approval shall supersede all conflicting notations, specifications, and dimensions, which may be shown on the project development plans.*

*Planning Condition Number 2: The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.*

*Planning Condition Number 7: No outdoor sales or outdoor storage of items will be permitted on site.*

At the time of the approval of the Site Plan Review, the applicant signed the conditions of approval, indicating that they have read, understood, and agreed with the project conditions. For years, the operations of the auto repair facility located on the Property, known as The Tire House<sup>1</sup>, has been operating an auto repair facility that is consistently violating the conditions of approval cited above, and the ordinances of the City of Gardena, as will be explained below. Despite the efforts of the City, its Planning and Code Enforcement Staff, The Tire House continues to operate in ways that violate the law and violate the conditions of approval. The following is a timeline of those violations:

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<sup>1</sup> Referred to as "The Tire Store" in the Director's Letter dated January 19, 2024



- On October 9, 2019, a Notice of Violation was issued to The Tire House regarding numerous on-site stacks of automobile tires in the parking and vehicle maneuvering area outside the building.
- On October 25 and 30, November 5, 7, and 22, and December 3, 2019, the same conditions noted above outside the buildings were still present. Additionally, numerous stacks of automobile tires were noticed inside the buildings.
- The same condition on the outside of the buildings was also present on February 18, 2020.
- On August 20, 2020, The Tire House still had numerous stacks of automobile tires outside the building in the parking and vehicle maneuvering areas on site. These conditions had not changed by September 21, 2020.
- On March 11, 2021, The Tire House had numerous stacks of automobile tires stacked outside of the building in the parking and vehicle maneuvering areas of the site.
- On March 31, 2021, The Tire House had numerous stacks of automobile tires being stored outside of the building in the parking and vehicular maneuvering area of the site. A Notice of Violation was issued to The Tire House.
- On May 27, 2021, Code Enforcement Staff was notified that tires were stacked in a manner that blocked the sidewalk in front of The Tire House. A site inspection revealed tires were not blocking the sidewalk but were stacked outside the building in the parking and vehicle maneuvering areas of the site.
- On June 7, 2021, The Tire House had numerous stacks of automobile tires stored outside of the building in the parking and vehicle maneuvering areas of the site.
- On June 10, 2021, an administrative citation was issued for the violations noted on June 7, 2021.
- On September 29, 2021, The Tire House continued to have a large amount of automobile tires stored outside the building in the parking and vehicle maneuvering areas of the site. Additionally, a large amount of tires were found inside the east building stored in such a way as to limit ingress and egress, the movement of individuals within the building, and created a fire hazard.
- On October 6, 2021, The Tire House still had numerous stacks of tires outside the building in the parking and vehicle maneuvering areas of the site, as well as a large amount of stacked tires inside the building.
- On December 15, 2021, an office conference was held with The Tire House owner Zaven Joseph Asadourian at the Gardena City Hall with Code Enforcement Officer Gabriel Jimenez, and City Prosecutor Gregory P. Palmer. Persistent violations at the site were discussed and a plan to abate the violations was discussed and agreed to by Mr. Asadourian. The plan involved the removal of all the outdoor storage of tires, with the exception of the permitted tire racks, no later than January 31, 2022, and to organize and reduce the amount of tires stored inside the

buildings to comply with the Fire Department and Code Enforcement guidelines no later than February 28, 2022. A letter confirming the terms of that agreement was sent on December 27, 2021.

- On January 9, 2023, The Tire House had numerous automotive tires stored outside the building in the parking vehicle maneuvering areas on the site. Additionally, graffiti was noted on the outside of the building and notice was provided to remove the graffiti by January 30, 2023, and February 16, 2023. By February 16, 2023, neither the graffiti nor the outside storage of tires had been corrected. In fact, on January 27, 2023, City Staff received a complaint about automobile tires being stored, not only outside the building on the site, but also on the sidewalk and on the street in the parking strip in such a way to block the public right of way. An on-site inspection confirmed numerous stacks of automobile tires stacked on the sidewalk and in the street parking strip in front of the buildings.
- On May 25, 2023, the City received a complaint about numerous stacks of automobile tires being stored outside the building in the parking and vehicle maneuvering area of the site. This condition was confirmed by an on-site inspection. In fact, the tire storage was so extensive that they blocked not only access to the parking stalls on site, but the building's main entrance as well. It was also noted that the required landscaping and the required trash enclosure from the site plan conditions of approval had never been installed or constructed. Notice of these violations were provided by October 9, 2023. None of the violations had been abated. In fact, on October 9, 2023, The Tire House business owner Zaven Joseph Asadourian was notified of the persistence of the above violations, and that the City was strongly considering taking this action to revoke Site Plan Number 4-15.

The following are the findings made by the Director regarding each of the violations of the applicable conditions of approval pursuant to Site Plan Review #4-15:

- A. Violation of General Condition Number 2: "Development of this site shall comply with the requirements and regulations of Title 15 ("Building and Construction") and Title 18 ("Zoning") of the Gardena Municipal Code.

**FINDING:** The Property is in violation of GMC 18.44.060(A) due to the failure to develop the Property in compliance with the approved site plan which requires five (5) available on-site parking spaces.

- B. Violation of General Condition Number 3: "Applicant shall comply with all ... ordinances and applicable laws in effect at the time of approval."

**FINDING:** The Property is in violation of GMC 8.64.020(A), (J) and (AA) due to the presence of unsafe buildings and structures, graffiti, and property conditions that are detrimental to the public health. Tires are being stored in the parking lot creating a fire hazard and within the public right-of-way. Unpermitted construction at the Property is in violation of Section 105.1 of the California Building Code. Sidewalks and driveways are being blocked by illegal storage of tires in violation of International Property Maintenance Code Section 302.3.

- C. Violation of Planning Condition Number 1: "The Applicant shall permanently landscape the parcel as shown on the submitted site plan dated July 7, 2015. Landscaping should be of a softscape material and be drought-resistant."

**FINDING:** The Property has not been landscaped as required by this condition.

- D. Violation of Planning Condition Number 2: "The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment ...may be stored outside the main building."

**FINDING:** Disorderly exterior storage conditions are being maintained at the Property.

- E. Violation of Planning Condition Number 3: "The applicant shall construct one refuse enclosure on-site to be placed in the rear of the open parking area."

**FINDING:** The required refuse enclosure has not been constructed as required by this condition.

- F. Violation of Planning Condition Number 7: "No outdoor sales or outdoor storage of items will be permitted on site."

