



# PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

## Regular PEQC Meeting Notice and Agenda

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

**Tuesday, November 7, 2023 – 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 August 15, 2023 MEETING  
[23\\_08\\_15 PCMIN.pdf](#)

5. **ORAL COMMUNICATIONS**

This is the time where the public may address the Planning and Environmental Quality Commission's jurisdiction. Comments should be limited to three minutes.

6. **OTHER MATTERS**

6.A **SECOND REQUEST FOR EXTENSION**

Second request extension of time for Tentative Parcel Map No. 82410, to subdivide a 17,221 square foot property at 15906-15908 S. Manhattan Place creating two separate parcels in the Low-Density Multiple-Family Residential (R-2) zone

LOCATION: 15906-15908 S. Manhattan Place

APPLICANT: Nancy Hurt Canady

[Staff Report \(15906-15908 Manhattan\).pdf](#)

[Attachment A - Statement of Reasons for Extension of Time.pdf](#)

[Attachment B - Tentative Parcel Map No. 82410.pdf](#)

7. **PUBLIC HEARING ITEMS**

7.A **FIRST MODIFICATION TO CONDITIONAL USE PERMIT #13-17**

A request for a modification to Conditional Use Permit #13-17, to add an additional prefabricated storage container to the property and other site changes for a landscaping contractor's yard and determination that the project qualifies for both a Class 3 (new construction/conversion of small structures) and Class 11 (accessory structures) categorical exemption, pursuant to the California Environmental Quality Act

LOCATION: 1650 W 130th Street (APN: 6102-006-005)

APPLICANT: Antonio Valenzuela (Mariposa Landscapes Inc)

[Staff Report - Landscape Contractor \(Mod to CUP #13-17\).pdf](#)

[Attachment A - Resolution No. PC 15-23.pdf](#)

[Exhibit A - Modified Conditions of Approval \(Mod to CUP #13-17\).pdf](#)

[Exhibit B - Project Plans.pdf](#)  
[Attachment B - Original Staff Report.pdf](#)

**7.B ZONE TEXT AMENDMENT #6-23**

Recommendation to the City Council on adoption of Ordinance No. 1860 to repeal and readopt Chapter 18.43 of the Gardena Municipal Code relating to Density Bonus Laws, and finding the Ordinance to be exempt pursuant to the common sense exemption of CEQA Guidelines Section 15061(b)(3)

[Staff Report - Density Bonus Ordinance.pdf](#)

[Attachment A - Resolution PC No. 19-23 \(Density Bonus\).pdf](#)

[Exhibit A - Draft Ordinance No. 1860.pdf](#)

[Attachment B - Public Hearing Notice.pdf](#)

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

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

**10. ADJOURNMENT**

The Planning and Environmental Quality Commission will adjourn to the next meeting at 7:00pm on November 21, 2023.

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).

Dated this November 3, 2023.

          /s/ GREG TSUJIUCHI            
Greg Tsujiuchi, Secretary  
Planning and Environmental Quality Commission

**Regular PEQC Meeting Notice and Agenda of the  
Planning and Environmental Quality Commission  
Tuesday, August 15, 2023**

The Regular PEQC Meeting Notice and Agenda of the Planning and Environmental Quality Commission of the City of Gardena, California, was called to order at 7:00 PM on Tuesday, August 15, 2023, in the Council Chambers at 1700 W. 162nd Street, Gardena, California.

**PARTICIPATE BEFORE THE MEETING** by emailing the Planning Commission at [planningcommissioner@cityofgardena.org](mailto:planningcommissioner@cityofgardena.org) by 5:00 PM on the day of the meeting and write "Public Comment" in the subject line

1. **CALL MEETING TO ORDER**

The meeting was called to order at 7:00 PM

2. **ROLL CALL**

Present: Chair Deryl Henderson; Commissioner Steve Sherman; Commissioner Jules Kanhan; Commissioner Ronald Wright-Scherr

Absent: Vice Chair Stephen P. Langley

3. **PLEDGE OF ALLEGIANCE**

Commissioner Ronald Wright-Scherr lead the pledge of allegiance.

4. **APPROVAL OF MINUTES**

4.A JULY 18, 2023 MEETING

[23\\_07\\_18 PCMIN](#)

A motion was made by Commissioner Sherman and seconded by Commissioner Kanhan.

The motion was passed by the following roll call vote:

Ayes: Sherman, Kanhan, Wright-Scherr, Henderson

Noes:

5. **ORAL COMMUNICATIONS**

No members of the public wished to speak to the Planning Commission under oral communications.

Planning Assistant, Kevin La, spoke to the Planning Commission that an email from Brandy Keith made available to the commission and to the public in the back of the council chambers, submitted a public comment to notify the public that AQMD staff invites the public to attend their upcoming public workshops for the proposed amended rule 1180 and 1180.1 on August 22<sup>nd</sup>, 2023 at either 10 AM or 6 PM for those who wish to attend.

## 6. **OTHER MATTERS**

### 6.A **Discussion of Outdoor Dining Regulations**

Consideration on design standards for outdoor seating areas for restaurants [PC Staff Report \(Outdoor Dining\) 08.15.2023.pdf](#)

Senior Planner, Amanda Acuna, presented the staff report for the consideration of design standards for outdoor seating areas for restaurants and explained the recommendations from the Planning Commission provided at the June 6, 2023, meeting.

Commissioner Wright-Scherr expressed his concerns on allowing for outdoor seating areas to have amplified sound.

Chair Henderson stated he was in favor of allowing for amplified sound, if it were kept to a certain a decibel level, especially when in close proximity to residential areas.

Commissioner Kanhan stated that for those businesses located in a shopping center it would depend on the location and size of the commercial center.

Ms. Acuna stated that the Gardena Noise Ordinance establishes permitted noise levels that apply to all properties within the City. Ms. Acuna also explained that the Commission could allow for outdoor seating areas to have amplified sound and if in the future there were issues that arose the standards could be amended as appropriate.

Commission Steve Sherman asked for clarification on the options involving this matter, whether they were as follows: to not allow for amplified sound in outdoor seating areas, to allow amplified sound in outdoor dining with the requirement of those properties abutting residential areas shall cease by 10 pm, or to allow outdoor seating areas to have amplified sound with no further regulations other than those standards within the Noise Ordinance.

Ms. Acuna stated that those were the options presented by staff and added that the Commission could also make other suggestions.

Commissioner Wright-Scherr stated he felt that if a restaurant had music inside, it would only be fair to have it allowed outside as well.

Community Development Director Greg Tsujiuchi stated to the Commission that this area is new to staff as it is to the Commission, and different issues may arise that require further discussion. Mr. Tsujiuchi went on to give an example in where a commercial center with multiple restaurants all may have amplified sound, and that the decibel level would increase, as a collective sound. Mr. Tsujiuchi reiterated the fact that different issues may arise while staff and the Commission are determining what standards there should be for outdoor seating areas.

Chair Henderson stated that he felt it was only fair to allow for amplified sound in outdoor seating areas.

Ms. Acuna then asked the Commission whether they felt that the City should allow for alcohol to be served in outdoor seating areas.

Commissioner Kanhan stated he felt that if the establishment was permitted to serve alcohol inside, that it should be allowed to serve in outdoor seating areas.

Commissioner Wright-Scherr agreed but had concerns for patrons to lead out into public rights-of-way.

Ms. Acuna stated that the California Department of Alcohol and Beverage Control regulated the operations when serving alcohol and would require the business to place signs that no alcohol shall be taken off the premises.

Chair Henderson asked why there may be need to modify the business's existing Conditional Use Permit (CUP).

Ms. Acuna stated that staff saw other city ordinances would require that a modification to a CUP for alcohol sales be brought back to the Commission if there was an increase in more than 50% of the existing dining area. Ms. Acuna explained that this type of standard did not need to be included in the ordinance if the Commission wished.

Chair Henderson stated he felt this type of standard was not needed.

Ms. Acuna then asked the Commission for direction on standards for hours of operation.

Commissioner Wright-Scherr stated he felt that it would depend on what type of business and their existing hours of operations, and whether they operated 24-hours consecutively.

Ms. Acuna stated that the Municipal Code doesn't currently limit hours of operations for businesses but added that the Commission could set standards for operations hours of outdoor seating areas.

Commissioner Kanha stated he felt restaurants near residential areas should be limited to closing by 10 o'clock because outside noise may cause a disturbance to the neighboring residents.

Mr. Tsujiuchi added that early morning hours should also be considered, when limiting the hours of operation.

Ms. Acuna then stated the next item for discussion was in regarding setback requirements. Ms. Acuna stated that the Commission could consider the following options: outdoor seating areas should not be permitted in any setback areas in the front yard setback or along the street frontage, require that outdoor seating may not be allowed in any required landscaping areas, or the ordinance could allow outdoor seating areas to project into setback area and landscape areas to an extent.

Chair Henderson asked what would happen if an existing commercial center did not have ample setback areas.

Ms. Acuna stated that the regulations would apply to not only existing commercial centers but for new developments as well. Ms. Acuna then stated that if the Commission wished to allow for more flexibility for existing developments, the City could allow for seating areas to project into required setbacks.

Mr. Tsujiuchi stated that he wanted the Commission to keep in mind that the purpose of the setback and landscape requirements were to establish beautification of these areas throughout the City, and that if outdoor dining areas were allowed along street frontages, there would be a need development standards in regard to safety issues.

Chair Henderson asked for clarification to whether these standards would establish regulations to allow for permanent outdoor dining areas, as compared to when the City permitted temporary outdoor dining areas during the COVID-19 pandemic.

Mr. Tsujiuchi stated that was correct and the intent was to now allow outdoor dining on a permanent basis.

Commissioner Wright-Scherr stated that the City should first think about safety when deciding the regulation, and beautification of the City second, but added both should be a priority.

Chair Henderson stated his opposition to allowing outdoor seating in setback areas and along street frontages.

Commissioner Kanhan and Sherman both agreed.

Ms. Acuna then asked for direction on what type of parking regulations there should be for outdoor seating areas. Ms. Acuna presented the Commission with different options on parking regulations.

Chair Henderson, Commission Kanhan, and Commission Wright-Scherr expressed their opinion that there should be some minimum parking requirements for outdoor seating areas over a certain threshold.

Ms. Acuna stated that the Commission had previously discussed other site design standards including security features, requirements on furniture, procedures of review, and liability.

Commissioner Kanhan stated his opposition to allowing fixed furniture.

Chair Henderson stated that if businesses were to have portable furniture, they should be required to bring those items back into the building at the end of their operations each day.

In regard to the procedures of review for outdoor seating areas, the Commission expressed that it should be processed at the staff level, once those regulations have been established by ordinance.

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

Mr. Tsujiuchi updated the Commissioners on upcoming events happening in the City.

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

Commission Kanhan stated that he was approached by a representative of a nonprofit organization looking for a new location in the City.

Mr. Tsujiuchi stated that Jackie Choi, the Economic Development Manager, could be of assistance.

9. **ADJOURNMENT**

Chair Henderson adjourned the meeting at 8:30 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  
SECOND EXTENSION OF TIME REQUEST FOR  
TENTATIVE PARCEL MAP NO. 82410 (TM#1-18)  
AGENDA ITEM #6.A.

DATE: November 7, 2023

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

FROM: Greg Tsujiuchi, Community Development Director

PREPARED BY: Amanda Acuna, Senior Planner

APPLICANT: Nancy Hurt Canady

LOCATION: 15906-15908 S. Manhattan Place

REQUEST: Second request extension of time of Tentative Parcel Map No. 82410, to subdivide a 17,221 square foot property at 15906-15908 S. Manhattan Place creating two separate parcels in the Low-Density Multiple-Family Residential (R-2) zone

**BACKGROUND**

On April 16, 2019, the Planning Commission approved Tentative Map #1-18 for Parcel Map No. 82410 to subdivide a 17,221 square foot property at 15906-15908 S. Manhattan Place creating two separate parcels in the Low-Density Multiple-Family Residential (R-2) zone.

The conditions of approval called for the final parcel map to be recorded with the Los Angeles County Recorder's office within 24 months from the date of the tentative map approval. If said map was not recorded within such time, the life of the map would be deemed expired, and the approval would be null and void.

In December of 2020, due to the delays caused by the COVID-19 pandemic, a State law passed that granted all residential development projects an automatic 18-month extension. With this automatic extension, the Planning Commission's approval was extended to October 2022.

On November 1, 2022, the Planning Commission granted the first extension of time to the tentative map for one-year of time.

On October 1, 2023, the applicant submitted a request for a second extension of time for Tentative Map #1-18.

### PROJECT DESCRIPTION

The subject property currently contains two single-family homes each with a two-car garage. The original proposal for a tentative parcel map did not include any new construction, and there is no request at this time for any new construction. The subdivision of the parcel would create two equal-sized lots each containing one (1) single family home and one (1) two-car garage, which is consistent with the neighboring properties.

At this time the applicant is requesting an extension of 12 months to the tentative map approval. As part of the request for an extension of time, the applicant has provided a statement as to the reasons for this request, which is attached hereto as Attachment A.

The applicant's request does not include any modifications to the map that was approved originally by the Planning Commission (Attachment B).

In accordance with the Subdivision Title (17) of the Municipal Code a request for extension to a tentative map is subject to review and approval by the Planning Commission.

Staff has reviewed the reason for the extension of time by the applicant and recommends granting a second 12 month extension of time.

### ENVIRONMENTAL ASSESSMENT

The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant Guidelines Section 15061(b)(3) which exempts projects where it can be seen with certainty that the activity in question does not have a significant effect on the environment. The applicant's request for a one-year extension to a tentative map will allow the applicant to complete the subdivision map process and will not create any environmental effects.

### CONCLUSION

The Planning Commission is being asked to review and consider the second extension of time for Tentative Parcel Map No. 82410 (TM #1-18).

### ATTACHMENTS

Attachment A – Statement of Reasons for Extension of Time  
Attachment B – Tentative Parcel Map No. 82410

October 1, 2023

Honorable Planning Commission  
City of Gardena  
City Hall  
1700 W. 162nd Street  
Gardena, CA 90247

Re: Request for One Year Time Extension  
Tentative Parcel Map #2001-189 (PLN02021-00061) (Parcel Map No. 82410)  
15906-15908 S. Manhattan Place

Honorable Commission;

My brother and I are the property owners and Applicant for the above referenced Parcel Map, a proposed single family residential lot split (splitting one lot into two lots). There are two existing single-family homes on the site. Each of the lots in the proposed split will contain one of the homes as they are situated side by side.

The City's Tentative Map approval for this project will expire on October 16, 2023.

At approximately this time last year we requested, and the Commission granted, a one year extension of time (to October 16, 2023) for this map to record. Before that, COVID had delayed this project. We are grateful for the extension approval as it provided us with needed time to gather resources to work on satisfying City Tentative Map approval conditions.

Despite our best efforts, we find ourselves in need of additional time to record this Parcel Map. We, therefore, have come to the Commission requesting a one year time extension.

Our reason for this request is largely financial. First, we used the time granted to gather the resources necessary to engage qualified professionals to perform the work required to record the final map. Managing the financial aspect of this complex project has been challenging as we continue to work with very limited income, most of which is derived from the lease of the homes. Even with that, meeting our financial obligations is, at times, difficult. Second, finding a competent and trustworthy licensed contractor proved more challenging than anticipated. Following months of interviewing potential contractors, we finally secured a reputable, licensed contractor who fully understood the detailed scope of work needed to fulfill the City's required drainage improvements.

Working diligently to keep this project moving forward, there are only two items left to complete in order for the Parcel Map to record. Both are in progress and close to being completed. These items are:

Installation of the block wall and onsite drainage improvements required by the City. Although the site is flat, we must prevent one lot from draining toward the second lot. We have processed the required plan and permits with the City, hired a contractor to do the work, and the requisite work is nearing completion for a final City sign-off.

Processing the final Parcel Map with the County Engineer for map check and approval, after which the map can go before the City Council for approval, and then

recording. The map is presently in map check with the County and we expect it will be released to the City in the next couple months.

Granting this extension will allow us to see the project, which is in the final stages of completion, through to its end (recording of the Parcel Map).

As mentioned above, the subject property consists of two existing single-family homes on one large lot. This property has been owned by our family since approximately 1933, initially by our grandparents, then our mother, and now by myself, a substitute teacher for Torrance Unified School District, and my retired brother. We have no desire to re-develop the site.

**Finally, my representative at the Planning Commission Hearing for this matter is Karl M. Riemer of DCA Civil Engineering Group and he will be out of town October 11th through October 18th. It would be greatly appreciated if this matter could be scheduled outside of those dates.**

Thank you for your consideration.

Sincerely,

Handwritten signature of Nancy Hurt-Canady in black ink.

Nancy Hurt-Canady

SCALE: 1"=20'

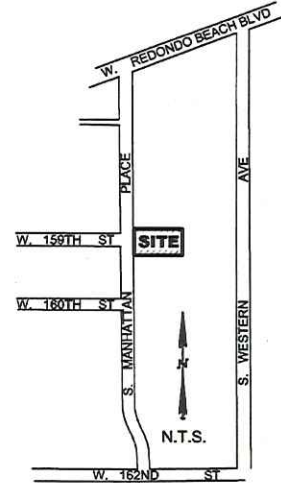
# PARCEL MAP NO. 082410

SHEET 1 OF 1

FOR LAND IN THE CITY OF GARDENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA



NO CONSTRUCTION IS PROPOSED. THE PURPOSE OF THIS PARCEL MAP IS TO SUBDIVIDE THE SITE, PRESENTLY CONSISTING OF ONE PARCEL, INTO TWO PARCELS. THERE ARE TWO EXISTING ONSITE SINGLE FAMILY HOMES WHICH WILL REMAIN, WITH EACH HOME LOCATED ON ONE OF THE PROPOSED PARCELS AS SHOWN. THE SITE & AREA IS FLAT ( $\pm 2\%$  SLOPE)



VICINITY MAP

### SITE ADDRESS

15906-15908 S. MANHATTAN PLACE GARDEN, CA 90247  
APN 4066-011-016

### SUBDIVIDER/OWNER

NANCY MARI HURT-CANADY AND JOHN KAZUO HURT  
18721 DOTY AVENUE TORRANCE, CA 90504

### BENCHMARK

BENCH MARK NO. IN CITY OF GARDENA: 5-C-10  
L&T TOP OF CURB, CITY ENGR TAG N/W CORNER  
159TH ST & MANHATTAN PL 4' N/O ECR.  
ELEVATION : 44.861 FT

### SITE LAND AREA

PARCEL 1: 8,610.5 S.F./0.20 ACRES  
PARCEL 2: 8,610.5 S.F./0.20 ACRES  
TOTAL: 17,221 S.F./0.40 ACRES

### EASEMENTS

THERE ARE NO EASEMENTS OF RECORD AFFECTING THE SITE

### LEGAL DESCRIPTION

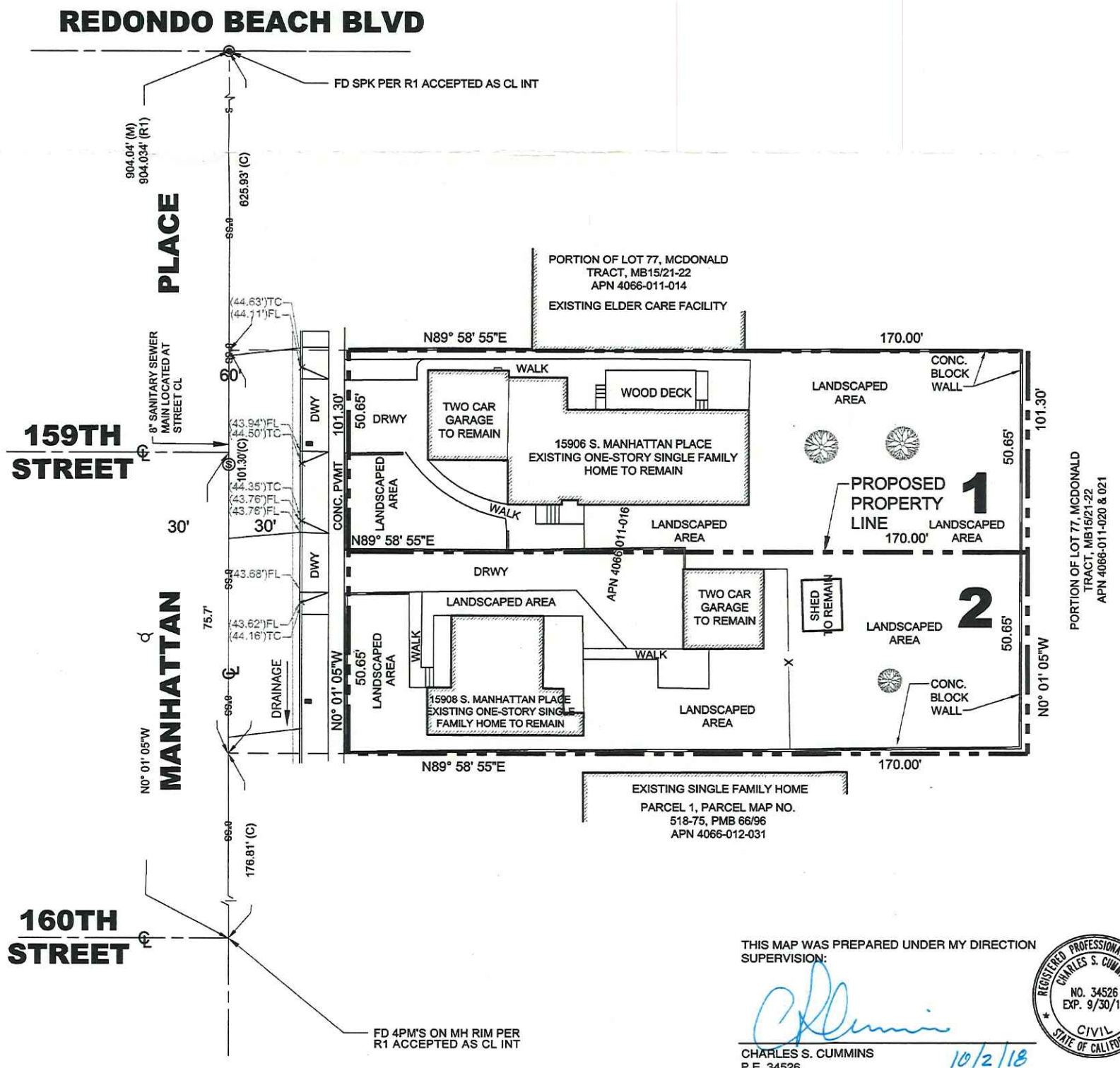
PORTION OF LOT 77 OF MC DONALD TRACT IN THE CITY OF GARDENA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, M.B. 15 PAGES 21/22 OF MAPS OF SAID COUNTY.

### ZONING

R-2 : LOW-DENSITY MULTI-FAMILY RESIDENTIAL

### LEGEND

- ☉ = CENTERLINE
  - CONC= CONCRETE
  - C = CALCULATED
  - EP = EDGE OF PAVEMENT
  - FF = FINISHED FLOOR
  - FG = FINISHED GRADE
  - FS = FINISHED SURFACE
  - M = MEASURED
  - PVMT= PAVEMENT
  - R/W = RIGHT OF WAY
  - TW = TOP OF WALL
  - WF = WALL FACE
  - (R1) = RS B 289 P 41
  - (R2) = PM NO. 518-75 B 66 P 96
- PROPERTY LINE
  - WALL
  - X-X- CHAIN LINK FENCE
  - ⊙ SEWER MANHOLE
  - ⊕ WATER METER
  - ⊕ FIRE HYDRANT
  - ⊕ TREE



THIS MAP WAS PREPARED UNDER MY DIRECTION SUPERVISION:

*Charles S. Cummins*  
CHARLES S. CUMMINS  
P.E. 34526

10/2/18



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

FIRST MODIFICATION TO CONDITIONAL USE PERMIT #13-17  
AGENDA ITEM #7.A

DATE: November 7, 2023

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

FROM: Greg Tsujiuchi, Community Development Director

PREPARED BY: Kevin La, Planning Assistant

APPLICANT: Antonio Valenzuela (Mariposa Landscapes Inc.)

LOCATION: 1650 W 130<sup>th</sup> Street (APN: 6102-006-005)

REQUEST: A request for a modification to Conditional Use Permit #13-17, to add an additional prefabricated storage container to the property and other site changes for a landscaping contractor's yard and determination that the project qualifies for both a Class 3 (new construction/conversion of small structures) and Class 11 (accessory structures) categorical exemption, pursuant to the California Environmental Quality Act.

**BACKGROUND**

On April 17, 2018, the Planning Commission approved Conditional Use Permit #13-17 (CUP #13-17), per Section 18.36.030(G) of the Gardena Municipal Code, to operate a contractor's yard for a landscape company and add three prefabricated storage containers on the vacant property, located at 1650 W 130<sup>th</sup> Street, located in the Industrial (M-1) zone.

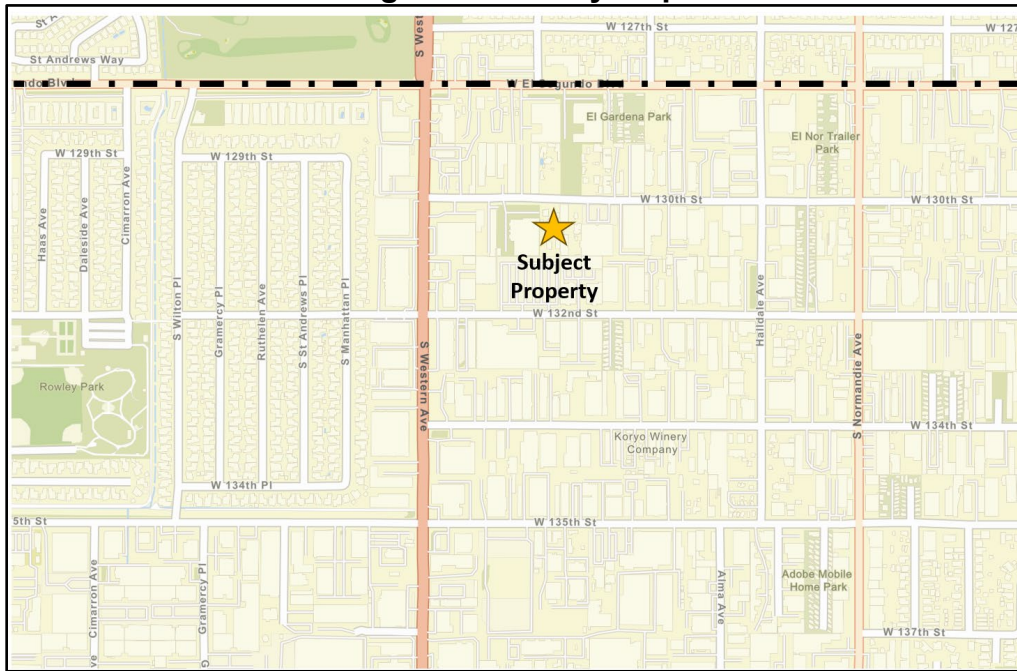
On July 7, 2023, an application for a modification to CUP #13-17 was submitted to: add a fourth prefabricated storage container to the property; demolish a non-permitted chain-link fence and driveway gate; add two roll-off refuse trash containers; and replacement of condition for paved truck parking area with open outdoor storage space with gravel.

The subject property is a 0.91-acre parcel, that is located on the south side of West 130<sup>th</sup> Street, with Western Avenue to the west and Halldale Avenue to the east (Figure 1: Vicinity and Figure 2: Zoning Map).

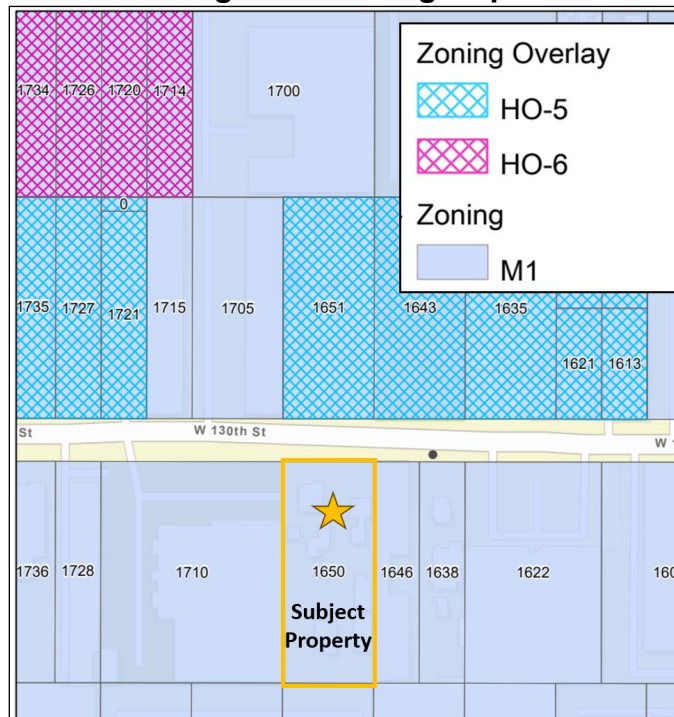
As shown in Figure 2, the subject property is zoned Industrial (M-1). The surrounding properties to the east, south, west, and north across W 130<sup>th</sup> Street, are also zoned M-1.

Additionally, the property to the north was one of the identified sites in the housing element for affordable housing and has a housing overlay zoning designation of HO-5 which allows 31 – 50 du/acre.