**FINDING:** The Property has maintained the exterior storage of numerous stacks of tires for many years despite multiple notices from the City.

## **CONSIDERATION**

The Planning Commission is being asked to consider the appeal of The Tire House to the Director's decision to revoke the approval of Site Plan Review #4-15.

The Planning Commission, upon conducting a noticed public hearing on the appeal and receiving evidence from the Director on behalf of the City from the appellant's representative(s), must make findings and decide whether to grant or deny the appeal by The Tire House from the Director's decision to revoke the approval of Site Plan Review #4-15.

## **CEQA DETERMINATION**

Pursuant to the provisions of the California Environmental Quality Act (CEQA), and the CEQA Guidelines, staff has determined that the revocation of the site plan review does not qualify as a project as there is no potential for this action to result in a physical change in the environment and therefore is not subject to CEQA.

Even if the action of revocation were subject to CEQA, it would be categorically exempt under the Class 21 exemption, pursuant to Guidelines section 15321, which exempts actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered by the regulatory agency.

### **Recommendations FOR PLANNING COMMISSION ACTION**

1. FIND that the action is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) as a Class 21 exemption, pursuant to Guidelines Section 15321.
2. ADOPT the findings of the Director as the findings of the Planning Commission.
3. DENY the appeal filed by The Tire House (Representative: John Mardirossian) from the entire determination of the Director and THEREBY SUSTAIN the Director's decision to revoke the approval of the Site Plan Review #4-15 of The Tire House located at 1818 W. Redondo Beach Blvd., pursuant to Gardena Municipal Code Section 18.44.070, discontinuing auto repair facility uses in the General Commercial (C-3) Zone, because the business has repeatedly violated the conditions of approval and has not eliminated the problems associated with the violations.
4. DIRECT STAFF to draft and present at the next meeting of the Planning Commission a RESOLUTION DENYING THE APPEAL filed by The Tire House (Representative: John Mardirossian) from the entire determination of the Director and THEREBY SUSTAIN the Director's decision to revoke the approval of the Site Plan Review #4-15 of The Tire House located at 1818 W. Redondo Beach Blvd., pursuant to Gardena Municipal Code Section 18.44.070, discontinuing auto repair facility uses in the General Commercial (C-3) Zone, because as the business has repeatedly violated the conditions of approval and has not eliminated the problems associated with the violations.

### **ATTACHMENTS**

- A – Letter and Conditions of Approval for Site Plan Review #4-15
- B – Notice of Intent to Revoke from Community Development Director
- C – Appellant's Appeal Letter



## CITY of GARDENA

1700 WEST 162<sup>nd</sup> STREET / GARDENA, CALIFORNIA 90247-3732 / PHONE (310) 217-9500  
WEB SITE: [www.ci.gardena.ca.us](http://www.ci.gardena.ca.us)

PAUL K. TANAKA, *Mayor*  
TERRENCE TERAUCHI, *Mayor Pro Tem*  
TASHA CERDA, *Councilmember*  
MARK E. HENDERSON, *Councilmember*  
DAN MEDINA, *Councilmember*

MINA SEMENZA, *City Clerk*  
J. INGRID TSUKIYAMA, *City Treasurer*  
MITCHELL G. LANSDALL, *City Manager*  
PETER L. WALLIN, *City Attorney*

August 26, 2015

Michael Runcini  
4428 W. 182<sup>nd</sup> Street Suite B  
Torrance, CA 90278

Subject: Site Plan Review #4-15  
1818 Redondo Beach Boulevard  
APN: 4066-011-022  
Reference#: SPR #4-15

Dear Mr. Runcini:

This is to inform you that Site Plan Review #4-15, to improve a 5,236 square foot automotive repair facility located in the C-3 zone, has been approved per the attached conditions of approval. Staff has made the determination that the proposed project is exempt from the provisions of the California Environmental Quality Act per Section 15301, Existing Facilities. Please provide a check of \$75.00 made out to Los Angeles County Recorder's Office in order to process the subsequent Notice of Exemption.

Should you have any questions regarding this matter, please call me at (310) 217-9576.

Sincerely,

William Kavadas  
Planning Assistant

Encl.: SPR #4-15 Conditions of Approval

CC: Der L. Mu

## EXHIBIT A

### CITY OF GARDENA

#### CONDITIONS OF APPROVAL FOR SITE PLAN REVIEW #4-15

##### GENERAL CONDITONS

- GC 1. Applicant accepts all of the conditions of approval set forth in this document, shall sign the acknowledgement and submit it to the Community Development Department prior to issuance of any construction permit. Proof of compliance shall be in the form of a copy of the recorded document, 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 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. No final approval shall be given for the physical improvements to the site and no certificate of occupancy shall be issued until all conditions of approval have been met, and the applicant has paid all applicable fees required for issuance, whether imposed by the City or other entity with jurisdiction. The conditions of approval shall supersede all conflicting notations, specifications, and dimensions, which may be shown on the project development plans.
- GC 4. Any 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 5. Applicant/developer shall defend, indemnify and hold harmless the City, its agents, officers, and employee from any claim, action or proceeding, damages, cost (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 the Notice of Exemption and Site Plan Review. 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 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.

- GC 6. Prior to the issuance of any building permits, the applicant shall print/type the conditions of approval on the final working drawings site plan, or note on the title sheet where the conditions of approval are located for review by the Planning Department.
- GC 7. A business license will be issued following the issuance of a certificate of occupancy by the Building and Safety Department. Business License will be valid pending final compliance with the conditions of approval.

### **SITE PLAN REVIEW**

- SPR1. Site Plan Review #4-15 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 18.44.060 of the Gardena Municipal Code. Utilization shall mean the issuance of building permits.
- SPR2. The site/lease area layout, physical appearance of the proposed 5,236 square feet commercial building, shall be as shown on the submitted plans, dated July 7, 2015, as modified by the conditions of approval. Prior to submittal of plan check, the plans shall be revised to incorporate any changes required by these conditions of approval. Minor modifications/alterations to the design, style, colors, materials, and vegetation shall be subject to the review and approval of the Community Development Director.
- SPR3. No final approval shall be given for physical improvements to the site until all conditions of approval have been met and the applicant has paid all applicable fees required for issuance, whether imposed by the City or other entity with jurisdiction. The conditions of approval shall supersede all conflicting notation, specification, and dimension, which may be shown on the project development plans.
- SPR4. In the event that the use authorized by this approval is terminated or discontinued for a period of 180 days or more, the approval shall be deemed null and void. Any future uses must conform to all applicable codes and regulations.