**Figure 1: Vicinity Map**



**Figure 2: Zoning Map**



**Table 1: Surrounding Uses**

	Zoning Designation	General Plan Land Use Designation	Existing Land Use
<b>Project Site</b>	M-1	Industrial	Landscape Contractor's Yard
<b>North</b>	M-1/HO-5	Industrial/High Density 50	Machine Shop/Outdoor Storage
<b>South</b>	M-1	Industrial	Parking Lot
<b>East</b>	M-1	Industrial	Wholesale
<b>West</b>	M-1	Industrial	General Contractor's Office

**PROJECT DESCRIPTION/SETTING**

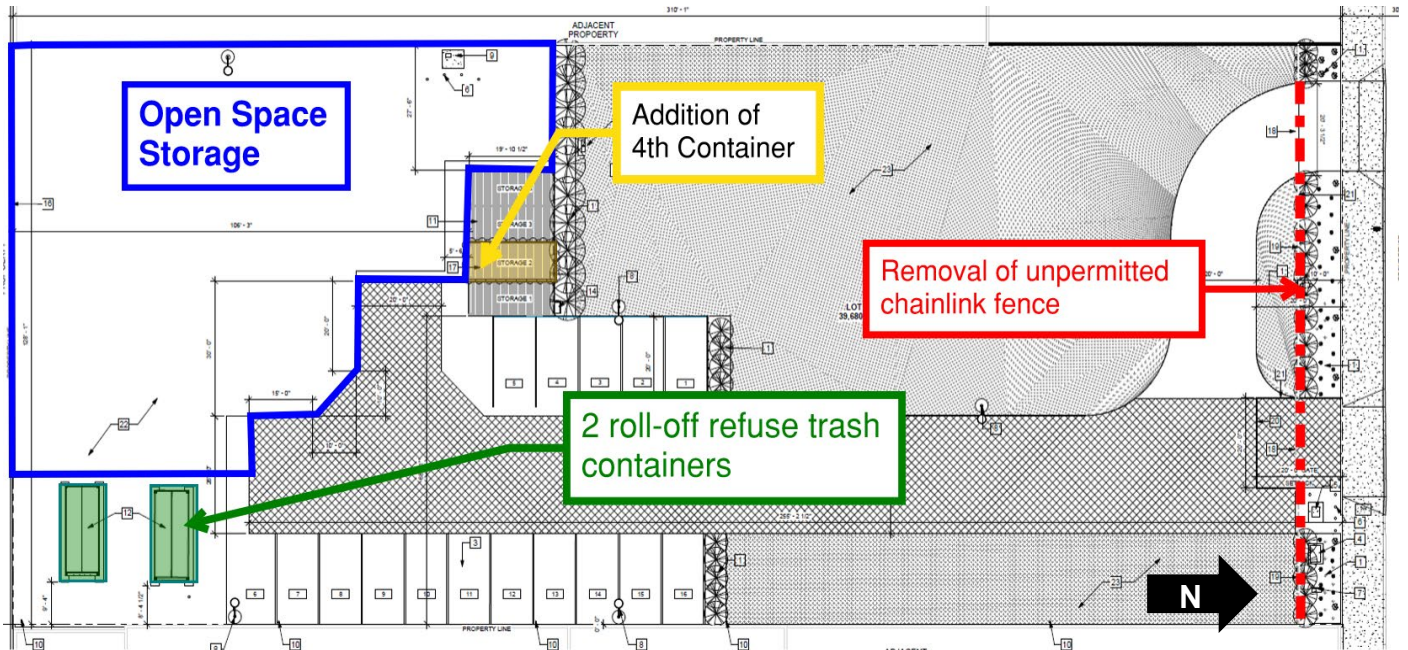
The subject property is currently being used by Mariposa Landscapes, as a contractor's yard for a landscape business that provides construction and maintenance services to municipal, commercial, and homeowner associations throughout the Southern California and Arizona regions. The property is primarily used for the outdoor storage of equipment and vehicles. In 2022, the project property was developed with ten feet of landscaping along the street frontage and a biofiltration area on the west side of the property. The operating hours are Monday through Friday 6:00 am – 2:30 pm. Gardena Municipal Code section 18.36.030(G) allows "contractor businesses; provided they are not located on arterial and major collector streets" in the M-1 zone subject to the issuance of a CUP from the City. CUP #13-17 was approved with planning condition, PL7, which states that the applicant shall not deviate from the approved site plan without approval from the Planning and Environmental Quality Commission.

The applicant now seeks to add a fourth storage container for additional storage of equipment used by the contractor's business. Additionally, the applicant proposes the following changes to the site improvements, as shown in Figure 3:

- Removal of unpermitted existing chain-link fence and gate.
- Installation of new wrought iron fence and driveway gate.
- Addition of two roll-off refuse trash containers.
- Removal of truck striped parking spaces on the south side of the property to provide open space storage area. The applicant proposes paving this area with gravel.



Figure 3: Site Plan of Proposed Modifications



The applicant's request for an additional storage container and site improvement changes are subject to the review of the Planning Commission as a modification to CUP #13-17.

## **ANALYSIS**

### ***MODIFICATION TO CUP #13-17 - CONDITIONAL USE PERMIT FINDINGS***

In accordance with GMC Section 18.46.040.F, in order to grant a conditional use permit, the Planning Commission must make the following findings:

**1. That the use is one for which a conditional use permit is authorized;**

Pursuant to section 18.36.030(G) of the Gardena Municipal Code, a contractor's business is permitted by conditional use permit in the M-1 zone, provided that the use is not located along any arterial or major collector streets. The subject property is zoned M-1 and is located along 130th Street, which is neither an arterial nor a major collector road. Therefore, the application for a conditional use permit is deemed proper and, if approved, will authorize the applicant to add the fourth storage container and other site improvements.

- 2. 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 modifications to the site improvements will not change the previously conditionally permitted use and will allow the property to continue to be consistent with goals and policies set forth in the Gardena General Plan. The General Plan designates the subject property as Industrial, which covers a wide variety of land uses and is implemented by the M-1 and M-2 zones. The proposed modifications are consistent with the following goals and policies of the Gardena Municipal Code:

**Table 2: General Plan Goals and Policies**

General Plan Goal/Policy	
<u>Economic Development Goal 1</u>	Promote a growing and diverse business community that provides jobs, goods and services for the local and regional market, and maintains a sound tax base for the City.
<u>Land use Policy 3.3</u>	Attract commercial and industrial uses that minimize adverse impacts on surrounding land uses and are economically beneficial to the City in terms of revenue generation and employment opportunities
<u>Land Use Policy 3.7</u>	Require all outdoor storage to be concealed from view from the public right of ways and adjoining land uses.

The applicant’s request for an additional storage container will allow the business to store all equipment within storage containers, located behind a landscape screen. Further, the storage containers and vehicles related to the company are kept in the rear 1/3 of the lot, and out of view from the public right-of-way. Landscaping features, such as trees and shrubs, have been planted and, when at full flora maturation, will act as a natural screen for the storage containers, so that they are not visible from the public right-of-way.

- 3. 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 project consists of adding an additional storage container, approximately 19 feet by 8 feet, for a total of four storage containers that will be mounted into the ground. The proposed storage container will be located in the rear 1/3 of the lot, adjacent to the existing storage containers, and screened from the public right of way through the use of landscape features (i.e., trees and bushes). The applicant proposes removing an unpermitted chain-link fencing and replacing it with a six-foot high wrought iron fence and vehicular gate behind the landscaped setback, as denoted on the site plan (Exhibit "A" to Resolution No PC 15-23).

The proposal includes two refuse trash containers located in the southeastern corner of the property. The plans show the containers will be oriented away from public-rights-of-way as they will be located approximately 270 feet from the public sidewalk.

Lastly, the applicant is proposing to remove the striped truck parking area within the south portion of the property, as shown in the original site plan for CUP #13-17, to provide an open space storage area. The applicant is proposing to pave this open area with permeable gravel to allow stormwater drainage to a below-grade storm drain detention system in accordance with the low-impact development and drainage report prepared for the property. Since the area is being proposed to be paved with gravel, the area will not be capable of providing striped parking. Figure 4 shows the difference between the proposed outdoor open storage space with gravel material and the striped parking space paved with asphalt material. The applicant is proposing to use gravel pavement within the south end of the property to allow proper drainage from stormwater runoff. The applicant must submit plans for review to and obtain approval from the Building and Safety Division for drainage equipment and stormwater management. While the areas will remove what was originally shown to be striped parking, the project will continue to meet the minimum parking requirements of 14 spaces by providing 16 spaces.

Pursuant to Section 18.36.040.H of the Gardena Municipal Code, properties located in the M-1 zone are allowed outdoor storage of materials and products, provided they are concealed from view from adjacent properties and public rights-of-way. This open area is proposed at the south end of the property, behind the storage containers, and is intended for company vehicle parking and storage of materials such as pavers, walls, blocks, and landscape timber that will not be moved off the lot by natural causes or forces, such as wind or rain. All loose

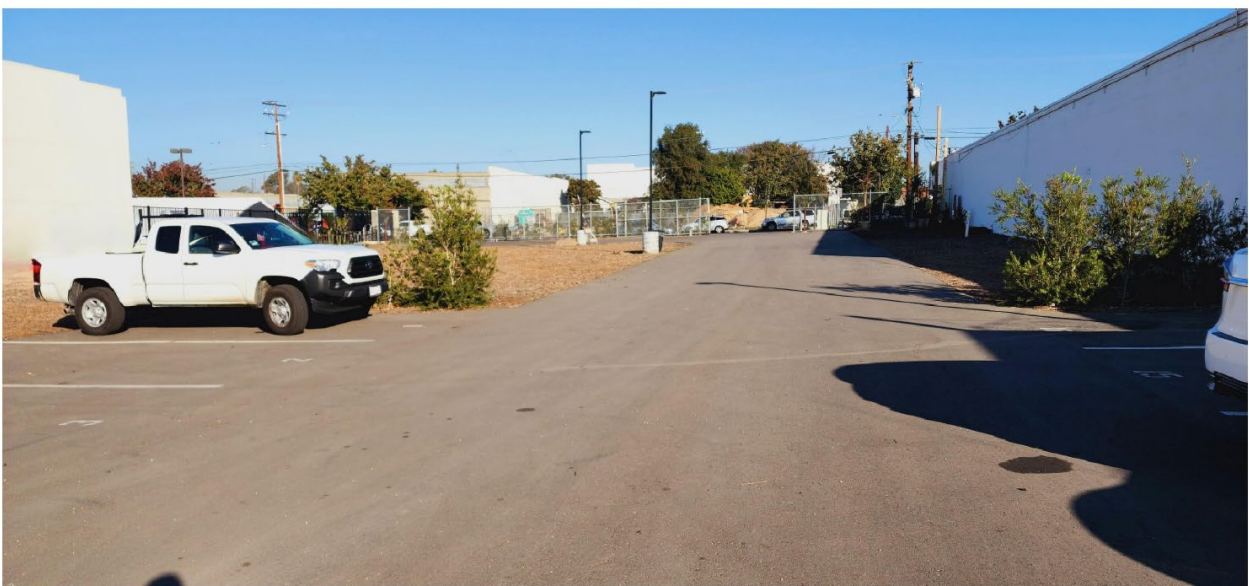
materials will either be disposed of in the proposed trash containers or transported off-site.

With the proposed modifications, the subject property will comply with the minimum requirements of Title 18 (Zoning) of the Gardena Municipal Code. Therefore, the subject property is considered adequate in shape and size as for the use of the storing equipment related to the landscape company.

**Figure 4: Outdoor Open Storage Space (Gravel)**



**Striped Parking (Asphalt)**



- 4. 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;**

Pedestrian access to the subject property is provided by a sidewalk along 130th Street. Vehicle access to the subject property is provided by two driveway entrances on 130th Street.

The Gardena General Plan designates 130th Street as a collector roadway. Collector roadways are intended to move traffic from a local roadway to a secondary roadway. The applicant's request to make modifications to the site improvements to operate a contractor's yard is not expected to create excess traffic that would ultimately affect the circulation in the area as the use is industrial in nature and will be located in an area where the majority of the land uses are of the industrial type.

The proposed project is also not expected to create any traffic impacts as the subject property meets the off-street parking requirements. The project site is required to provide a total of 14 off-street parking spaces. The modified project will provide a total of 16 off-street parking spaces, thus fulfilling the off-street parking requirement. Staff does not foresee any adverse traffic impacts to the subject property.

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

The conditions of approval for the Modification of Conditional Use Permit #13-17 will ensure that the operations of the landscaping contractor's yard will continue to be compatible with, and not detrimental to, the surrounding uses in the vicinity. The conditions for the modification incorporate (most/all) of the original conditions of approval.

## **ENVIRONMENTAL ASSESSMENT**

This request for a modification to the existing conditional use permit qualifies for categorical exemption from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15303: Class 3 - New Construction or Conversion of Small Structures, and Section 15311: Class 11 - Accessory Structures.

Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures including accessory structures. Since the proposal of this project is for the addition of one prefabricated storage container not more than 150 square feet and two roll-off refuse containers, these would be accessory structures qualifying for the exemption under Section 15303 of CEQA.

Class 11 exemptions consist of construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities. The landscaping contractor's yard is conditionally permitted use within the Industrial zone and the two new roll-off refuse containers and one prefabricated storage container are accessory structures that will be located on the same parcel as the existing three storage containers on the 0.91-acre property. The demolition of a non-permitted chain-link fence and driveway gate, removal of the truck parking area, and addition of open outdoor storage space are not construction or replacement of minor structures accessory to an industrial facility and can be seen as a negligible impact.

The project is not subject to any of the exceptions to the exemptions under Section 15300.2 of the California Environmental Quality Act. The cumulative impact of the landscaping contractors' yard is not considered significant. The project is not located along any state-designated scenic highway nor within any designated hazardous waste site. The proposed storage container and roll-off refuse containers are not considered significant historical structures by any governmental body. With the demolition of a non-permitted chain link fence and driveway gate, removal of the truck parking area, and addition of open outdoor storage, staff does not expect any significant impacts or unusual circumstances related to the approval of this project.

Based on the above, the proposed project is categorically exempt from CEQA.

## **NOTICING**

The public hearing notice for Modification of Conditional Use Permit #13-17 was published in the Gardena Valley News and mailed first class to owners and occupants within a 300-foot radius of the site on October 26, 2023. A copy of Proof of Publication and Affidavit of Mailing are on file in the office of the Community Development Department Room 101, City Hall, and are considered part of the administrative record.

**RECOMMENDATION**

Staff recommends the Planning and Environmental Quality Commission to:

- 1) Conduct the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution PC No. 15-23 making the necessary findings and approving Modification of Conditional Use Permit #13-17 subject to the attached Conditions of Approval and directing staff to file a Notice of Exemption.

**ATTACHMENTS**

Attachment A - Resolution No. PC 15-23

Exhibit A: Modified Conditions of Approval for CUP #13-17

Exhibit B: Project Plans

Attachment B - Original Staff Report

## RESOLUTION NO. PC 15-23

### **A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, APPROVING MODIFICATION TO CONDITIONAL USE PERMIT #6-23 TO ALLOW AN ADDITIONAL PREFABRICATED STORAGE CONTAINER, SITE CHANGES FOR A LANDSCAPING CONTRACTOR'S YARD, IN THE INDUSTRIAL (M-1) ZONE AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION**

**1650 WEST 130<sup>TH</sup> ST  
(APN: 6102-006-005)**

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

#### SECTION 1. RECITALS.

A. On September 19, 2017, the applicant, Terry Noriega, submitted an application for a conditional use permit to operate a contractor's yard for a landscape company;

B. On April 5, 2018, a public hearing was duly noticed for the Planning and Environmental Quality Commission meeting for April 17, 2018, at 7:00 PM at City Hall Council Chambers, 1700 West 162<sup>nd</sup> Street, Gardena;

C. On April 17, 2018, the Planning and Environmental Quality Commission held a public hearing at which time it considered all material and evidence whether written or oral, and approved Conditional Use Permit #13-17 ("CUP #13-17") with conditions of approval to allow the operation of a contractor's yard for a landscape company;

D. On July 7, 2023, an application for a modification to CUP #13-17 was submitted for the addition of a fourth prefabricated storage container to the property, removal of a non-permitted chain-link fencing and gate and installation of a new wrought iron fence and gate, addition of two roll-off refuse trash containers, replacement of condition for paved truck parking area with open outdoor storage space with gravel, for a Landscaping Contractor's yard, (the "Project"), Antonio Valenzuela (the "applicant"), doing business as Mariposa Landscapes Inc., located at 1650 West 130<sup>TH</sup> ST. (the "Subject Property");

E. The General Plan Land Use Plan designation of the Subject Property is Industrial, and the zoning is Industrial (M-1);

F. The Subject Property is bounded by West 130<sup>th</sup> Street to the north, and Industrial zoned properties to the east, south, and west.

G. On October 26, 2023, a public hearing was duly noticed for a Planning and Environmental Quality Commission meeting for November 7, 2023, at 7 PM;



H. On November 7, 2023, the Planning and Environmental Quality Commission held a public hearing at which time it considered all material and evidence, whether written or oral; and

I. In making the various findings set forth herein, the Planning and Environmental Quality Commission has considered all the evidence presented by staff, the applicant, and the public, whether written or oral, and has considered the procedures and the standards required by the Gardena Municipal Code.

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

**SECTION 2. MODIFICATION TO CONDITIONAL USE PERMIT #13-17**

The Planning Commission hereby approves the modification to Conditional Use Permit #13-17 to add a fourth prefabricated storage container to the property removal of a non-permitted chain-link fencing and gate and installation of a new wrought iron fence and gate, addition of two roll-off refuse trash containers, replacement of condition for paved truck parking area with open outdoor storage space with gravel, for a Landscaping Contractor's yard, located in the Industrial (M-1) zone as shown on the plans presented to the Planning Commission on November 7, 2023, attached hereto as Exhibit B. This approval is based on the following findings and subject to the conditions attached hereto as Exhibit A.

**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 this chapter;**

Pursuant to section 18.36.030(G) of the Gardena Municipal Code, a contractor's business is permitted by conditional use permit in the M-1 zone, provided that the use is not located along any arterial or major collector streets. The subject property is zoned M-1 and is located along 130th Street, which is neither an arterial nor a major collector road. Therefore, the application for a conditional use permit is deemed proper and will authorize the applicant to add the fourth storage container and other site improvements.

**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 modifications to the site improvements will not change the previously conditionally permitted use and will allow the property to continue to be consistent with goals and policies set forth in the Gardena General Plan. The General Plan designates the Property as Industrial, which covers a wide variety of land uses and is implemented by the M-1 and M-2 zones. The Project is consistent with the following goals and policies of the Gardena Municipal Code:

**Table 2: General Plan Goals and Policies**

General Plan Goal/Policy	
<u>Economic Development Goal 1</u>	Promote a growing and diverse business community that provides jobs, goods and services for the local and regional market, and maintains a sound tax base for the City.
<u>Land use Policy 3.3</u>	Attract commercial and industrial uses that minimize adverse impacts on surrounding land uses and are economically beneficial to the City in terms of revenue generation and employment opportunities
<u>Land Use Policy 3.7</u>	Require all outdoor storage to be concealed from view from the public right of ways and adjoining land uses.

The Project will allow the business to store all equipment within storage containers, located behind a landscape screen. Further, the storage containers and vehicles related to the company are kept in the rear 1/3 of the lot, and out of view from the public right-of-way. Landscaping features, such as trees and shrubs, have been planted and, when at full flora maturation, will act as a natural screen for the storage containers, so that they are not visible from the public right-of-way.

- 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 Project will continue to comply with all minimum requirements of Title 18 Zoning, of the Gardena Municipal Code, as shown in the staff report which is incorporated by reference. Therefore, the subject property is considered adequate

in shape and size as for the use of the storing equipment related to the landscape company.

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

Pedestrian access to the Subject Property is provided by a sidewalk along 130th Street. Vehicle access to the subject property is provided by two driveway entrances on 130th Street.

The Gardena General Plan designates 130th Street as a collector roadway. Collector roadways are intended to provide general access to all types of land uses. The applicant's request to make modifications to the site improvements to operate a contractor's yard is not expected to create excess traffic that would ultimately affect the circulation in the area as the use is Industrial in nature and will be located in an area where the majority of the land uses are of the Industrial type.

The Project is also not expected to create any traffic impacts as the subject property meets the off-street parking requirements. The Subject Property is required to provide a total of 14 off-street parking spaces. The proposed project will provide a total of 16 off-street parking spaces; thus, fulfilling the off-street parking requirement.

**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 the Modification of Conditional Use Permit #13-17 will ensure that the operations of the landscaping contractor's yard will continue to be compatible with, and not detrimental to, the surrounding uses in the vicinity. Additionally, the site will be subject to all previously issued conditions of approval.

**SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

The Project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to the following exemption:

- A. The Project is subject to the exemption to the Exemptions under Section 15300.2 of the California Environmental Quality Act. Section 15303: Class 3 - New Construction or Conversion of Small Structures. Class 3 exemptions consist of construction and location of limited numbers of new, small facilities or structures including accessory structures. Since the Project is for the addition of one

prefabricated storage container not more than 150 square feet and two roll-off refuse containers, these would be accessory structures qualifying for the exemption under Section 15303 of CEQA.

- B. The Project is also exempt from CEQA pursuant to Section 15311, Class 11, as it consists of construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities. The landscaping contractor's yard is conditionally permitted use within the Industrial zone and the two new roll-off refuse containers, and one prefabricated storage container are accessory structures that will be located on the same parcel as the existing three storage containers on the 0.91-acre property. The demolition of a non-permitted chain-link fence and driveway gate, removal of the truck parking area, and addition of open outdoor storage space are not construction or replacement of minor structures accessory to an industrial facility and can be seen as a negligible impact.
- C. The Project is not subject to any of the exceptions to the exemptions under Section 15300.2 of the California Environmental Quality Act. The cumulative impact of the landscaping contractors' yard is not considered significant. The Project is not located along any state-designated scenic highway nor within any designated hazardous waste site. The storage container and roll-off refuse containers are not considered significant historical structures by any governmental body. With the demolition of a non-permitted chain link fence and driveway gate, removal of the truck parking area, and addition of open outdoor storage, staff does not expect any significant impacts or unusual circumstances related to the approval of this project.
- D. Based on the above, the proposed project is categorically exempt from CEQA.

Staff is hereby directed to file a Notice of Exemption

#### SECTION 4. 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 5. 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 6. 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 162<sup>nd</sup> Street, Gardena, California 90247. Mr. Tsujiuchi's email is [gtsujiuchi@cityofgardena.org](mailto:gtsujiuchi@cityofgardena.org) and his phone number is (310) 217-9530.

SECTION 7. EFFECTIVE DATE.

This Resolution shall take effect immediately

SECTION 8. CERTIFICATION.

The Secretary shall certify the passage of this resolution.

PASSED, APPROVED, AND ADOPTED this 7th day of November 2023.

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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 the following:

1. That a copy of this Resolution and the Conditions of Approval (Exhibit A) will be sent to the applicant and to the City Council as a report of the findings and action of the Planning and Environmental Quality Commission; and
2. That the foregoing Resolution was duly adopted by the Planning and Environmental Quality Commission of the City of Gardena at a regular meeting thereof, held the 7th day of November 2023, by the following vote of the Planning and Environmental Quality Commission:

AYES:

NOES:

ABSENT:

**Attachments:**

- Exhibit A: Modified Conditions of Approval for CUP #13-17
- Exhibit B: Project Plans

## **EXHIBIT A**

### **CITY OF GARDENA**

#### **MODIFIED CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #13-17**

##### **GENERAL CONDITIONS**

- GC 1. The applicant accepts all of the conditions of approval set forth in this document and shall sign the acknowledgment.
- GC 2. The applicant shall comply with all written policies, resolutions, ordinances, and all applicable laws in effect at the time of approval. The conditions of approval shall supersede all conflicting notations, specifications, and dimensions which may be shown on the project development plans.
- GC 3. The site plan layout shall be in accordance with the plans approved by the Commission and modified by these conditions of approval as dated February 16, 2023. The final completed project shall be in substantial compliance with the plans upon which the Commission based its decision, as modified by such decision.
- GC 4. The applicant shall reimburse the City for all attorney's fees spent in processing the project application, including a review of all documents required by these conditions of approval prior to the issuance of a final building permit.
- GC 5. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claims, actions or proceedings, damages, costs (including without limitation attorneys' fees), injuries, or liabilities against the City or its agents, officers, or employees arising out of the City's approval of the Notice of Exemption and Conditional Use Permit. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Although the applicant is the real party in interest in the 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 of any obligation under this condition, including the payment of attorneys' fees.

##### **CONDITIONAL USE PERMIT**

- CUP1. Modification to Conditional Use Permit #13-17 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 18.46.040 of the Gardena Municipal

Code (GMC). Utilization shall mean the issuance of a building permit issued from the City of Gardena's Building and Safety Division.

## **PLANNING**

- PL1. The applicant is permitted to operate a contractor's yard for a landscape company between the hours of 6:00 a.m. to 2:30 p.m., Monday through Friday.
- PL2. The applicant shall ensure that all storage containers located on the subject property are attached to the ground. The applicant shall obtain the appropriate permits with the Building and Safety Division.
- PL3. The applicant shall obtain the appropriate permits with the Building and Safety Division for all drainage and stormwater management.
- PL4. The applicant shall ensure that the property is maintained in a neat, clean and orderly manner at all times. The applicant shall maintain the property free of any graffiti and public nuisances.
- PL5. The applicant shall abide to the rules and regulations for vegetation, as mandated in Section 8.64.020 of the Gardena Municipal Code.
- PL6. The applicant shall ensure that any proposed signage shall meet the necessary requirements put forth by Chapter 18.58 of the Gardena Municipal Code.
- PL7. 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 public holidays are strictly prohibited.
- PL8. The applicant shall not deviate from the approved modified site plan without approval from the Planning and Environmental Quality Commission
- PL9. The applicant shall maintain existing landscaping on-site, by allowing the trees and shrubs planted to grow to full flora maturation, for the purposes of screening the prefabricated storage containers.

## **BUILDING**

- BS1. The project shall comply with all applicable portions of the City adopted version of the California Building Standards Code (Title 24, California Code of Regulations).
- BS2. The applicant shall comply with all conditions set forth by other Departments and Agencies, including but not limited to: Los Angeles County Fire Department, Planning and Public Works.
- BS3. The project shall comply with all NPDES, SUSMP and BMPS.



- BS4. The applicant/owner/contractor shall comply with State and City recycling programs. Compliance forms must be filled out prior to final. Green code and city recycling forms.
- BS5. The applicant shall provide an adequate trash enclosure, large enough for a typical 3-yard bin and a recycling bin. The enclosure shall have a noncombustible roof.
- BS6. The applicant shall ensure that the Conditions of Approval be printed on the working drawings.
- BS7. The approval of plans and specifications does not permit the violation of any section of the Building Code, City Ordinances, or State law.
- BS8. The applicant shall obtain separate permits for block walls, driveway gates, electrical, plumbing, mechanical work as well as trash enclosures.
- BS9. The applicant shall ensure that the address is painted on the curb, per City standards.
- BS10. The applicant shall submit landscape and irrigation plans to the Building and Safety Division for review.

Mariposa Landscapes Inc. certifies that it has read, understood, and agrees to the Project Conditions listed herein.

Mariposa Landscape Inc., Representative

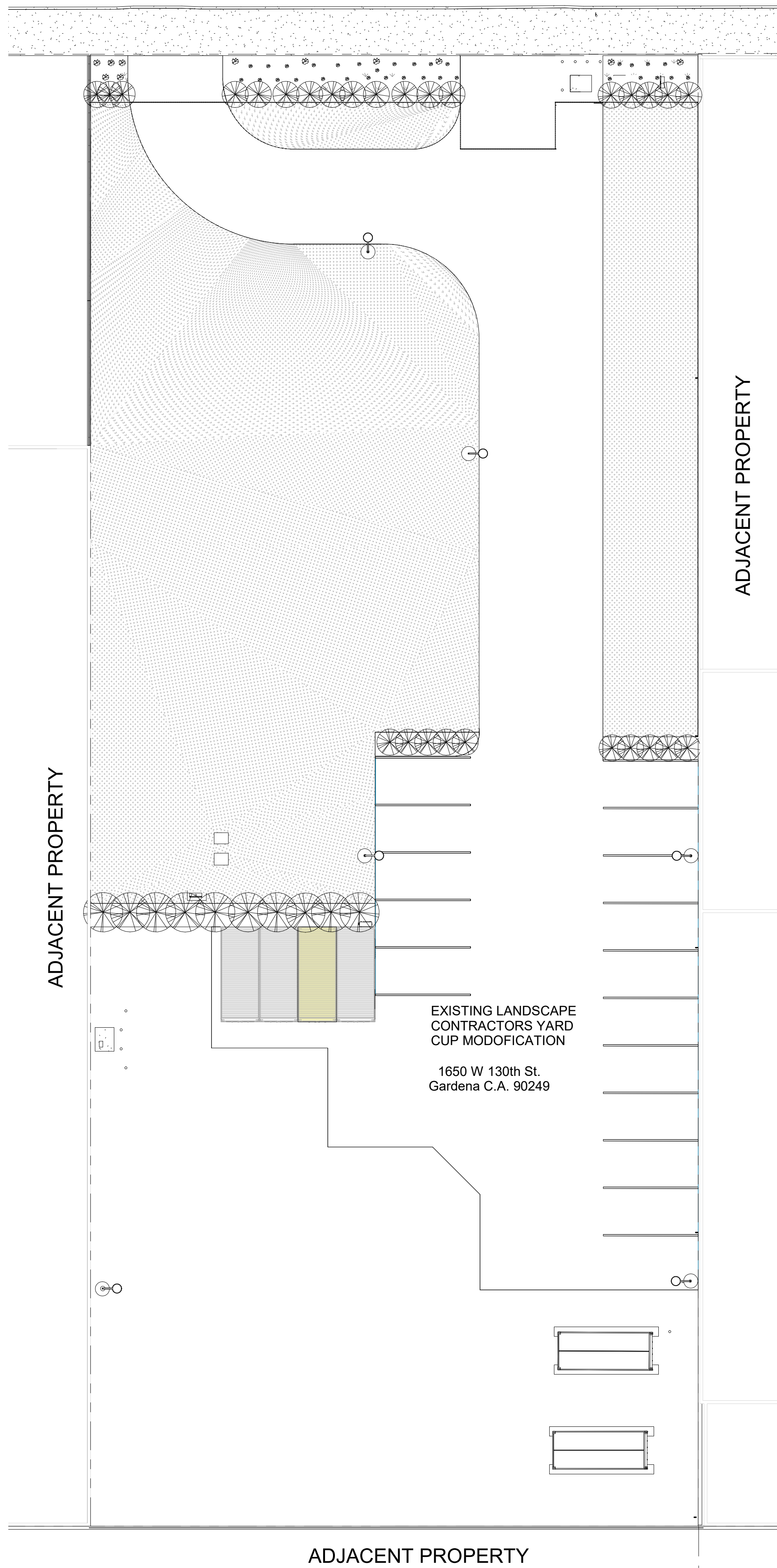
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By

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Date

WEST 130TH ST.