### **PLANNING**

- PL1. The applicant shall permanently landscape the parcel as shown on the submitted site plan dated July 7, 2015. Landscaping should be of a softscape material and be drought-resistant.

- PL2. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.
- PL3. The applicant shall construct one refuse enclosure on-site to be placed in the rear of the open parking area. The refuse enclosure shall be screened and include a solid roof. The refuse enclosure shall have a minimum inside, clear dimension of five feet by seven feet and a height of six feet. The enclosure shall be bounded on three sides by walls of concrete block finished in a manner compatible in color, texture, and appearance with the main structure and shall have a solid gated opening of sufficient width to allow for the removal and storage of a refuse bin.
- PL4. A maximum of 13 automotive vehicles may be parked on site at any time. Automotive vehicles must be parked in marked stalls or interior parking bays. No stacked or tandem parking will be permitted. No parking in the drive aisles will be permitted.
- PL5. The exterior parking area shall be used for employee and customer parking and not for the repair, finishing work, or long-term (over one week) storage of automotive vehicles. All repair activities and operations shall be conducted entirely within the enclosed work area as shown on the submitted site plan. The hoods of vehicles awaiting parts or repair shall remain closed at all times while work is not being performed. Preliminary inspection of automobiles to assess a primary issue for repair is allowed in the parking lot as long as it occurs within a marked parking stall and the hood is closed after preliminary inspection is complete.
- PL6. No automotive vehicle may be parked on the premises for the purpose of offering it for sale, lease, or rent.
- PL7. No outdoor sales or outdoor storage of items will be permitted on site.
- PL8. The existing pole on the northwest corner of the proposed site plan and arrow sign on the roof of the building are to be removed. The existing pole sign on the northeast corner of the proposed site plan is permitted pending modification. Pole sign modifications must be submitted to and approved by the Community Development Director.
- PL9. No barbed wire shall be allowed on any fences visible from Redondo Beach Boulevard. Existing barbed wire fencing shall be removed.



**PUBLIC WORKS**

- PW1. The applicant shall submit industrial waste plans to the Public Works Department for clearance.
- PW2. The applicant shall pay a sewer fee as determined by the current fee schedule of the Public Works Department.
- PW3. The applicant shall plant a new street tree per Public Works requirements.
- PW4. The applicant shall reduce driveway length to match on-site drive-aisle length. A public works permit will be required. Surety \$5,000.

**BUILDING AND SAFETY**

- BS1. The applicant shall comply with all California CCR – Title 24 Requirements including, but not limited to California Building Code, Electrical Code, Plumbing Code, Mechanical Code, Fire Code, and Energy Code.
- BS2. The applicant shall receive Los Angeles County Fire Department and Public Works Department approvals.

**LOS ANGELES COUNTY FIRE DEPARTMENT**

- FD1. The applicant shall submit four copies of the site plan and a completed Fire Flow Availability Form for review and approval by the Los Angeles County Fire Department. The applicant shall include construction type and square footage of the existing structure on the submitted site plan.

I, Der L. Mu, certify that I have read, understood, and agree to the Project Conditions listed herein.

Der L. Mu

P:\Community Development\2013 Community Development\Planning\2015\SPR #4-15 (1818 Redondo Beach)\Site Plan Submittal\Runcini\Documents\Word\SPR #4-15 COA.docx









January 19, 2024

## **Notice of Intent to Revoke Site Plan Review #4-15**

Anaheim Investment, LLC  
Mr. Der L. Mu / Mr. John Mu  
5915 Finecrest Dr.  
Rancho Palos Verdes, CA 90275

Zaven Joseph Asadourian  
The Tire Store  
1818 W. Redondo Beach Blvd.  
Gardena, CA 90247

**Subject:** Revocation of Site Plan Review #4-15 ("SPR #4-15")

**Property Address:** 1818 W. Redondo Beach Blvd, Gardena, CA 90247

**APN:** 4066-011-022

Notice is hereby given that I, as the Community Development Director for the City of Gardena, intend to revoke the previous approval of Site Plan Review #4-15 relating to The Tire House currently operating at 1818 W. Redondo Beach Blvd. ("Property"). The decision to propose the revocation of Site Plan Review #4-15 is based upon the authority granted to me pursuant to Gardena Municipal Code ("GMC") Section 18.44.070 and will be based on the following explanation of the violations of the conditions set forth in granting the approval of the site plan:

In 2013, Mr. Der Mu applied to the City of Gardena Community Development Department for a Site Plan Review #4-15 for 1818 W. Redondo Beach Blvd., Gardena allowing the occupancy of a 5,236 square-foot commercial building subject to several conditions of approval. On August 26, 2015, the City communicated by letter to the applicant that the city had approved Site Plan Review #4-15 subject to certain conditions some of which are outlined below.

General Condition Number 3 required the applicant to comply with all written policies, resolutions, ordinances, and all applicable laws. In fact, at the time of approval,

TASHA CERDA, Mayor / MARK E. HENDERSON, Mayor Pro Tem  
RODNEY G. TANAKA, Councilmember / PAULETTE C. FRANCIS, Councilmember / WANDA LOVE, Councilmember  
MINA SEMENZA, City Clerk / GUY MATO, City Treasurer / CLINT OSORIO, City Manager / CARMEN VASQUEZ, City Attorney



Planning Condition Number 2 required the applicant to keep the premises in a neat and orderly condition at all times, and to maintain the improvements in a condition of reasonable repair and appearance. In addition, Planning Condition Number 2 prohibited any used or discarded automotive parts or equipment or permanently disabled, junked or wrecked vehicles outside the main building. Planning Condition Number 7 prohibited any outdoor sales or outdoor storage of items on site. The applicant signed the Site Plan Review, indicating that the conditions of approval had been read, understood, and that the applicant agreed with the project conditions.

Since the site plan was approved, the site has been used as an automotive repair shop, apparently specializing in new and used tires. For years, The Tire Store has been consistently violating the conditions of approval sided above, and the ordinances of the City of Gardena, as will be explained below. Despite efforts of the City, its Planning and Code Enforcement Staff, The Tire Store continues to operate in ways that violate the law and violate the conditions of approval.

On October 9, 2019, a Notice of Violation was issued to The Tire Store regarding numerous stacks of automobile tires in the parking and vehicle maneuvering area outside the building, on site.

On October 25 and 30, November 5, 7 and 22, and December 3, 2019, the same conditions noted above outside the buildings were still present. Additionally, numerous stacks of automobile tires were noticed inside the buildings.

The same condition on the outside o the buildings was also present on February 18, 2020.

On August 20, 2020, The Tire Store still had numerous stacks of automobile tires outside the building in the parking and vehicle maneuvering areas on site. These conditions had not changed by September 21, 2020.

On March 11, 2021, The Tire Store had numerous stacks of automobile tires stacked outside of the building in the parking and vehicle maneuvering areas of the site.

On March 31, 2021, The Tire Store had numerous stacks of automobile tires being stored outside of the building in the parking and vehicular maneuvering area of the site. A Notice of Violation was issued to The Tire Store.

On May 27, 2021, Code Enforcement Staff was notified that tires were stacked in a manner that blocked the sidewalk in front of The Tire Store. A site inspection revealed tires were not blocking the sidewalk, but were stacked outside the building in the parking and vehicle maneuvering areas of the site.

On June 7, 2021, The Tire Store had numerous stacks of automobile tires stored outside of the building in the parking and vehicle maneuvering areas of the site.

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On June 10, 2021, an administrative citation was issued for the violations noted on June 7, 2021.

On September 29, 2021, The Tire Store continued to have a large amount of automobile tires stored outside the building in the parking and vehicle maneuvering areas of the site. Additionally, a large amount of tires were found inside the east building stored in such a way as to limit ingress and egress, the movement of individuals within the building, and created a fire hazard.

On October 6, 2021, The Tire Store still had numerous stacks of tires outside the building in the parking and vehicle maneuvering areas of the site, as well as a large amount of stacked tires inside the building.

On December 15, 2021, an office conference was held with The Tire Store owner Zaven Joseph Asadourian at the Gardena City Hall with Code Enforcement Officer Gabriel Jimenez, and City Prosecutor Gregory P. Palmer. Persistent violations at the site were discussed and a plan to abate the violations was discussed and agreed to by Mr. Asadourian. The plan involved the removal of all the outdoor storage of tires, with the exception of the permitted tire racks, no later than January 31, 2022, and to organize and reduce the amount of tires stored inside the buildings to comply with the Fire Department and Code Enforcement guidelines no later than February 28, 2022. A letter confirming the terms of that agreement was sent on December 27, 2021.

On January 9, 2023, The Tire Store had numerous automotive tires stored outside the building in the parking vehicle maneuvering areas on the site. Additionally, graffiti was noted on the outside of the building and notice was provided to remove the graffiti by January 30, 2023, and February 16, 2023. By February 16, 2023, neither the graffiti nor the outside storage of tires had been corrected. In fact, on January 27, 2023, City Staff received a complaint about automobile tires being stored, not only outside the building on the site, but also on the sidewalk and on the street in the parking strip in such a way to block the public right of way. An on-site inspection confirmed numerous stacks of automobile tires stacked on the sidewalk and in the street parking strip in front of the buildings.

On May 25, 2023, the City received a complaint about numerous stacks of automobile tires being stored outside the building in the parking and vehicle maneuvering area of the site. This condition was confirmed by an on-site inspection. In fact, the tire storage was so extensive that they blocked not only access to the parking stalls on site, but the building's main entrance as well. It was also noted that the required landscaping and the required trash enclosure from the site plan conditions of approval had never been installed or constructed. Notice of these violations were provided by October 9, 2023. None of the violations had been abated. In fact, on October 9, 2023, The Tire Store business owner Zaven Joseph Asadourian was notified of the persistence of the above violations, and that the City was strongly considering taking this action to revoke Site Plan Number 4-15.

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- Violation of General Condition #2: “Development of this site shall comply with the requirements and regulations of Title 15 (“Building and Construction”) and Title 18 (“Zoning”) of the Gardena Municipal Code.

The Property is in violation of GMC 18.44.060(A) due to the failure to develop the Property in compliance with the approved site plan which requires five (5) available on-site parking spaces.

- Violation of General Condition #3: “Applicant shall comply with all ... ordinances and applicable laws in effect at the time of approval.”

The Property is in violation of GMC 8.64.020(A), (J) and (AA) due to the presence of unsafe buildings and structures, graffiti, and property conditions that are detrimental to the public health. Tires are being stored in the parking lot creating a fire hazard and within the public right-of-way. Unpermitted construction at the Property is in violation of Section 105.1 of the California Building Code. Sidewalks and driveways are being blocked by illegal storage of tires in violation of International Property Maintenance Code Section 302.3.

- Violation of Planning Condition #1: “The Applicant shall permanently landscape the parcel as shown on the submitted site plan dated July 7, 2015. Landscaping should be of a softscape material and be drought-resistant.”

The Property has not been landscaped as required by this condition.

- Violation of Planning Condition #2: “The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment ...may be stored outside the main building.”

Disorderly exterior storage conditions are being maintained at the Property.

- Violation of Planning Condition #3: “The applicant shall construct one refuse enclosure on-site to be placed in the rear of the open parking area.”

The required refuse enclosure has not been constructed as required by this condition.

- Violation of Planning Condition #7: “No outdoor sales or outdoor storage of items will be permitted on site.”
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The Property has maintained the exterior storage of numerous stacks of tires for many years despite multiple notices from the City.

Pursuant to GMC Section 18.44.050 you have the right to appeal this decision to the Planning Commission. Such appeal shall be filed in writing with the Commission within ten days after the date this decision is communicated to you. You will also be required to pay the filing fee established by the City Council for such an appeal. If you file a timely appeal and pay the required fee for that appeal, the matter will be placed for consideration on the Commission agenda at the first regular meeting of the commission following the ten days written notice to the appellant. Failure to file a timely appeal and/or pay the required appeal fee, will render this decision revoking the Site Plan approval forever final.

Sincerely,



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Greg S. Tsujiuchi  
Community Development Director  
City of Gardena



OFFICE of the CITY CLERK

Email: cityclerk@cityofgardena.org

1700 WEST 162nd STREET / GARDENA, CALIFORNIA 90247-3732 / WWW.CITYOFGARDENA.ORG / PHONE (310) 217-9565

## CITY OF GARDENA APPEAL FORM

Case Name: Notice of Intent to Revoke Site Plan Review #4-15	DBA: THE TIREHOUSE (Zaven Joseph Asaturian)	Address/Location of Subject Property: 1818 W Redondo Beach Blvd. Gardena CA 90247
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## DECISION OF:

- Community Development Director (\$1,353.00)       PEQC to City Council (\$2,243.00)  
 City Manager/Staff to City Council (\$1,344.00)       Staff to City Manager (\$937.00)  
 Other: \_\_\_\_\_

DATE OF DECISION: 1/19/24APPEALING: APPROVAL  DENIAL 

**Reason for Appeal:** Be as detailed as necessary. Additional information can be presented at the hearing. Attach pages as required with additional information and/or signatures.