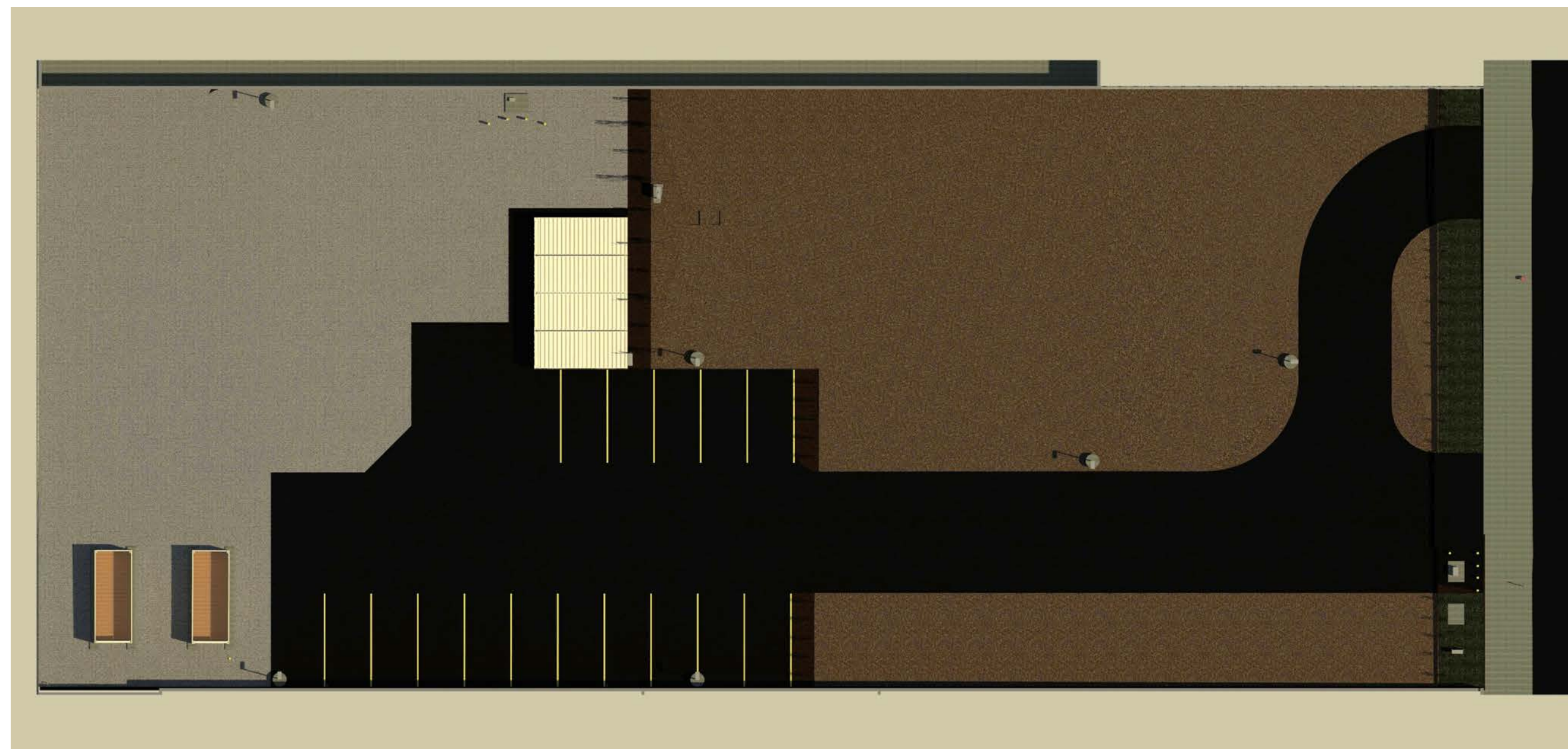
EXISTING LANDSCAPE CONTRACTORS YARD CUP MODIFICATION  
1650 W 130th St.  
Gardena C.A. 90249

**PLOT PLAN**  
SCALE: 1/16" = 1'-0"

1

# GARDENA LANDSCAPE CONTRACTORS YARD

## EXISTING STORAGE CONTAINERS



### VICINITY MAP



### PROJECT DIRECTORY

**OWNER**  
MARIPOSA LANDSCAPES INC  
6232 SANTOS DIAZ ST.,  
IRVINDALE, CA 91702  
TEL: (626) 960-0196  
EMAIL: TERRY@MARIPOSA-CA.COM  
CONTACT: TERRY NORIEGA

**ARCHITECT**  
SCALE(S) LAB ARCHITECTS  
970 N. BROADWAY SUITE 107  
LOS ANGELES, CA 90012  
TEL: (626)-233-9797  
EMAIL: ROLAND@SCALES LAB.COM  
CONTACT: ROLAND LO

### PROJECT DATA

**PROJECT DESCRIPTION:** CUP MODIFICATION, ADDITION OF FOURTH STORAGE CONTAINER, DEMOLITION OF EXISTING WIRE MESH FENCE AND GATES, PROPOSED NEW WROUGH IRON FENCE AND GATE, RELOCATION OF ROLL-OFF REFUSE TRASH CONTAINERS.

**PROJECT ADDRESS:** 1650 WEST 130TH ST. GARDENA, CA 90249

**ASSESSOR'S #:** 6102-006-005

**PROPERTY TYPE:** LANDSCAPE CONTRACTOR'S YARD

**ZONE:** M1 - INDUSTRIAL

**LOT AREA:** 39,680 SQUARE FOOT

**(E) STORAGE CONTAINERS AREA:** 589 S.F. 4 PREFABRICATED STORAGE CONTAINERS

**(E) STORAGE CONTAINER HEIGHT:** 8'-6"

**NUMBER OF STORIES:** 1-STORY

**CONSTRUCTION TYPE:** INTERMODAL SHIPPING CONTAINER - SPECIAL BUILDING CONSTRUCTION - NONCOMBUSTIBLE MEMBRANE STRUCTURE SHALL BE CLASSIFIED AS **TYPE IIB** CONSTRUCTION. CBC 2022 3102.3

**LEGAL DESCRIPTION:** PANAMA ACRES LOT 6 BLK 6, IN THE CITY OF GARDENA IN THE COUNTY FO LOS ANGELES, STATE FO CALIFORNIA, AS PER MAP RECORDED IN BOOK 15, PAGE(S) 138 & 139, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDED OF SAID COUNTY.

**SOILS REPORT:** EGL PROJECT NO:21-AA-048U

SET BACK REQUIREMENTS:	REQUIRED	PROVIDED
FRONT	10'-0" LANDSCAPE ALONG STREET	113'-10"
SIDE	0'-0"	28'-0" - 68'-0"
REAR	10'-0"	106'-3"

### DEVELOPMENT STANDARDS

PER TITLE 18 ZONING OF THE GARDENA MUNICIPAL CODE AS OUTLINED IN TABLE 2

STANDARD	REQUIRED	PROPOSED
OFF-STREET PARKING	14 SPACES	16 SPACES
LANDSCAPE	1,217 SQ.FT.	15,334 SQ. FT.
DRIVEWAY GATE (HEIGHT)	8 FT. MAX.	6 FT.
DRIVEWAY GATE (SETBACK)	3 FT. LANDSCAPE SETBACK MIN.	10 FT. LANDSCAPE SETBACK
DRIVEWAY AISLE	10 FT.	22 FT.
VEHICLE TURNING RADIUS	25 FT.	28 FT., 63 FT.

### SHEET INDEX

Sheet Number	Sheet Name
A000	TITTLE SHEET
A002	SITE PHOTOGRAPHS
A101	SITE PLAN
A201	ENLARGE STORAGE FLOOR PLAN / EXTERIOR ELEVATIONS



970 N. BROADWAY, SUITE 107  
LOS ANGELES, CA 90012  
p. 213.537.0910  
info@scaleslab.com  
www.scaleslab.com

## GARDENA LANDSCAPE CONTRACTOR'S YARD

1650 W 130TH ST. GARDENA, CA 90249

## TITTLE SHEET

A000

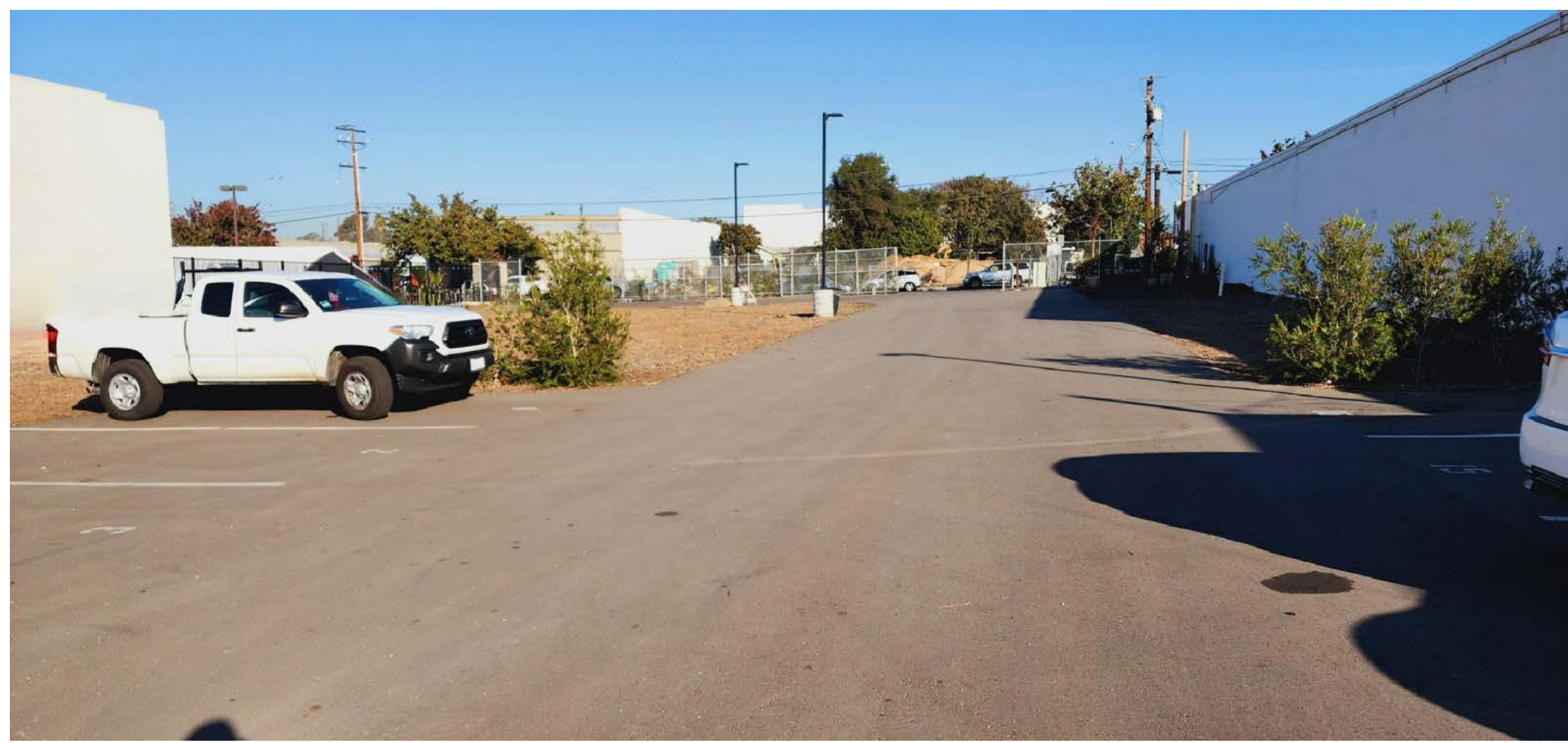
02/16/2023



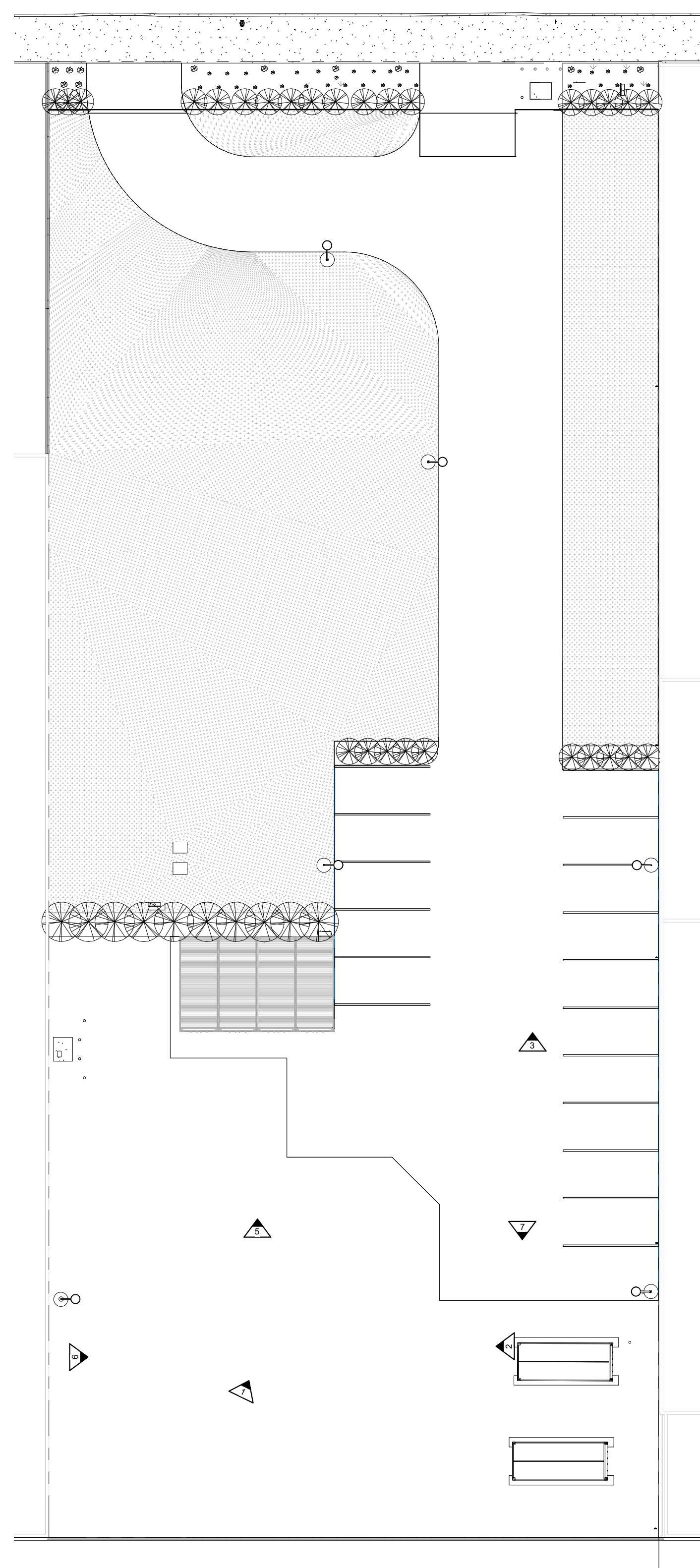
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**SITE PHOTOGRAPHS**

SCALE: 1" = 20'-0"