New owners of The Tire House would like the opportunity to show their willingness to clean the premises and operate efficiently moving forward. Please see attached letter for additional information.

Name of Appellant: John Mardirossian on behalf of THE TIRE HOUSE	Phone Number: 310-993-2008
Address: 1818 W Redondo Beach Blvd. Gardena CA 90247	Email: JOHN.MARDIROSIAN@GMAIL.COM
Signature: 	Date: 1/26/24

## FOR OFFICE USE ONLY:

Appeal Fee Paid: \$ 1,353.00 Date: 01/26/2024 Received by: G. Placido

Copies to: Community Development Department:  Planning  Building & Safety  City Council  
 City Manager  City Attorney  Other Department(s) \_\_\_\_\_

'24 JAN 26 PM 3:18

01/23/2024

City of Gardena  
1700 W 162<sup>nd</sup> Street  
Gardena, CA 90247

Letter of Appeal

To the City of Gardena and Community Development Director, Greg Tsujiuchi:

This letter is written on behalf of Zaven Asadourian and The Tire House, Inc, the business operating at 1818 W Redondo Beach Blvd. The purpose of this letter is to request an appeal in response to the recent notice received indicating an intent to revoke site plan review #4-15.

We understand there has been concern over the last few years regarding the use and condition of the premises, primarily the presence of tires in the outside front area of the property. Over the years, efforts have been made to improve the condition of the premises by reducing the outdoor tire presence, organize the tires in a safe manner, and achieve acceptable standing with the city. We understand that throughout this period we've made improvements and occasionally even faced drawbacks but we've always made an active effort to work with city officials and never once ignored any concerns. We're a small business and a small team, and sometimes weeks or even months of hard work can be offset by unexpected health concerns or employee absences. We appreciate your patience and willingness to work with us over these years, and we'd like to request you continue to do so moving forward. In light of the aforementioned health concerns, there is a change of ownership and management currently taking place. Zaven Asadourian is stepping down as President of The Tire House, Inc and Gardena locals, Frank and Sunghwa Yi, are presently taking over operations. We'd like you to give the new owners the opportunity to comply with the city request and make the desired changes a reality. They are motivated, efficient, and ready to improve on Zaven's efforts.

In regards to the property improvements involving a trash enclosure and landscaping, this responsibility falls to the property owner who is aware of this obligation and who we expect will make the necessary improvements.

We believe open communication between Gardena's Community Development Department and the new business owners, as well as the existing property owner, can lead to the resolution of all mentioned concerns. The Tire House has been serving the Gardena community for nearly 9 years now and is well known for its honesty, professionalism, and affordability. Your consideration regarding this appeal is greatly appreciated and we look forward to your response.

Best,



Zaven Asadourian & The Tire House, Inc



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

**AGENDA ITEM 6.B**

DATE: February 20, 2023

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

FROM: Amanda Acuna, Senior Planner

APPLICANT: City of Gardena

LOCATION: Citywide

REQUEST: Recommendation to City Council for adoption of Ordinance making changes to Gardena Municipal Code to implement the programs set forth in the City's 6<sup>th</sup> Cycle 2021-2029 Housing Element and changes required by state law and making findings that adoption of the Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

**BACKGROUND**

In February 2023, the City Council adopted the City's 6<sup>th</sup> Cycle Housing Element for the 2021-2029 period ("Housing Element"), which was officially approved by the Department of Housing and Community Development ("HCD"). As part of the Housing Element, the committed to programs which require that changes be made to its Municipal Code as required by State law and as set forth by HCD. Additionally, changes are required to the Municipal Code due to recent changes in State law.

This report explains the reasons for the changes in the attached Ordinance.

**ANALYSIS**

**Membership of Commissions (Sections 2.32.020, 2.40.020, and 14.04.050)**

Program 5.3 of the Housing Element provides that the City would adopt a policy ensuring that each city commission that has influence on housing related policies will have at least one representative from a disadvantaged area.

- The changes to the membership sections of the Housing Commission (§ 2.32.020) Planning and Environmental Quality Commission (§ 2.40.020), and Rent Mediation Board (§ 14.04.050) to require that at least one member be appointed from a disadvantaged census tract satisfies this requirement.

#### Group Homes (Chapter 18.04)

Program 3.1 of the Housing Element requires the City to amend the Zoning Code to allow non-licensed group homes for more than seven persons to be treated as any other residential use in the zone. The City already allows homes of 6 or fewer as an allowed residential use, consistent with numerous state laws.

- A definition of unlicensed group home has been added with the provision that it operates as a family it will be considered a residential use.
- The definition of family has been revised to be more descriptive in order to better determine when a group home is operating as a family.

#### Employee Housing (Section 18.12.020)

Program 3.1 of the Housing Element requires the City to amend the Zoning Code in accordance with Health and Safety Code section 17021.5 to provide that any employee housing for six or fewer employees shall be deemed a single-family structure with a residential land use designation. Section 17021.5 further provides that employee housing for six or fewer shall not be included in any definition such as a boarding house, dormitory, or similar term that implies that the housing is different in any other way from a family dwelling and no permits or other requirements may be imposed other than what is required of a family dwelling of the same type in the same zone.

#### Accessory Dwelling Units (Section 18.13.040)

Government Code section 65852.2 was amended this last legislative session by several bills. AB 1033 eliminated the City's ability to require an owner-occupant requirement on ADUs. This requirement still applies to JADUs.

- Section 18.13.040D of the Gardena Municipal Code relating to owner-occupancy has been revised in accordance with this new law.

#### Emergency Shelters (Section 18.36.020)

Program 3.1 of the Housing Element requires the City to address both the parking requirements and the distance requirements relating to emergency shelters to comply with the requirements of Government Code section 65583.

- Section 18.36.020.O of the Gardena Municipal Code is amended to provide that the parking requirement shall be limited to one space for every employee on the largest shift in accordance with the requirement that parking be limited to “sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.
- Section 18.36.020.O has also been amended to reword the City’s previous language in accordance with the requirement that emergency shelters are not required to be more than 300 feet apart.

#### Replacement Housing (Section 18.42.015)

Program 4.1 of the Housing Element requires that the Zoning Code be amended to require replacement of lower income housing units that are on Inventory Site listed in the Housing Element. Additionally, there are several other statutes which require replacement housing when new projects are developed. The other provisions of state law that require replacement housing are Density Bonus Law, Housing Crisis Act, and supportive housing.

- Rather than spell out all of the applicable procedures in the Zoning Code, a new section 18.42.015 has been added that refers to these various requirements primarily by reference to state law.

#### Design Review (Section 18.45.010)

In February 2023 the City adopted Chapter 18.45 to provide for a non-discretionary procedure for housing developments that met objective design standards. This is a rewrite of Section 18.45.010 for clarity.

#### Supportive Housing (Chapter 18.76)

Supportive housing is basically housing that is linked to supportive services that assist the resident. While supportive housing is generally for lower income individuals, there is a specific subset of supportive housing that is for the target population that is homeless as set forth in Government Code section 65650 et seq. which is allowed by right in all zones where multi-family housing is allowed; this would include the City’s mixed-use and overlay zones. This type of housing is exempt from parking if it is located within ½ mile of a public transit stop. Program 3.1 of the Housing Element provides that the City will amend the Zoning Code to address the supportive housing requirements for the homeless target population.

- A new Chapter 18.76 has been added to the Zoning Code

## **CEQA**

Adoption of the Ordinance has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment (CEQA Guidelines § 15378(a).) The ordinance implements the requirements of state law and the programs required by the City's 6<sup>th</sup> Cycle Housing Element. In addition to not qualifying as a project, the Ordinance falls within the "common sense" exemption set forth in CEQA Guidelines section 15061(b)(3) which exempts activities where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." This Ordinance will not have a significant effect as it implements what is already required by State law and will not result in any development or activity with the potential to impact the environment.

## **RECOMMENDATION**

Staff recommends the Planning Commission adopt Resolution No. 1866 which sets forth recommends that the City Council adopt Ordinance No. making these changes as well as recommends that the City Council find the Ordinance to be exempt from CEQA.

## **ATTACHMENTS**

Resolution No. PC 3-24

- Exhibit A – Draft Ordinance No. 1866

**RESOLUTION NO. PC 3-24**

**A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 1866 AMENDING TITLE 2, TITLE 14, AND TITLE 18 OF THE GARDENA MUNICIPAL CODE RELATING TO CHANGES REQUIRED BY 6<sup>TH</sup> CYCLE 2021-2029 HOUSING ELEMENT PROGRAMS FOR HOUSING REPLACEMENT, EMERGENCY SHELTERS, AND EMPLOYEE HOUSING AND CHANGES REQUIRED BY STATE LAW AND FINDING THE ADOPTION TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

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

SECTION 1. RECITALS.

A. On February 15, 2023, the City Council approved the City's 6<sup>th</sup> Cycle 2021-2029 Housing Element ("Housing Element").

B. The Housing Element included a number of programs which require the City to make changes to its Zoning Code, and other applicable Titles of the Gardena Municipal Code.

C. In addition to amending the Zoning Code to address the programs listed in the Housing Element, it is also necessary to amend the Zoning Code to address recent changes to state law.

D. On January 16, 2024, the Planning Commission of the City of Gardena held a duly noticed public hearing on the draft Ordinance at which time it considered all evidence, both written and oral.

**NOW, THEREFORE, THE PLANNING AND ENVIRONMENTAL QUALITY CONTROL COMMISSION OF THE CITY OF GARDENA DOES HEREBY RESOLVE AS FOLLOWS:**

The Planning Commission hereby recommends that the City Council adopt the Ordinance attached hereto as Exhibit A making changes to Gardena Municipal Code to implement the programs set forth in the City's 6<sup>th</sup> Cycle 2021-2029 Housing Element and changes required by state law and making findings that adoption of the Ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3). For all the reasons set forth in the reasoning provided by staff, the Planning Commission believes that these changes represent good land use practices which are required by public necessity, convenience, and the general welfare.



PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of February 2024.

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DERYL HENDERSON, CHAIR  
PLANNING AND ENVIRONMENTAL  
QUALITY COMMISSION

ATTEST:

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GREG TSUJIUCHI, SECRETARY  
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION  
STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF GARDENA

I, Greg Tsujiuchi, 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 20th day of February 2024, by the following vote:

AYES:  
NOES:  
ABSENT:

Attachments:

Exhibit A – Draft Ordinance No. 1866

**ORDINANCE NO. 1866**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING TITLE 2, TITLE 14, AND TITLE 18 OF THE GARDENA MUNICIPAL CODE RELATING TO CHANGES REQUIRED BY 6<sup>TH</sup> CYCLE 2021-2029 HOUSING ELEMENT PROGRAMS FOR HOUSING REPLACEMENT, EMERGENCY SHELTERS, AND EMPLOYEE HOUSING AND CHANGES REQUIRED BY STATE LAW AND FINDING THE ADOPTION TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

**WHEREAS**, on February 15, 2023 the City Council approved the City's 6<sup>th</sup> Cycle 2021-2029 Housing Element ("Housing Element"); and

**WHEREAS**, the Housing Element included a number of programs which require the City to make changes to its Zoning Code; and

**WHEREAS**, in addition to amending the Zoning Code to address the programs listed in the Housing Element, it is also necessary to amend the Zoning Code to address recent changes to state law; and

**WHEREAS**, at a duly noticed meeting held on February 20, 2024, the Planning Commission of the City of Gardena held a duly noticed public hearing on this matter, at which time it considered all evidence presented, both written and oral; and

**WHEREAS**, at the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance and City staff file a Notice of Exemption; and

**WHEREAS**, at a duly noticed meeting held on XXX, 2024, the City Council of the City of Gardena held a duly noticed public hearing on this matter, at which time it considered all evidence presented, both written and oral;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY ORDAIN, AS FOLLOWS:**

**SECTION 1.** Findings.

- A. The foregoing recitals are true and correct.
- B. The adoption of the changes to Title 18 are consistent with the City's General Plan. More specifically, these changes implement changes required by the Housing Element and are compliant with state law.

C. The changes set forth herein represent good land use practices which are required by the public necessity, convenience and the general welfare.

**BEGINNING OF TEXT AMENDMENTS**

**TITLE 2 – ADMINISTRATION AND PERSONNEL**

**SECTION 2.** Section 2.32.020 of the Gardena Municipal Code is hereby amended to read as follows:

**2.32.020 Membership.**

The Gardena Housing Commission shall consist of five members. Each councilmember shall nominate one member who shall be appointed by the mayor subject to ratification by the council. All members shall be residents of the city, and at least two members shall be tenants of property owned or operated by the Gardena housing authority. One such tenant member shall be over sixty-two years of age if the authority has tenants over such age. At least one member shall be appointed from a census tract identified as disadvantaged in accordance with Government Code section 65302.