1



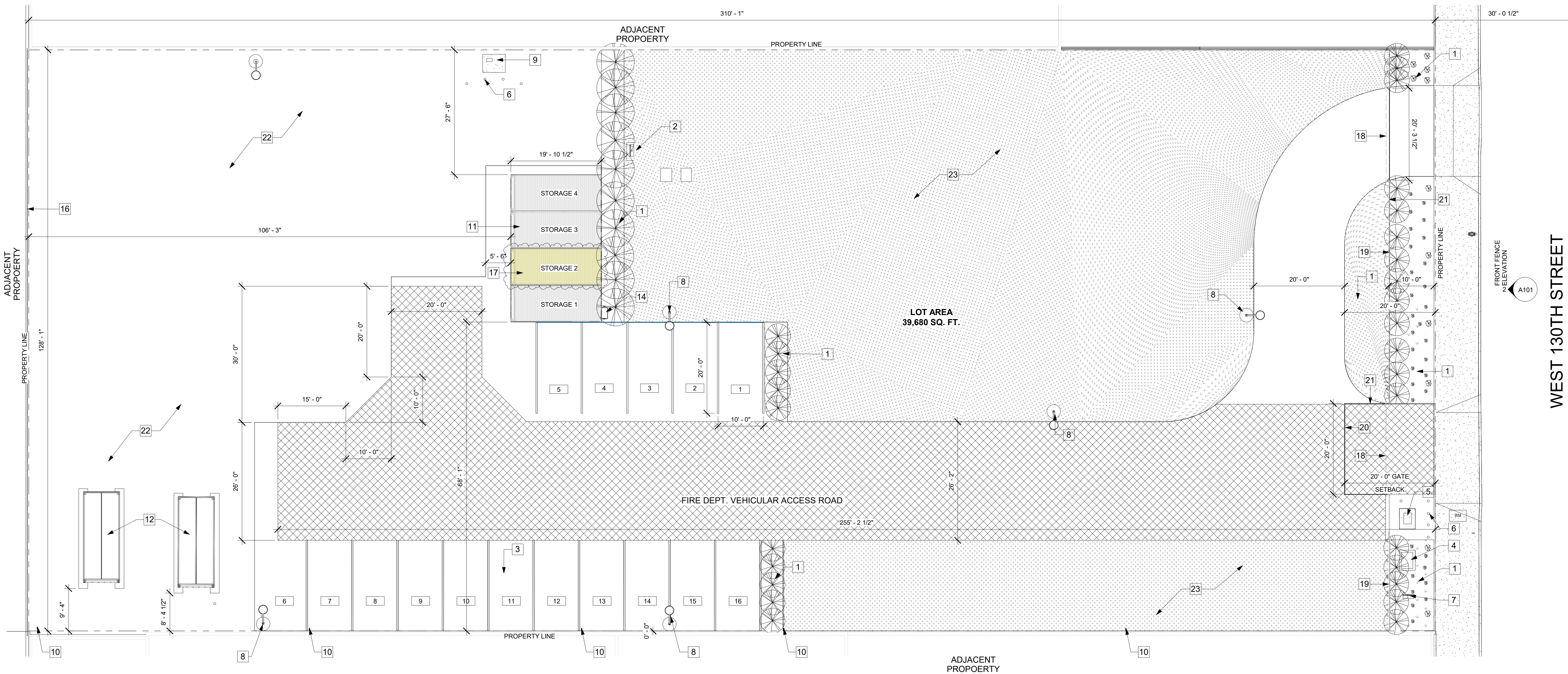
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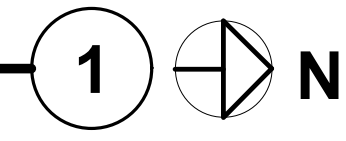
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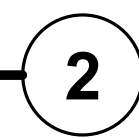
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**SITE PLAN**  
SCALE: 3/32" = 1'-0"



**FRONT FENCE ELEVATION**  
SCALE: 3/16" = 1'-0"



**SITE PLAN KEYNOTES**

Note Number	Note Text
1	EXISTING REQUIRED LANDSCAPE AREA
2	EXISTING PUMP EQUIPMENT CONTROLLER, INSIDE PLANTER
3	EXISTING PARKING AREA
4	EXISTING BACKFLOW
5	EXISTING ELECTRIC METER ENCLOSURE
6	EXISTING BOLLARDS
7	EXISTING AT&T EQUIPMENT
8	EXISTING EXTERIOR LIGHT POLE. SEE ESTRUCTURAL FOR LIGHT POLE DETAIL FOUNDATION.
9	EXISTING ELECTRICAL PANELS LA-SIEMENS # PW11224L1225CU
10	EXISTING OUTDOOR FAUCET
11	EXISTING PREFABRICATED METAL STORAGE CONTAINER
12	EXISTING RELOCATED ROLL-OFF REFUSE TRASH CONTAINERS
14	EXISTING MECHANICAL UNIT
16	EXISTING WIRE MESH FENCE
17	CUP MODIFICATION, ADDITIONAL PREFABRICATED METAL STORAGE CONTAINER
18	EXISTING WIRE MESH GATES TO BE DEMO
19	EXISTING WIRE MESH FENCE TO BE DEMO
20	CUP MODIFICATION PROPOSED NEW WROUGHT IRON GATE
21	CUP MODIFICATION PROPOSED NEW WROUGHT IRON FENCE
22	EXISTING OPEN PAVED AREA FOR STORAGE
23	EXISTING MULCHED AREA

I AM THE LICENSED ARCHITECT IN RESPONSIBLE CHARGE OF THIS PROJECT. THE PROJECT AT COMPLETION SHALL BE IN FULL COMPLIANCE WITH CURRENT ACCESSIBILITY PROVISIONS TO THE EXTENT REQUIRED BY THE LAW.

SIGNATURE: CA LICENSE#: C-32994

DATE: 02-16-2023

CBC 11B-202.4

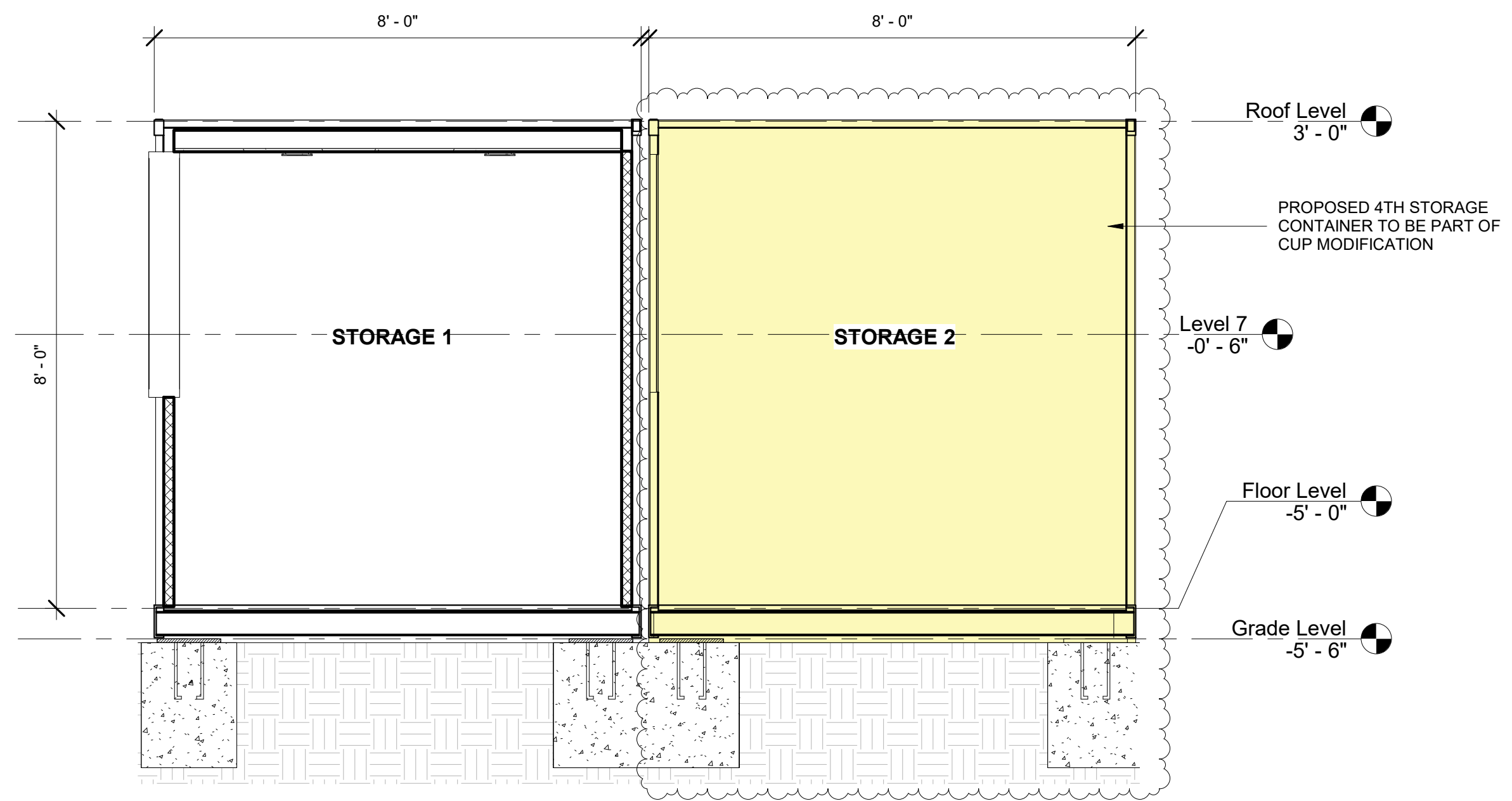
**GARDENA LANDSCAPE  
CONTRACTOR'S YARD**

1650 W 130TH ST. GARDENA, CA 90249

**SITE PLAN**

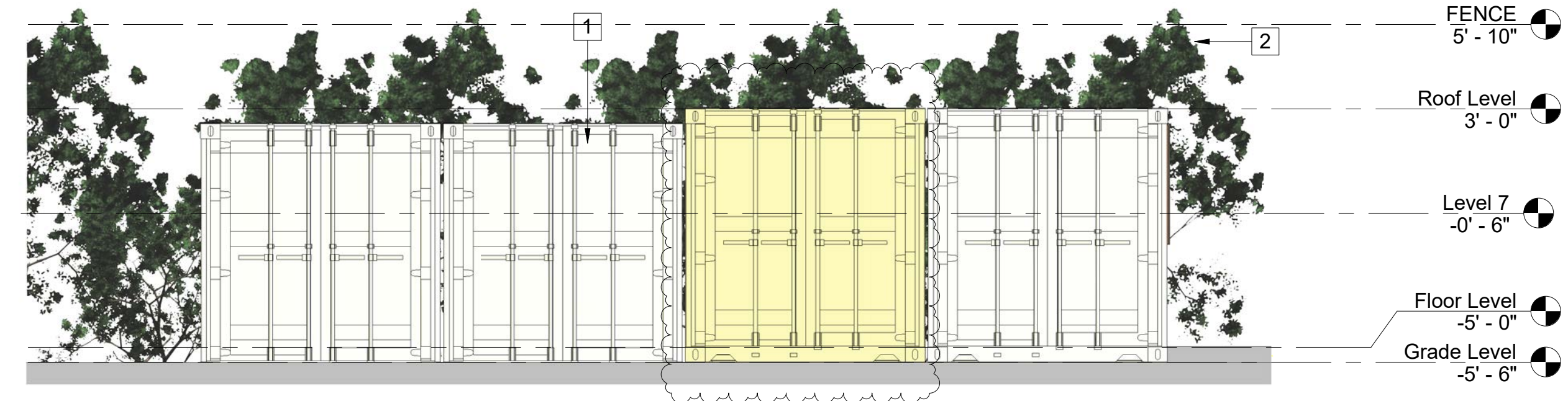
A101

02/16/2023



**CROSS SECTION**  
SCALE: 1/2" = 1'-0"  
**6**

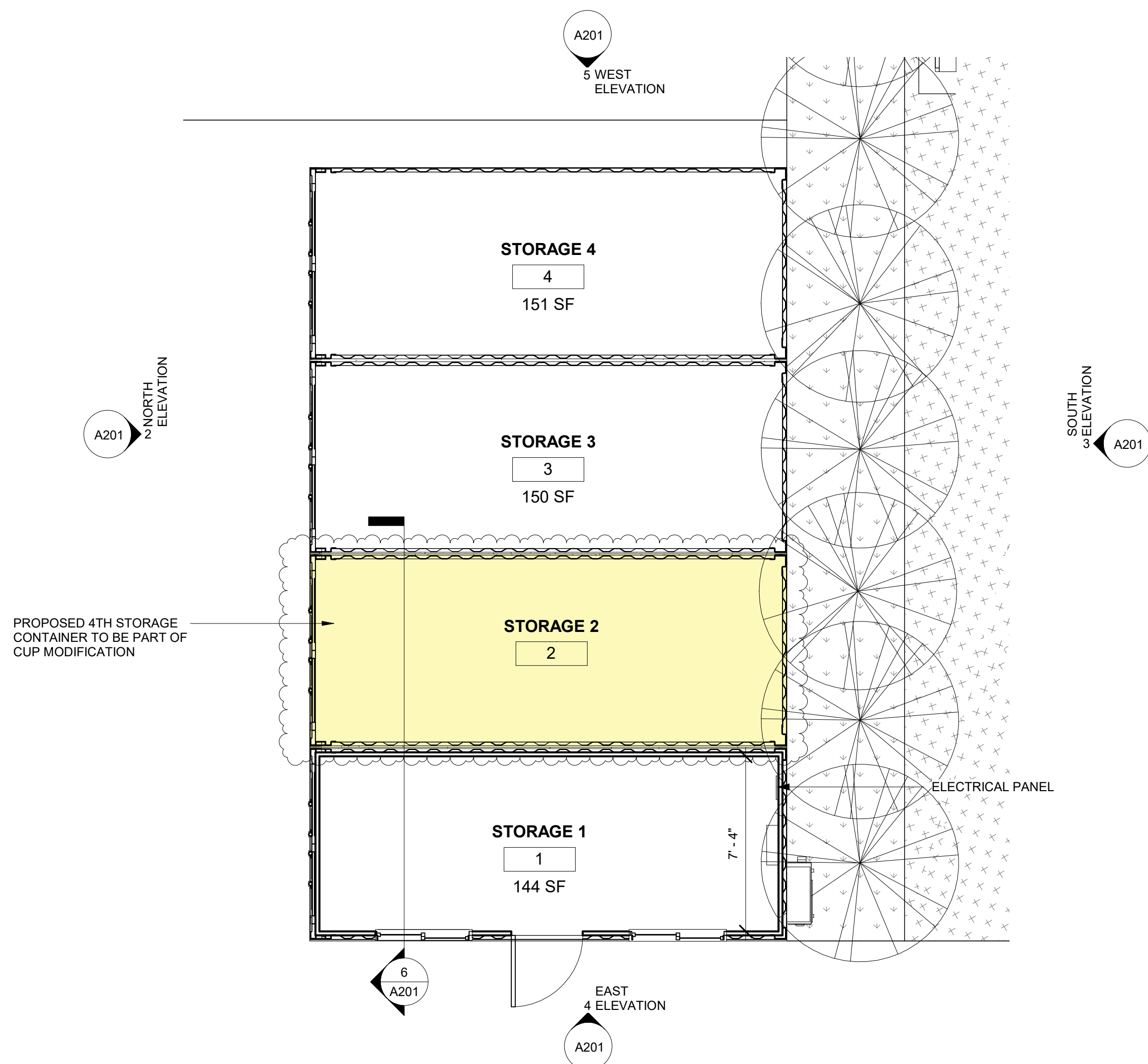
STORAGE CONTAINER ELEVATIONS KEYNOTES	
Note Number	Note Text
1	EXISTING STORAGE CONTAINER PAINT FINISH COLOR - CUSTOME TOYOTA DESERT TAN
2	EXISTING LANDSCAPE



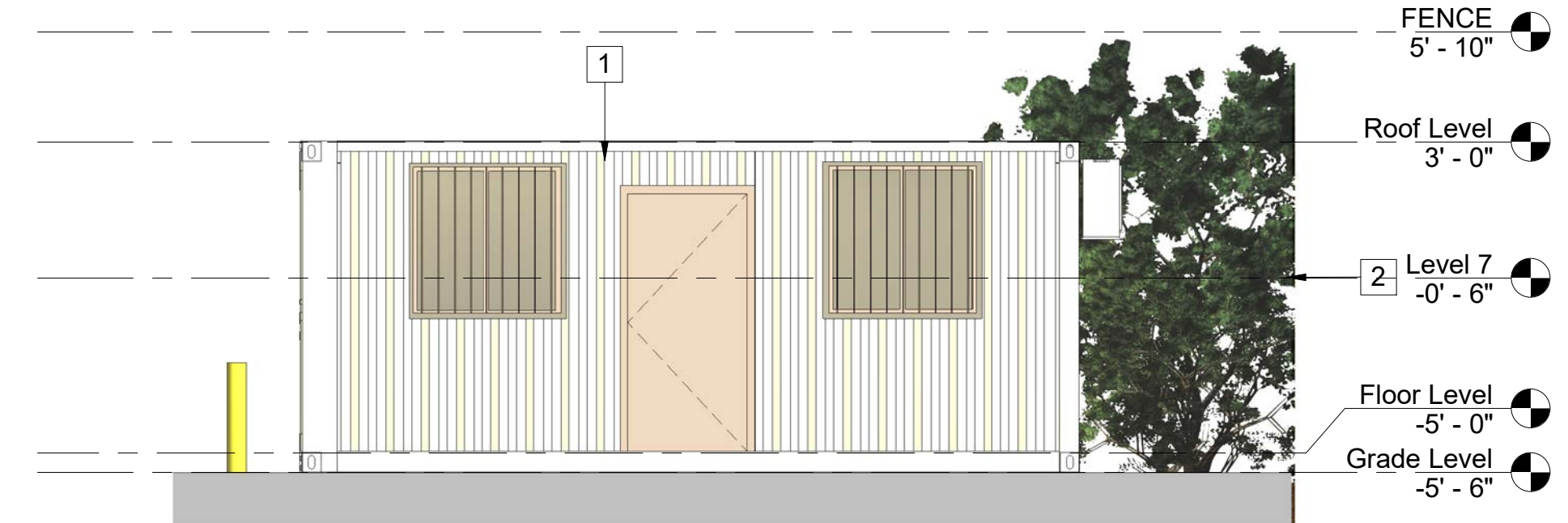
**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"  
**2**



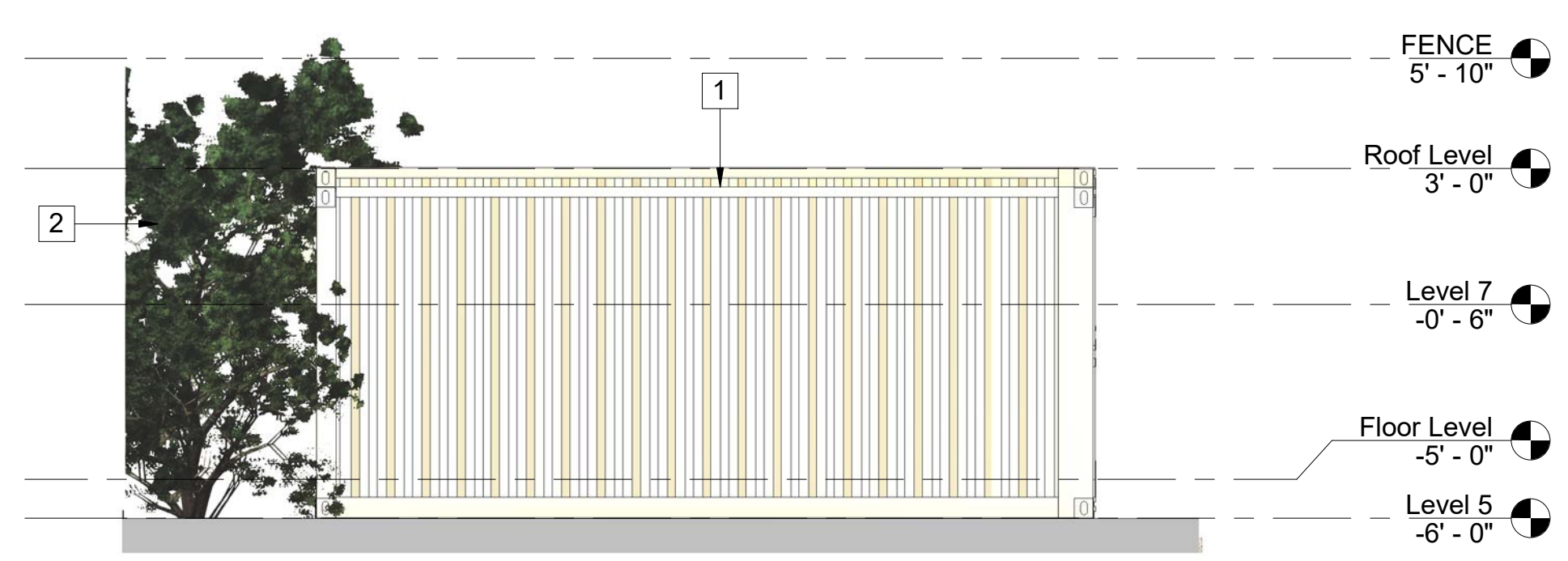
**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"  
**3**



**STORAGE CONTAINERS ENLARGED PLAN**  
SCALE: 1/4" = 1'-0"  
**1**



**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"  
**4**



**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"  
**5**

CITY OF GARDENA  
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION  
STAFF REPORT

RESOLUTION NO. PC 8-18  
CONDITIONAL USE PERMIT #13-17  
AGENDA ITEM #6

DATE: April 17, 2018

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

FROM: Joseph Cruz, Director  
General Services Department

CASE PLANNER: Jorge Gamboa, Planning Technician

APPLICANT: Terry Noriega

LOCATION: 1650 W. 130<sup>th</sup> St. (APN: 6102-006-005)

REQUEST: A request for a conditional use permit, per section 18.36.030(G) of the Gardena Municipal Code, to operate a contractor's yard for a landscape company in the Industrial (M-1) zone and direct staff to file a Notice of Exemption.

**BACKGROUND**

On September 19, 2017, the applicant, Terry Noriega, submitted an application for a conditional use permit to operate a contractor's yard for a landscape company. The Project was determined to be complete on February 13, 2018 and duly noticed on April 5, 2018 for public hearing on April 17, 2018.

**PROJECT DESCRIPTION/SETTING**

The subject property is zoned Industrial (M-1) and is bounded by 130<sup>th</sup> Street to the North and by private property to the East, South and West. The subject property is adjacent to Industrial (M-1) zoning to the North, East, South and West, as shown on Figure 1. Adjacent land uses include manufacturing to the North, a parking lot to the South, wholesale uses to the East, as well as a General Contractor's office to the West, as shown on Table 1.

The project site is a 39,680 square foot vacant parcel. City records indicate that the property has been vacant since 2014, following the demolition of eight wood-frame buildings. The applicant is requesting a conditional use permit to operate a contractor's yard for a landscape company, Mariposa Landscapes. This company provides construction and maintenance services to municipal, commercial and homeowner associations all throughout the Southern California and

Arizona region. The subject property will be used primarily for the outdoor storage of equipment and vehicles. The project includes a ten-foot landscaped setback from the front property line as well as biofiltration areas to help manage storm water runoff. The proposed operating hours are Monday through Friday 6:00am – 2:30pm. Conditions of Approval, attached here as Exhibit A, will ensure that the proposed use is subject to the City’s rules and regulations for construction and noise.

Staff recommends the Planning and Environmental Quality Commission approve the conditional use permit per the findings of the following analysis.

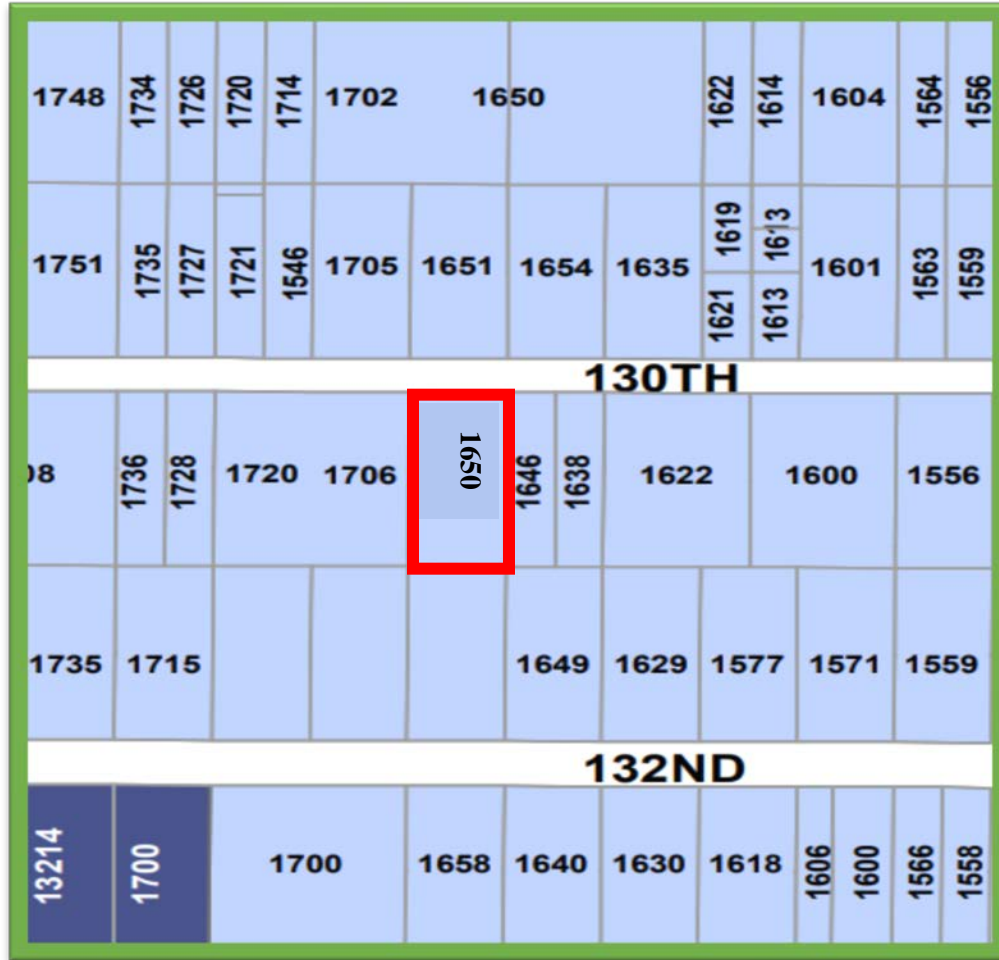


Figure 1: Zoning Map

Table 1: Adjacent Zoning and Land Use

	Zoning Designation	General Plan Land Use Designation	Existing Land Use
<b>Project Site</b>	M-1	Industrial	Manufacturing/Warehouse
<b>North</b>	M-1	Industrial	Manufacturing

<b>South</b>	M-1	Industrial	Parking Lot
<b>East</b>	M-1	Industrial	Wholesale
<b>West</b>	M-1	Industrial	General Contractor's Office

## **ANALYSIS**

### *CONDITIONAL USE PERMIT*

Pursuant to section 18.36.030(G) of the Gardena Municipal Code, a contractor's business is permitted by conditional use permit in the Industrial (M-1) zone, provided that the use is not located along any arterial or major collector streets. The subject property is zoned Industrial (M-1) and is located along 130<sup>th</sup> Street. The Circulation Plan, which is a part of the Community Development Element of the Gardena General Plan, designates 130th Street as a collector street. The project site is not located along any arterial or major collector street; therefore, the application for a conditional use permit is deemed proper and, if approved, will authorize the applicant to operate a landscape contractor's yard.

### *DEVELOPMENT STANDARDS*

The proposed use will occupy a 39,680 square foot vacant parcel. The Applicant's request to operate a landscape contractor's yard does not include any permanent structures. The project will consist of three storage containers attached to the ground, as required per the Conditions of Approval. The storage containers will be located in the rear 1/3 of the lot and be screened from the public right of way through the use of landscape features (i.e. trees and bushes), as denoted on the site plan (Exhibit B). The proposed project meets or exceeds all applicable requirements of Title 18 Zoning, of the Gardena Municipal Code, as outlined in Table 2. The subject property is considered adequate in shape and size as the use will solely consist of the storage of equipment related to the landscape company.

**Table 2: Development Standards**

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>
<b>Driveway Aisle</b>	10 ft.	22 ft.
<b>Vehicle Turning Radius</b>	25 ft.	28 ft., 63 ft.
<b>Driveway Gate (Setback)</b>	3 ft. landscape setback min.	10 ft. landscape setback
<b>Driveway Gate (Height)</b>	8 ft. max.	6 ft.
<b>Off-Street Parking</b>	14 Spaces	31 Spaces
<b>Landscape</b>	1,217 sq. ft.	15,334 sq. ft.

### *NEIGHBORHOOD CIRCULATION*

Pedestrian access to the subject property is provided by a sidewalk along 130<sup>th</sup> Street. Vehicle access to the subject property is provided by two driveway entrances on 130<sup>th</sup> Street.



As aforementioned, the Gardena General Plan designates 130<sup>th</sup> Street as a collector roadway. Collector roadways are intended to provide general access to all types of land uses. The applicant's request to operate a contractor's yard for a landscape company is not expected to create excess traffic that would ultimately affect the circulation in the area as the use is Industrial in nature and will be located in an area where the majority of the land uses are of the Industrial type.

The proposed project is also not expected to create any traffic impacts as the subject property meets the off-street parking requirements. The project site is required to provide a total of 14 off-street parking spaces. The proposed project will provide a total of 31 off-street parking spaces; thus, having an excess of 17 spaces.

### **GENERAL PLAN AND ZONING CONSISTENCY**

The proposed project is consistent with the following goals and policies set forth in the Gardena General Plan:

- The General Plan designates the subject property as an Industrial land use, which covers a wide variety of land uses and is implemented by the Industrial (M-1) and General Industrial (M-2) zones. As Contractor businesses are allowed in the Industrial (M-1) zone with a conditional use permit, provided that the use is not located along any arterial or major collector street, the use is consistent not only with the M-1 zone, but also with the Industrial land use designation.
- *Land Use Policy 2.1: Require ample landscaping and high-level maintenance in all new and existing commercial and industrial developments.* The project is required to provide a minimum of 1,217 square feet of landscaping. The applicant far exceeds this requirement by proposing a total of 15,334 square feet of landscaping throughout the entire property. This includes various species of trees and bushes, tolerant and drought-tolerant landscaping as well as biofiltration areas.
- *Land Use Policy 3.1: Require adequate off-street parking, internal circulation and loading spaces for commercial developments.* The project is required to provide a total a minimum of 14 spaces. The applicant far exceeds this requirement by proposing a total of 31 parking spaces. In addition, the subject property has two driveway entrances with a width of 22 feet each, a turning radius of 28 feet for vehicles, and a turning radius of 63 feet for vehicles with trailers which would ultimately allow for practical on-site circulation.
- *Land Use Policy 3.2: Encourage the upgrade and rehabilitation of existing commercial and industrial building facades and sites.* According to City Records, the subject property has been vacant since 2014. The proposed project will occupy a vacant property with a use that is compatible, and not detrimental, to the surrounding neighborhood. This use will also provide ample landscaping that would positively alter the aesthetics of the neighborhood as a whole.
- *Land Use Policy 3.8: Require all outdoor storage to be concealed from view from the public right of ways and adjoining land uses.* The project is required to provide a minimum 10-foot landscape setback from the front property line. The applicant is proposing a 10-foot landscape setback from the front property line. In addition, all equipment will be stored inside the storage containers. The storage containers and vehicles related to the company

will be kept in the rear 1/3 of the lot. Furthermore, landscaping features, such as trees and shrubs, will be planted *as to screen the storage containers so that they are not visible from the public right of way.*

### **ENVIRONMENTAL IMPLICATIONS**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15332, In-Fill Development Projects. The proposed project is consistent with all applicable general plan and zoning designations and regulations. The project will occur within city limits on a project site of no more than five acres and is surrounded by urban uses. The project site has no value as a habitat for endangered, rare, or threatened species. The project site is able to be served by all required utilities and public services. After review of the project and review of appropriate studies related to the project, the City does not foresee any adverse impacts to traffic, noise, air quality, or water quality.