**SECTION 3.** Section 2.40.020 of the Gardena Municipal Code is hereby amended to read as follows:

**2.40.020 Membership.**

A. The planning and environmental quality commission shall consist of five members who shall be designated respectively as commissioner Nos. 1, 2, 3, 4 and 5. The mayor and each councilmember shall have the right to nominate a commissioner from the citizens at large, and such nominations shall be honored by ratification and confirmation by a majority vote of the membership of the council. Each appointee shall be:

1. A resident of the city for the period of one year immediately preceding appointment; and
2. A registered elector of the city for the period of one year immediately preceding appointment.

B. Officials of the city shall not be eligible to appointment as commissioners, except as may be provided in this chapter for ex officio officers.

C. At least one member of the commission shall be appointed from a census tract identified as disadvantaged in accordance with Government Code section 65302.

**CHAPTER 14.04 – RESIDENTIAL RENT MEDIATION AND HEARINGS**

**SECTION 4.** Section 14.04.050A of the Gardena Municipal Code is hereby amended to read as follows; all other provisions of the section remain the same:

**14.04.050 Qualifications.**

A. All tenant members shall be tenants of residential rental property within the city, and neither the tenant member, spouse, nor dependents shall have any financial interest in residential income-producing property either in the city or elsewhere. At least one member shall be appointed from a census tract identified as disadvantaged in accordance with Government Code section 65302.

**CHAPTER 18.04 - DEFINITIONS**

**SECTION 5.** Chapter 18.04 is amended by adding and amending the following definitions to read as follows:

“Family” means an individual or two or more persons related by blood, marriage or adoption or a group not related by blood or marriage, living together in a dwelling unit where the residents may share living expenses, chores, eat meals together, have a close social, economic, and psychological commitments to each other, and who have common access to and common use of living, eating, and kitchen areas; common access to private bedrooms is not required. as a single housekeeping unit in a dwelling unit. Family does not include institutional group living situations such as, not including a dormitory, sorority, fraternity, club or group of persons occupying a hotel, lodging house, or institution, or other commercial group living arrangements.

“Supportive housing” means housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code Section 50675.14 and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“Supportive services” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employments services, and benefits advocacy.

“Unlicensed group homes” shall mean housing shared by unrelated persons with disabilities who provide peer and other support for the residents’ disability-related needs; supportive services that do not require state licensure may be provided. An unlicensed group home operating as a family is considered a residential use and shall not require any approvals other than what is required for other residential uses in the same zone.

## CHAPTER 18.12 – SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

**SECTION 6.** Section 18.12.020 of the Gardena Municipal Code is hereby amended by to read as follows:

### 18.12.020 —Uses permitted.

The following uses shall be permitted in the R-1 zone and other such uses as the commission may deem to be similar to those listed and not detrimental to the public health, safety, and welfare:

- A. Single-family dwellings and accessory buildings customary to such uses located on the same lot or parcel of land;
- B. Home occupations subject to the provisions of Chapter [18.56](#);
- C. Parks, playgrounds, and public buildings;
- D. Family day care homes; provided, a large family day care home shall be permitted subject to approval of a home occupation permit pursuant to Chapter [18.56](#);
- E. Mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 ([42](#) U.S.C. Section [5401](#) et seq.) on a foundation system, pursuant to Section [18551](#) of the Health and Safety Code of the state. Further, such mobile homes shall be occupied only as a residential use type and shall be subject to any and all property development standards of the zone;
- F. Accessory dwelling unit, as defined in Chapter [18.04](#) and subject to property development standards set forth in Chapter [18.13](#);
- G. Residential group facility;
- H. Transitional housing, subject only to those restrictions that apply to other residential dwellings of the same type in this zone;
- I. Supportive housing, subject only to those restrictions that apply to other residential dwellings of the same type in this zone;
- J. Home sharing rentals. Home sharing rentals shall be allowed in a single-family residence in accordance with Chapter [5.76](#). No home sharing rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property;

K. Employee housing, as defined by Health and Safety Code section 17021.5, when providing accommodations for six or fewer employees, subject only to those restrictions that apply to other residential dwellings of the same type in this zone.

**CHAPTER 18.13 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS**

**SECTION 7.** Section 18.13.040D of the Gardena Municipal Code is hereby deleted.

~~D. Owner/Occupancy. Accessory dwelling units may be rented independently of the primary residence. However, in the R-1 zone, the owner of the property must be an occupant of either the primary residence or the accessory dwelling unit in order for one of the two units to be rented and a covenant shall be recorded to this effect in a form approved by the city attorney. Notwithstanding the foregoing, the owner may rent both the primary residence and accessory dwelling unit to one party with a restriction in the lease that such party may not further sublease any unit or portion thereof. The owner-occupancy requirement shall not be imposed on any accessory dwelling unit approved between January 1, 2020, and January 1, 2025.~~

**CHAPTER 18.36 – INDUSTRIAL ZONE (M-1)**

**SECTION 8.** Section 18.36.020, subsection O relating to emergency shelters in the Industrial Zone is hereby amended to read as follows; all other sections remain the same:

**18.36.020- Uses permitted.**

- O. Emergency shelters, subject to the following requirements:
1. The maximum number of beds or clients permitted to be served nightly shall not exceed one per one hundred twenty-five square feet of floor area;
  2. Parking at the rate of one space for every employee on the largest shift, provided that the standards do not require more parking than other uses in the zone~~shall be required at the rate of one space for every two rooms, plus one space per six rooms for employee parking with a minimum of three spaces for employees;~~
  3. The waiting and client intake area shall be a minimum of one hundred square feet of gross floor area, plus an additional ten square feet for every person which the shelter can serve over ten persons;

4. Emergency shelters shall not be ~~required to be more than located~~ 300 within three hundred feet of each other;
5. No person may stay in an emergency shelter for more than one hundred eighty consecutive days;
6. An on-site manager shall be required during all hours that the emergency shelter is in operation; an individual or individuals who do not utilize the homeless beds and/or services may be eligible as on-site manager(s);
7. The emergency shelter shall prepare and file a management plan with the city that includes clear operational rules and standards;
8. Lighting shall be provided in all parking, exterior, intake and waiting areas, outside common areas, and along the periphery of the building and facility.

## CHAPTER 18.42

**SECTION 9.** Section 18.42.015 is hereby added to the Gardena Municipal Code to read as follows:

### **18.42.015 Replacement housing.**

The following provisions apply to the replacement of housing units.