The proposed project is also categorically exempt from the provisions of CEQA pursuant to Guideline Section 15304(a) and 15304(b), Minor Alterations to Land. Section 15304(a) exempts projects that include minor grading on land with a slope of less than 10 percent provided that the grading does not occur on any waterway, wetland, official designated scenic area or in an official mapped area for severe geologic hazard. Section 15304(b) exempts projects that include new gardening or landscaping, including water efficient landscaping. The subject property is not designated as a waterway, wetland, official scenic area or an area officially mapped for severe geologic hazard.

The proposed project is not subject to any of the exceptions to the exemptions under Section 15300.2 of the California Environmental Quality Act. The location of the project is predominantly urban and not considered a sensitive environment; therefore, the project will not result in any significant impacts that may otherwise occur in a sensitive environmental area. The cumulative impact of this project, and the approval of other projects like it in the vicinity, is not expected to have any significant environmental impact. Significant impacts would generally be studied during the initial construction of the building; however, the proposed project does not consist of any new construction or developments. The project is not located along any state designated scenic highway nor within any designated hazardous waste site. The site where the proposed project will take place is not considered a significant historical site by any governmental body. Staff does not expect any significant impacts or unusual circumstances related to the approval of this project.

Therefore, the proposed project is categorically exempt from CEQA.

### **NOTICING**

The public hearing notice for Conditional Use Permit #13-17 was published in the Gardena Valley News and mailed first class to owners and occupants within a 300-foot radius of the site on April 5, 2018. A copy of Proof of Publication and Affidavit of Mailing are on file in the office of the Community Development Department Room 101, City Hall and are considered part of the administrative record.

**RECOMMENDATION**

Staff recommends the Planning and Environmental Quality Commission:

- 1) Open the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution No. PC 8-18 approving Conditional Use Permit #13-17 subject to the attached Conditions of Approval (Exhibit A) and directing staff to file a Notice of Exemption.

**ATTACHMENTS**

Resolution No. PC 8-18

Exhibit A: Conditions of Approval

Exhibit B: Architectural Plans

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

STAFF REPORT  
RESOLUTION NO. PC 19-23  
ZTA # 6-23  
AGENDA ITEM #7.B

DATE: November 7, 2023

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

FROM: Greg Tsujiuchi, Community Development Director

PREPARED BY: Amanda Acuna, Senior Planner

APPLICANT: City of Gardena

LOCATION: Citywide

REQUEST: Recommendation to the City Council on adoption of Ordinance No. 1860 to repeal and readopt Chapter 18.43 of the Gardena Municipal Code relating to Density Bonus Laws, and finding the Ordinance to be exempt pursuant to the common sense exemption of CEQA Guidelines Section 15061(b)(3)

**BACKGROUND**

State law includes provisions of law known as the Density Bonus Law (“DBL”) which provides incentives for developers to provide affordable housing. The DBL requires the City to adopt an ordinance regarding implementing this law and to keep the ordinance current.

In July 2012, the City Council adopted Ordinance No. 1739, adding Chapter 18.43 of the Gardena Municipal Code, establishing the City’s density bonus procedures in accordance with Government Code Section 65915. Consistent with State law, the City’s Density Bonus Ordinance allows a developer to increase density on a property above the maximum allowed density set forth in the City’s General Plan Land Use Plan and corresponding zoning designation.

In exchange for the increased density, a certain number of new affordable dwelling units must be reserved at below market rates. A project which provides the requisite amount of affordable housing is also eligible for incentives/concessions and waivers of development standards. An incentive or concession is basically a reduction in site

development standards or a modification of zoning code requirements or architectural design requirements that result in identifiable and actual cost reductions. The number of incentives or concessions a project receives is dependent on the type and amount of affordable housing provided.

Waivers are required where the development standard would have the effect of physically precluding the construction of an affordable development. There is no limit to the number of waivers a developer may request.

Since 2012, the DBL has been amended by more than 18 bills adopted by the Legislature. Each time, the City must update its Density Bonus Ordinance to ensure that the City has in place regulations that are consistent with State law. For this reason, staff is recommending that the City repeal Chapter 18.43 in its entirety and adopt a new Chapter 18.43 which will adopt the State DBL by reference as it is amended from time to time. Chapter 18.43 does set forth procedures and contain certain requirements that are not included in the state law.

The Planning Commission is being asked to make a recommendation to the City Council on Ordinance No. 1860 that will repeal and readopt Chapter 18.43 of the Gardena Municipal Code.

Adoption of this Ordinance will satisfy the program contained in the City's 6<sup>th</sup> Cycle Housing Element for the 2021 – 2029 period which required the City to update its Density Bonus Ordinance. Adoption will automatically incorporate the changes to the DBL that will become effective on January 1, 2025.

### 2023 LEGISLATIVE SESSION

This past Legislative session, there were several bills that amended the density bonus provisions. The following is a summary of the changes under these amendments, and which would be adopted by reference under Ordinance No. 1860:

- A housing project that is 100 percent affordable for lower income units is now entitled to five incentives instead of four. The lower income requirement does not apply to:
  - Managers' unit(s); and
  - Moderate income units which may account for up to 20 percent of the total units.
- A for-sale housing project that includes at least 16 percent of the units for very low income or at least 45 percent for persons and families of moderate income is entitled to four incentives.
- The language was amended to make clear that the maximum allowable residential density or base density is the greatest number of units allowed under the general plan, specific plan, or zoning ordinance.

- Allows for up to an additional 50 percent density bonus stacked on top of other density bonuses for a 100 percent combined density bonus when certain housing is provided.
- An applicant must agree and ensure that an affordable for-sale unit is sold to and occupied by an income-qualified person or family.
- The definition of what constitutes a development standard has been amended to provide that it includes a regulation that is adopted by the city or that is enacted by initiative or referendum.

### ENVIRONMENTAL REVIEW

This zone text amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. The primary changes in this Ordinance are to bring the City's Zoning Code into compliance with recent legislation regarding density bonus. As these requirements are already in place due to the fact that State law preempts the City's ordinances, there are no actual changes due to this clean-up.

### NOTICE

The public hearing notice was published in the Gardena Valley News on October 26, 2023 (Attachment B). A copy of Proof of Publication and Affidavit of Mailing are on file in the office of the Community Development Department Room 101, City Hall and are considered part of the record.

### RECOMMENDATION

Staff recommends the Planning and Environmental Quality Commission to:

- 1) Conduct the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution No. PC 19-23 recommending that the City Council adopt Ordinance No. 1860.

### ATTACHMENTS

A – Planning Commission Resolution No. PC #19-23

Exhibit A – Draft Ordinance No. 1860

B – Public Hearing Notice

**RESOLUTION NO. PC 19-23**

**A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT ORDINANCE NO. 1860 REPEALING AND READOPTING CHAPTER 18.43 OF THE GARDENA MUNICIPAL CODE RELATING TO DENSITY BONUS LAWS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)**

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

SECTION 1. RECITALS.

A. In February 2023 the City adopted its 6<sup>th</sup> Cycle Housing Element for the 2021-2029 period.

B. The Housing Element included a program to update the City's Density Bonus Ordinance.

C. Given the complexity of the Density Bonus Law and the frequency with which it is amended, the City desires to adopt the law by reference with local implementation procedures.

D. On November 7, 2023 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 repealing and readopting Chapter 18.43 of the Gardena Municipal Code relating to density bonus laws. 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 7<sup>th</sup> day of November 2023.

---

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 the 7th day of November 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

Attachments:

Exhibit A –Ordinance No. 1860



**ORDINANCE NO. 1860**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, REPEALING AND READOPTING CHAPTER 18.43 OF THE GARDENA MUNICIPAL CODE RELATING TO DENSITY BONUS LAWS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)**

**WHEREAS**, in February 2023 the City adopted its 6<sup>th</sup> Cycle Housing Element for the 2021-2029 period; and

**WHEREAS**, the Housing Element included a program to update the City's Density Bonus Ordinance; and

**WHEREAS**, given the complexity of the Density Bonus Law and the frequency with which it is amended, the City desires to adopt the law by reference with local implementation procedures; and

**WHEREAS**, on November 7, 2023, the Planning Commission held a duly noticed public hearing on proposed Ordinance No. 1860 at which time it considered all evidence presented, both written and oral; and

**WHEREAS**, after the close of the public hearing the Planning Commission adopted Resolution No. PC 19-23 recommending that the City Council adopt the proposed Ordinance; and

**WHEREAS**, on December 12, 2023, the City Council held a duly noticed public hearing on proposed Ordinance No. 387 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.** Chapter 18.43 of the Gardena Municipal Code is hereby repealed and a new Chapter 18.43 is hereby added to read as follows:

**CHAPTER 18.43  
DENSITY BONUS AND OTHER INCENTIVES**

**18.43.010 Purpose.**

The purpose of this Chapter is to implement the requirements of the Density Bonus Law set forth at Government Code section 65915, *et seq.*

**18.43.020 Adoption by reference.**

The state Density Bonus Law, set forth at Chapter 4.3 of the Planning and Zoning law of California and found at Government Code sections 65915 through 65918,

as the same may be amended from time to time, is hereby adopted by reference as the City of Gardena's Density Bonus provisions and shall be implemented in accordance with this Chapter.

**18.43.030 Definitions.**

In addition to the definitions set forth in the Density Bonus Law, the following definitions shall apply to this chapter:

"Affordable housing agreement" shall mean an agreement between the city and the applicant guaranteeing the affordability of the rental or ownership affordable units in accordance with this chapter and Government Code Section [65915](#).

"Director" shall mean the Director of Community Development or the Director's designee.

**18.43.040 Applicability.**

This Chapter shall apply to any housing development that is entitled to receive a density bonus pursuant to the state Density Bonus Law.

**18.43.050 Procedures.**

A. Application submittal. An application for a density bonus, including an incentive or concession and waiver, shall be filed concurrently with an application for a housing development and shall be processed concurrently.

B. Application contents. An application for a density bonus shall include the following information:

1. The number of density bonus units being requested;
2. A reduced parking ratio request pursuant to Government Code section 65915(p);
3. An incentive(s) or concession(s) request pursuant to Government Code section 65915(d) that results in identifiable and actual cost reductions to provide for the affordable housing; and
4. A waiver(s) or reduction of development standard(s) request pursuant to Government Code section 65915(e) that would have the effect of physically precluding the construction of the housing development at the densities or with the allowed incentive(s) or concession(s).

C. If an application for a density bonus is incomplete, the applicant shall be timely notified of such incompleteness in accordance with the provisions of applicable law.

D. If a proposed housing development would be inconsistent with the City's Zoning Code or the state Density Bonus Law, the applicant shall be provided notice of such inconsistency in accordance with the Housing Accountability Act, Government Code section 65589.5.

E. A density bonus application shall be approved or denied in conjunction with the housing development application by the body approving such application within the time frames required for approval of such development.

**18.43.060 Requirements.**

A. The applicant for a density bonus shall enter into a regulatory agreement with the City in a form to be approved by the City Attorney and said agreement shall be recorded against the property. The regulatory agreement shall be approved by the body approving the underlying project. If an appeal is taken of the project, then the regulatory agreement shall be approved by the decision maker on appeal.

B. The applicant shall be required to pay the City's costs for any third-party consultants required to assist the City in drafting a regulatory agreement, developing guidelines, verifying the eligibility of owners or tenants of the affordable units, or any other matter relating to the density bonus.

C. The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the body approving the underlying project and the developer agree within the affordable housing agreement to an alternative schedule for development.

D. The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project development and shall be consistent with any affordable residential development standards that may be prepared by the City.

1. The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.

2. If the project includes a subdivision, the lots with affordable units shall be of similar size to the lots with market rate units. If the development project includes a range of lot sizes, the lots with affordable units shall be no smaller than the smallest lots with market-rate units.

E. The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by Health and Safety Code section 50052.5 and California Code of Regulations Title 25, Section 6910

– 6924, as the same may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

F. If the development project is for units that will be sold, then the affordable dwelling units shall also be for-sale units. The regulatory agreement may make provisions for rental of the units for the same level of affordability that qualified the applicant for the density bonus if the unit is not sold within a period of time specified in the agreement.

**SECTION 2. Effective Date.** This Ordinance shall take effect on the thirty-first day after passage.

**SECTION 3. CEQA.** This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. This Ordinance enacts a procedure as required by state law and does not change the density, intensity, or allowed uses and passage of this Ordinance would not have other effects on the environment. The changes are not for any specific project but is regulatory in nature and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources. This Ordinance simply implements state law. As such, staff is directed to file a Notice of Exemption pursuant to CEQA Guidelines sections 15061(b)(3).

**SECTION 4. Severability.** If any provision of this Ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this Ordinance be severable from the remainder and that the remainder be given full force and effect.

**SECTION 5. Certification.** The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

\_\_\_\_\_  
Mina Semenza, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Carmen Vasquez, City Attorney

**TO:** Gardena Valley News  
**FROM:** City of Gardena

**DATE:** October 24, 2023

**Publication Date: October 26, 2023**

CITY OF GARDENA  
NOTICE OF PUBLIC HEARING

**PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, November 7, 2023, at 7:00 p.m.,** the Planning Commission of the City of Gardena will conduct a public hearing to consider the following:

CONSIDERATION: On a recommendation to the City Council on an Ordinance amending Chapter 18.43 of the Gardena Municipal Code relating to Density Bonus provisions and that the Ordinance would not have any significant effects and is therefore exempt from the California Environmental Quality Act pursuant to Guidelines § 15061(b)(3), § 15305 as a minor alteration in land use limitations, and § 15308 as an action to creating a regulatory process to protect the environment

The public hearing will be held in the Council Chambers of City Hall at 1700 West 162<sup>nd</sup> Street, Gardena, CA 90247.

The related materials will be on file and open for public inspection on the City's website at <https://www.cityofgardena.org/community-development/planning-projects/>. You will have the opportunity to speak during the hearing. Comments may also be submitted via email to [publiccomment@cityofgardena.org](mailto:publiccomment@cityofgardena.org) or by mail to 1700 W 162<sup>nd</sup> Street, Gardena, CA 90247.

If you challenge the nature of the proposed action in court, you will be limited to raising only those issues you or someone else raises at the public hearing described in this notice, or in written correspondence delivered to the Gardena Planning and Environmental Quality Commission at, or prior to, the public hearing. For further information, please contact the Planning Division, at (310) 217-9524.

Amanda Acuna  
Senior Planner