#### **A. Replacement housing – Density Bonus projects.**

1. Replacement housing in density bonus projects shall be required for all protected units as set forth in Government Code section 65913(c)(3).
2. This requirement applies to any housing development project of five or more residential units, including mixed-use developments.
3. Replacement units shall be located on the site of the housing development project.

#### **B. Replacement housing – Housing Crisis Act.**

1. During such time as Government Code section 66300 et seq., the Housing Crisis Act, is in effect and Gardena is considered an “affected city” thereunder, the developer shall be required to provide replacement housing and tenant benefits in accordance with all applicable requirements of Government Code section 66300.6.

2. This requirement applies to any housing development project of two or more units or any non-residential project which develops on a site which has protected housing units under the Housing Crisis Act.

3. If the project is a residential project, the replacement units shall be located on site of the housing development project.

4. If the project is a non-residential project, the replacement units may be located on a different site within the city, but the replacement units must be developed prior to or concurrently with the development project. The city shall not issue a certificate of occupancy for the non-residential project until the replacement units are under construction. The developer may contract with another entity to develop the required replacement housing.

C. Replacement housing – Housing Element inventory sites.

1. Replacement housing for projects developed on housing inventory sites shall be required as set forth in Government Code section 65583.2(g)(3).

2. This requirement shall apply to a residential or non-residential project which develops on an inventory site which had housing protected under Government Code section 65583.2(g)(3).

a. If the project is a residential project, the replacement units shall be located on site of the housing development project.

b. If the project is a non-residential project, the replacement units may be located on a different site within the city, but the replacement units must be developed prior to or concurrently with the development project. The city shall not issue a certificate of occupancy for the non-residential project until the replacement units are under construction. The developer may contract with another entity to develop the required replacement housing.

D. Replacement housing – supportive housing.

1. Replacement housing for supportive housing projects governed by Chapter 18.76 shall be required to provide replacement housing in accordance with Government Code section 65915(c)(3)

E. Applicants shall be required to provide required information on a development application form under penalty of perjury.

F. If a development project falls under more than one subsection above, it shall be required to comply with the most stringent provisions in cases of conflict.



## CHAPTER 18.45 DESIGN REVIEW

**SECTION 10.** Section 18.45.010 of the Gardena Municipal Code is hereby amended to read as follows:

**18.45.010 Where applies.**

Design review applies to:

A. All two-family dwellings;

B. Any new housing project of two or more units, including a residential mixed use housing project as defined in Chapter 18.04, ~~or transitional or supportive housing~~ where either 20 percent of the total units are sold or rented to lower income households or 100 percent are sold or rented to persons and families of moderate income or middle income as those terms are further defined in Government Code section 65915. For purposes of determining the 20 percent, the calculation is based on the number of units prior to the award of any density bonus units that may be requested;

C. A transitional housing project;

~~B-D.~~ A supportive housing project, including a supportive housing project as defined in Chapter 18.76.

## SUPPORTIVE HOUSING

**SECTION 11.** A new Chapter 18.76 is hereby added to the Gardena Municipal Code relating to supportive housing in multi-family and mixed-use zones.

### CHAPTER 18.76 SUPPORTIVE HOUSING FOR HOMELESS AS A USE BY RIGHT

18.76.010 Purpose.

A. The purpose of this chapter is to implement the provisions of Government Code section 65650 et seq. relating to supportive housing for a target population of homeless persons as defined in California Health and Safety Code section 5067.14.

B. The provisions of this Chapter take precedence over any section of the Zoning Code to the contrary.

**18.76.020 Use by right.**

A supportive housing development of no more than 50 units that meets the requirements of this chapter shall be a use by right in the following zones:

- R-2 Low-density multifamily residential
- R-3 Medium density multifamily residential
- R-4 High density multifamily residential
- R-6 Very high density multifamily residential
- AMU Artesia mixed use
- C-R Commercial residential
- H-B Home business
- MUO Mixed use overlay
- HO-3 Medium density 20 overlay
- HO-4 High density 30 overlay
- HO-5 High density 50 overlay
- HO-6 Very high density 70 overlay

**18.76.030 Application/Processing.**

A. The standard application for the housing development project shall be supplemented with the following information:

1. The plan for providing supportive services with appropriate documentation showing that the supportive services will be provided onsite to the residents in the project;
2. The name of the proposed entity or entities that will provide supportive services;
3. The proposed funding source(s) for the provided onsite supportive services;
4. Proposed staffing levels by shift;
5. The number of units that are restricted to residents who meet criteria of the target population;
6. The amount of nonresidential floor area that shall be used for onsite supportive services;
7. An identification of the number of manager units that will be provided; and

8. An identification of the number of rental dwelling units on site, or units that have been vacated in the five-year period preceding the application, which are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by lower or very low income households.

B. An application shall be reviewed for completeness within 30 days of receipt. The application shall be acted on within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days for a supportive housing project with more than 50 units.

C. The application for a supportive housing project that complies with all applicable requirements, including the requirement for replacement housing, shall be approved.

#### **18.76.040 Parking requirements.**

The following parking requirements shall apply:

A. Parking shall be required at the rate of 1.0 space per unit. However, no minimum parking requirement shall apply for the units occupied by supportive housing residents if the development is within ½ mile of a public transit stop.

B. A minimum of one parking space shall be provided for each manager's unit.

C. Parking at the rate of one space for every employee on the largest shift.

#### **18.76.050 Affordability restriction.**

The city shall record an affordability restriction against the property which restricts the units to lower income households for a period of 55 years. The applicant shall be required to sign all necessary documents.

**SECTION 12.** CEQA. The City Council finds that this ordinance is not a "project" subject to the California Environmental Quality Act (CEQA) as it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment (CEQA Guidelines § 15378(a).) The ordinance implements the requirements of state law and the programs required by the City's 6<sup>th</sup> Cycle Housing Element. In addition to not qualifying as a project, the Ordinance falls within the "common sense" exemption set forth in CEQA Guidelines section 15061(b)(3) which exempts activities where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." This Ordinance will not have a significant effect as it implements what is already required by State law and will not result in any development or activity with the potential to impact the environment.

**SECTION 13.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 14.** 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 15 days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

**SECTION 15.** Effective Date. This ordinance shall take effect on the 31<sup>st</sup> day after passage.

Passed, approved, and adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
TASHA CERDA, Mayor

ATTEST:

\_\_\_\_\_  
MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CARMEN VASQUEZ, City Attorney